

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2019**



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## PREFACE

The 2019 edition of Laws of the State of Maine is the official publication of the session laws of the State of Maine enacted by the 129th Legislature and is compiled and published under the authority of the Maine Revised Statutes, Title 3, section 163-A. Laws of the State of Maine has been in continuous publication since 1820, when the acts and resolves adopted by the First Legislature were published by the Secretary of State under the authority of Resolve 1820, chapter 25.

Volume 1 contains the public laws, private and special laws, resolves and constitutional resolutions enacted at the Second Special Session of the 128th Legislature and the First Regular Session of the 129th Legislature and includes the 2017 Revisor's Report, chapter 2 and a selection of significant addresses, joint resolutions and memorials.

Additional volumes of the 2019 Laws of the State of Maine will contain those measures adopted in the Second Regular Session and any special session of the 129th Legislature.

The following conventions are used throughout the series.

1. At the top of each page is a heading that classifies each law by session of passage, year, type and chapter number.
2. A table of contents that locates major divisions and contents by page number is located at the beginning of each volume.
3. Subject indexes of the documents contained in these volumes, arranged alphabetically by subject heading with corresponding chapter numbers, are provided.
4. Session cross-reference tables are also provided showing how unallocated public laws and titles and sections of the Maine Revised Statutes of 1964 have been affected by the laws included in this publication.
5. Words and phrases deleted from the statutes are shown struck through. When an entire unit is repealed, the text that is repealed is not shown struck through, but its repeal is indicated by express language.
6. When new words or sections are added to the statutes, they are underlined.
7. A chaptered law's Legislative Document number is printed beneath its chapter number heading, indicating the source of the chapter.
8. The effective date for Maine laws is provided for in the Constitution of Maine, Article IV, Part Third, Section 16, which specifies that, except for certain emergency legislation, an act or resolve enacted into law takes effect 90 days after the adjournment of the session in which it passed. The general effective date of nonemergency laws passed at the Second Special Session of the 128th Legislature is December 13, 2018 and the general effective date of nonemergency laws passed at the First Regular Session of the 129th Legislature is September 19, 2019. The effective dates of emergency legislation vary and are provided at the ends of the chapters that were enacted as emergencies.

Copies of a specific chaptered law may be obtained by contacting the Engrossing Division of this office. Laws of the State of Maine is also available online through the website of the Office of the Revisor of Statutes at <http://www.mainelegislature.org/ros/LOM/lomdirectory.htm>.

This edition of Laws of the State of Maine and its predecessors have been prepared for the convenience of the people of the State of Maine, and any comments or suggestions for improvements in subsequent editions would be appreciated.

Suzanne M. Gresser  
Revisor of Statutes  
September 2019

# LEGISLATIVE STATISTICS

## SECOND SPECIAL SESSION 128th Legislature

Convened .....	June 19, 2018
Adjourned .....	September 13, 2018
Days in Session	
Senate.....	8
House of Representatives.....	8
Legislative Documents .....	248
Public Laws.....	61
Private and Special Laws.....	0
Resolves .....	4
Constitutional Resolutions.....	0
Competing Measure Resolutions .....	0
Initiated Bills.....	0
Vetoed .....	44
Overridden .....	20
Sustained.....	24
Emergency Enactments.....	17
Effective Date .....	December 13, 2018 (unless otherwise indicated)

# LEGISLATIVE STATISTICS

## FIRST REGULAR SESSION 129th Legislature

Convened .....	December 5, 2018
Adjourned .....	June 20, 2019
Days in Session	
Senate .....	58
House of Representatives.....	58
Legislative Documents .....	1846
Carryover Bills and Papers .....	411
Public Laws.....	530
Private and Special Laws .....	14
Resolves .....	107
Constitutional Resolutions.....	1
Competing Measure Resolutions .....	0
Initiated Bills.....	0
Vetoes .....	8
Overridden .....	0
Sustained.....	8
Emergency Enactments.....	96
Effective Date .....	September 19, 2019 (unless otherwise indicated)



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**CIVIL GOVERNMENT  
OF THE  
STATE OF MAINE  
FOR THE POLITICAL YEARS 2019 AND 2020**

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Governor

Janet T. Mills

Secretary of State

Matthew Dunlap

Attorney General

Aaron Frey

Treasurer of State

Henry Beck

## EXECUTIVE BRANCH STATE DEPARTMENTS

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Commissioner..... Kirsten Figueroa  
Agriculture, Conservation and Forestry, Department of  
Commissioner..... Amanda Beal  
Corrections, Department of  
Commissioner..... Randall A. Liberty  
Defense, Veterans and Emergency Management,  
Department of  
Commissioner..... Doug Farnham  
Economic and Community Development, Department of  
Commissioner..... Heather Johnson  
Education, Department of  
Commissioner..... Pender Makin  
Environmental Protection, Department of  
Commissioner..... Gerald D. Reid

Health and Human Services, Department of  
Commissioner ..... Jeanne Lambrew  
Inland Fisheries and Wildlife, Department of  
Commissioner ..... Judith Camuso  
Labor, Department of  
Commissioner ..... Laura Fortman  
Marine Resources, Department of  
Commissioner ..... Patrick Keliher  
Professional and Financial Regulation, Department of  
Commissioner ..... Anne Head  
Public Safety, Department of  
Commissioner ..... Mike Sauschuck  
Transportation, Department of  
Commissioner ..... Bruce Van Note

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Office of Innovation and the Future  
Director ..... Hannah Pingree

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Executive Director..... John Rohde

Public Utilities Commission  
Chair..... Philip L. Bartlett II

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State Auditor..... Pola Buckley  
Baxter State Park  
Director..... Eben Sypitkowski  
Maine State Housing Authority  
Director..... Daniel Brennan  
Maine Maritime Academy  
President ..... William J. Brennan  
Maine Port Authority  
Executive Director..... Jon Nass

Maine Public Employees Retirement System  
Executive Director ..... Sandy Matheson  
Maine Turnpike Authority  
Executive Director ..... Peter Mills  
Maine Municipal Bond Bank  
Chair..... Philip Harriman  
Finance Authority of Maine  
Chief Executive Officer ..... Bruce Wagner

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SUPREME JUDICIAL COURT**

Chief Justice

Leigh I. Saufley ..... Augusta

Associate Justices

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Ellen A. Gorman ..... Portland	Joseph M. Jabar ..... Augusta
Jeffrey L. Hjelm ..... Augusta	Andrew M. Mead ..... Bangor

Active Retired Justices

Robert W. Clifford ..... Auburn

**SUPERIOR COURT**

Chief Justice

Roland A. Cole ..... Portland

Deputy Chief Justice

Robert Mullen ..... Augusta

Justices

William R. Anderson ..... Bangor	Michaela Murphy ..... Augusta
Daniel Billings ..... Wiscasset	Ann M. Murray ..... Bangor
Wayne R. Douglas ..... Alfred	Robert E. Murray ..... Machias
Andrew M. Horton ..... Portland	John O'Neil ..... Alfred
MaryGay Kennedy ..... Auburn	Harold Stewart II ..... Caribou
Bruce C. Mallonee ..... Bangor	William R. Stokes ..... Farmington
Nancy Mills ..... Portland	Thomas D. Warren ..... Portland

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G. Arthur Brennan ..... Alfred	S. Kirk Studstrup ..... Bangor
Paul A. Fritzsche ..... Portland	Joyce A. Wheeler ..... Portland
E. Allen Hunter ..... Caribou	

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 Susan Sparaco (Deputy Chief Judge) ..... Rockland

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Charles Budd ..... Newport	David Mitchell ..... Machias
Gregory Campbell ..... Bangor	Cynthia Montgomery ..... Augusta
Nancy D. Carlson ..... Rumford	Jeffrey Moskowitz ..... York
Deborah P. Cashman ..... Portland	Richard Mulhern ..... Lewiston
Peter Darwin ..... Portland	Thomas J. Nale ..... Augusta
Brent Davis ..... Belfast	Stephen Nelson ..... Presque Isle
Beth Dobson ..... West Bath	Bernard O'Mara ..... Presque Isle
Charles Dow ..... Lewiston	Barbara Raimondi ..... Wiscasset
Daniel Driscoll ..... Springvale	Michael P. Roberts ..... Ellsworth
Michael A. Duddy ..... Biddeford	Geoffrey A. Rushlau ..... Augusta
Jed J. French ..... Portland	David J. Soucy ..... Caribou
Tammy Ham-Thompson ..... South Paris	Valerie Stanfill ..... Waterville
Bruce Jordan ..... Bangor	Kevin L. Stitham ..... Dover-Foxcroft
E. Mary Kelly ..... Portland	Lea-Anne Sutton ..... Biddeford
Patrick C. Larson ..... Bangor	Matthew Tice ..... Biddeford
Rick E. Lawrence ..... Lewiston	Eric Walker ..... Augusta
John Lucy ..... Bangor	Maria A. Woodman ..... Bridgton
John Martin ..... Augusta	

### Active Retired

John B. Beliveau ..... Lewiston	Peter J. Goranites ..... Portland
Ronald A. Daigle ..... Fort Kent	Andre Janelle ..... Biddeford
E. Paul Eggert ..... Portland	Keith A. Powers ..... Portland
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Rae Ann French ..... Augusta	

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 Vacant ..... Director of Court Communications Government and Media Counsel  
 David Packard ..... Chief Information Officer  
 Michael A. Coty ..... Director of Judicial Marshals and Emergency Services  
 Rick Record ..... Director of Court Services  
 Elizabeth Maddaus ..... Director of Clerks of Courts  
 Dennis Corliss ..... Chief of Finance and Administration  
 Jeffrey D. Henthorn ..... Director of Court Facilities  
 Katharine Wiltuck ..... Director of Process, Planning and Services

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**LEGISLATURE**  
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District 7	Louis Luchini	Hancock	District 25	Catherine Breen	Cumberland
District 8	Kimberley C. Rosen	Hancock	District 26	Bill Diamond	Cumberland
District 9	Geoffrey M. Gratwick	Penobscot	District 27	Benjamin M. Chipman	Cumberland
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District 11	Erin Herbig	Waldo	District 29	Rebecca J. Millett	Cumberland
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District 16	Scott W. Cyrway	Kennebec	District 34	Robert Foley	York
District 17	Russell Black	Franklin	District 35	Mark Lawrence	York
District 18	Lisa Keim	Oxford			

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Marcia J. Homstead, Assistant Secretary

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Christine Kirby, Communications Director  
Carolyn Russo, Policy and Legal Director  
Craig Nale, Policy and Legal Director

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Rosemarie Smith, Executive Secretary

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Benjamin Algeo, Legislative Aide  
Ursa Beckford, Legislative Aide  
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Tom Desjardin, Legislative Aide  
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Jared Roy, Board Operator  
Jennifer Clark, Office Manager  
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Bob Saucier, Assistant Sergeant-at-Arms  
Avery Page, Chamber Staff  
Alan Plummer, Chamber Staff

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District 4	Patricia Hymanson.....	York	District 48	Sara Gideon.....	Freeport
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District 10	Henry L. Ingwersen.....	Arundel	District 53	Allison Hepler.....	Woolwich
District 11	Ryan Fecteau.....	Biddeford	District 54	Denise A. Tepler.....	Topsham
District 12	Victoria Foley.....	Biddeford	District 55	Seth A. Berry.....	Bowdoinham
District 13	Lori K. Gramlich.....	Old Orchard Beach	District 56	Richard G. Mason.....	Lisbon
District 14	Donna Bailey.....	Saco	District 57	Thomas H. Martin.....	Greene
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 District 91 Jeffrey Evangelos..... Friendship  
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 District 93 Pinny Beebe-Center ..... Rockland  
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 District 98 Scott W. Cuddy..... Winterport  
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 District 102 Abigail W. Griffin..... Levant  
 District 103 Roger E. Reed..... Carmel  
 District 104 Steven D. Foster..... Dexter  
 District 105 Joel R. Stetkis ..... Canaan  
 District 106 Scott Walter Strom..... Pittsfield  
 District 107 Betty A. Austin ..... Skowhegan  
 District 108 Shelley Rudnicki..... Fairfield  
 District 109 Bruce A. White ..... Waterville  
 District 110 Colleen M. Madigan ..... Waterville  
 District 111 Philip A. Curtis ..... Madison  
 District 112 Thomas H. Skolfield ..... Weld  
 District 113 H. Scott Landry..... Farmington  
 District 114 Randall C. Hall ..... Wilton  
 District 115 Josanne C. Dolloff ..... Rumford  
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 District 117 Frances M. Head..... Bethel  
 District 118 Chad Wayne Grignon ..... Athens  
 District 119 Paul A. Stearns..... Guilford  
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 District 121 Gary A. Drinkwater ..... Milford  
 District 122 Michelle Dunphy ..... Old Town  
 District 123 Ryan D. Tipping ..... Orono

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 District 124 Joseph C. Perry..... Bangor  
 District 125 Victoria P. Kornfield ..... Bangor  
 District 126 John C. Schneck ..... Bangor  
 District 127 Barbara A. Cardone..... Bangor  
 District 128 Arthur C. Verow..... Brewer  
 District 129 Peter A. Lyford..... Eddington  
 District 130 Richard H. Campbell..... Orrington  
 District 131 Sherman H. Hutchins..... Penobscot  
 District 132 Nicole Grohoski ..... Ellsworth  
 District 133 Sarah Pebworth..... Blue Hill  
 District 134 Genevieve McDonald..... Stonington  
 District 135 Brian L. Hubbell..... Bar Harbor  
 District 136 Billy Bob Faulkingham ..... Winter Harbor  
 District 137 Lawrence E. Lockman..... Bradley  
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 District 146 Dustin Michael White..... Washburn  
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 District 148 David Harold McCrea ..... Fort Fairfield  
 District 149 John DeVeau ..... Caribou  
 District 150 Roland Danny Martin..... Sinclair  
 District 151 John L. Martin..... Eagle Lake

Tribal Representatives

Rena D. Newell ..... Passamaquoddy Tribe  
 (Vacant).....Houlton Band of Maliseet Indians  
 (Vacant).....Penobscot Nation

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Jennifer E. McGowan, Assistant Clerk of the House

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Mary-Erin Casale, Communications Director  
Kate McClellan, Senior Legislative Aide and  
Policy Analyst  
Jane Figoli, Senior Administrative Secretary  
Lynne Hanley, Senior Executive Secretary

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Albenie R. Boutot, Transition Calendar Clerk  
Christine Wormell, Senior Calendar Clerk  
Jeannette Farnsworth, Calendar Clerk  
Jeanette Rowell, Senior Administrative  
Assistant  
Brian Colleran, Legislative Aide  
Frank Gleason, Receptionist  
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Manager  
Alaina Marson, Document Clerk and Record  
Assistant  
William Haley, Record/Journal Assistant  
Crystal Dow, State House Tour Guide

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Matt Moonen, Majority Leader  
Ryan Fecteau, Assistant Majority Leader  
Megan Rochelo, Chief of Staff  
Ryan MacDonald, Policy Director  
Katie Walsh, Communications Director  
Amy Sylvester, Senior Legislative Aide  
Dan Ankeles, Legislative Aide  
Dan Shagoury, Legislative Aide  
Jonathan Hillier, Legislative Aide  
Alyssa Withee, Legislative Aide  
Emery Younger, Legislative Aide  
Olivia Watson, Legislative Aide  
Jacqueline Merrill, Legislative Aide  
Carolyn Condon, Web and Senior  
Administrative Support Technician  
Paula Thomas, Senior Administrative Assistant

### House Republican Minority Office

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Harold Trey L. Stewart III, Assistant  
Republican Leader  
William Thompson, Chief of Staff  
John C. Bott, Communications Director  
Craig Slavin, Policy Director  
Ryan Lorrain, Legislative Aide  
Ben Grant, Legislative Aide  
David A. Knorr, Legislative Aide  
Crystal D. Aylward, Legislative Aide  
Clarke Reiner, Legislative Aide  
Aaron Kregenow, Administrative Assistant

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Lisa Baker, Assistant Sergeant-at-Arms  
Don Switter, Chamber Staff  
Robert Edwards, Chamber Staff

Theodore Sims, Chamber Staff  
Bob Lindstrom, Chamber Staff  
Stephanie Derrig, Chamber Staff

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Speaker Sara Gideon, Vice-Chair  
Sen. Nathan L. Libby  
Sen. Eloise A. Vitelli  
Sen. Dana L. Dow

Sen. Jeffrey L. Timberlake  
Rep. Matt Moonen  
Rep. Ryan Fecteau  
Rep. Kathleen R. J. Dillingham  
Rep. Harold Trey L. Stewart III

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Jacqueline P. Little, Human Resources Director  
Nathan T. Maurais, Facilities Manager  
Sherry Ann Davis, Senior HR Generalist

Heather R. Carey, Administrative Secretary  
Amanda S. Goldsmith, HR Generalist  
Casey R. Bullock, Legislative Staff Accountant

Office of Legislative Information Technology  
Nik Rende, Director

Richard Price, Systems Engineer  
Mark Krawec, Senior Programmer Analyst  
Roy Lopez, Senior Programmer Analyst/DBA  
Zachary Coulombe, Senior Programmer Analyst  
Stacy Morang, Internet Infrastructure and Applications  
Administrator

Anthony Tassinari, Desktop and Technical Support  
Michael Thompson, Desktop and Technical Support  
Administrator  
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Lisa Dunbar, Information Office Assistant

Judy St. Pierre, Information Office Assistant  
Annie-Laurie Buckman, Committee Clerk Specialist

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Susan Johannesman, Senior Attorney  
Adam Molesworth, Paralegal  
Janet Pooley, Paralegal  
Holly Mullen, Administrative Secretary  
Elizabeth Chapman, Secretary  
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Joyce Lapointe, Senior Legislative Technician  
Brenda Ringrose, Senior Legislative Technician  
Jill Gingras, Legislative Technician  
Rhonda Miller, Legislative Technician  
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Proofreader/Editor  
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Adam Bachelder, Legal Proofreader/Editor  
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PUBLIC LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND SPECIAL SESSION OF THE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
2017

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CHAPTER 418  
H.P. 1301 - L.D. 1865

**An Act To Increase  
Transparency in the Direct  
Initiative Process**

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

**Sec. 1. 4 MRSA §954-A**, as amended by PL 1999, c. 425, §1, is further amended to read:

**§954-A. Conflict of interest**

A notary public may not perform any notarial act for any person if that person is the notary public's spouse, parent, sibling, child, spouse's parent, spouse's sibling, spouse's child or child's spouse, except that a notary public may solemnize the marriage of the notary public's parent, sibling, child, spouse's parent, spouse's sibling or spouse's child. It is a conflict of interest for a notary public to administer an oath or affirmation to a circulator of a petition for a direct initiative or people's veto referendum under Title 21-A, section 902 if the notary public also provides services that are not notarial acts to initiate or promote that direct initiative or people's veto referendum. This section does not affect or apply to notarial acts performed before August 4, 1988.

**Sec. 2. 21-A MRSA §903-D**, as enacted by PL 2017, c. 277, §5, is repealed.

**Sec. 3. 21-A MRSA §903-E** is enacted to read:

**§903-E. Persons not authorized to administer an oath or affirmation to a petition circulator**

**1. Certain notaries public and others.** A notary public or other person authorized by law to administer oaths or affirmations generally is not authorized to administer an oath or affirmation to the circulator of a petition under section 902 if the notary public or other generally authorized person is:

A. Providing any other services, regardless of compensation, to initiate the direct initiative or people's veto referendum for which the petition is being circulated. For the purposes of this paragraph, "initiate" has the same meaning as section 1052, subsection 4-B; or

B. Providing services other than notarial acts, regardless of compensation, to promote the direct

initiative or people's veto referendum for which the petition is being circulated.

**Sec. 4. 21-A MRSA §1060-A** is enacted to read:

**§1060-A. Campaign for direct initiative or people's veto; reporting by major contributors**

This section governs the reporting of contributions aggregating in excess of \$100,000 for the purpose of initiating or influencing a campaign for a people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17 or a direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18.

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

A. "Contribution" has the same meaning as set out in section 1052, subsection 3 and also includes but is not limited to:

(1) Funds or anything of value that the contributor specified were given in connection with a campaign for a people's veto referendum or direct initiative campaign;

(2) Funds or anything of value provided in response to a solicitation that would lead the contributor to believe that the contribution would be used specifically for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign; and

(3) Funds or anything of value that can be reasonably determined to have been provided by the contributor for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign when viewed in the context of the contribution and the recipient committee's activities during the campaign.

B. "Major contributor" means a person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people's veto referendum campaign or any one direct initiative campaign.

**2. Notice to major contributor.** Within 5 days of receiving more than \$100,000 in the aggregate from a major contributor, the recipient committee shall provide written notice to the major contributor of the re-

reporting requirement under this section and shall submit a copy of the notice to the commission. If the \$100,000 aggregate amount is exceeded as a result of a contribution received during the last 13 days before an election, the recipient committee shall, within 24 hours of receiving the contribution, provide written notice of the reporting requirement to the major contributor and submit a copy of the notice to the commission. The commission shall prepare a sample written notice for this purpose.

**3. Required reports.** A major contributor shall file a report containing the information required in subsection 4 on or before the next regularly scheduled filing deadline under section 1059, subsection 2 occurring after the major contributor receives notice of the reporting requirement. If a major contributor has received a notice from a recipient committee or the commission during the last 13 days before an election as required under subsection 2, the major contributor shall file a report within 2 business days of receiving notice from the recipient committee or commission. The commission shall prescribe and prepare forms for these reports and may require major contributors to file reports electronically.

**4. Content.** In the reports required under subsection 3, a major contributor shall provide:

A. The name of and relevant contact information for the major contributor and the name of a responsible officer of the major contributor;

B. The form of organization and purpose of the major contributor;

C. The amount and date of each contribution from the major contributor to the recipient committee;

D. A certification that the major contributor has not received contributions, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in this State or, if the major contributor has received such contributions, the dates, sources and amounts of any such contributions;

E. The names of the 5 largest sources of funds received by the major contributor during the period beginning 6 months prior to the first contribution made to the recipient committee and ending on the date of the filing of the report. This paragraph does not apply to funds received by the major contributor that are restricted to purposes that are unrelated to a people's veto referendum or direct initiative campaign in the State; and

F. A statement indicating whether the major contributor is exempt from taxation under the United States Internal Revenue Code of 1986 and a list of any governmental jurisdictions within the United States in which the major contributor has filed

campaign finance reports during the previous 12 months.

The commission may require by rule additional information to be reported consistent with this subsection to facilitate disclosure to citizens of this State of financial activity conducted for the purpose of influencing elections in this State.

**5. Noncompliance.** The commission may assess a civil penalty against a major contributor that does not file a timely report required under this section. The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Within 14 calendar days of receiving notice of the preliminary penalty from the commission, the major contributor may request that the penalty be waived in full or in part. In considering a request for a waiver, the commission shall consider, among other things, any lack of notice to the major contributor of the reporting requirement, the number of days that the report was filed late and the amount of the contributions required to be reported. A major contributor requesting a determination may either appear in person or designate a representative to appear on the major contributor's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subsection must be sent to the major contributor. If a determination is not requested, the preliminary penalty calculated by the commission is final. The commission shall mail final notice of the penalty to the major contributor. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. The commission may assess a civil penalty in the same amount against a recipient committee that has not provided written notice of the reporting requirements to the major contributor as required by subsection 2, using the same procedures as set out in this subsection for penalties against the major contributor.

See title page for effective date.

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**CHAPTER 419**  
**S.P. 635 - L.D. 1736**

**An Act To Broaden  
Educational Opportunities to  
Members of the Maine  
National Guard and Provide  
Financial Assistance to  
Veterans**

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

**Sec. 1. 37-B MRSA §352, sub-§4**, as amended by PL 2015, c. 465, Pt. D, §4, is further amended to read:

**4. State postsecondary education institution.** "State postsecondary education institution" means the University of Maine System, the Maine Maritime Academy, the Maine Community College System or any other college or university system established as a public instrumentality of this State, the Maine Criminal Justice Academy, or a private nonprofit postsecondary education institution in this State registered with the Military Bureau as a participating institution in accordance with this subchapter.

**Sec. 2. 37-B MRSA §352-A** is enacted to read:

**§352-A. Participating institution registration**

A member is entitled to a tuition benefit described in this subchapter at a private nonprofit postsecondary education institution in the State if that private nonprofit postsecondary education institution is registered with the Military Bureau as a participating institution in the manner prescribed by the bureau. The bureau may adopt rules to implement the registration requirement described in this section. Rules adopted in accordance with this section are routine technical rules as described under Title 5, chapter 375, subchapter 2.

**Sec. 3. 37-B MRSA §353-B**, as enacted by PL 2015, c. 465, Pt. D, §6, is amended to read:

**§353-B. Tuition benefit for member**

A member who meets the prerequisites of section 354 is entitled to a 100% tuition benefit at a state postsecondary education institution, except that the tuition benefit at a state postsecondary education institution that is a private nonprofit postsecondary education institution may not exceed the in-state tuition at the University of Maine at Orono for the previous academic year. The benefit applies to tuition for a member enrolled or accepted for admission to a state postsecondary education institution on a full-time or part-time basis. To be eligible for the benefit, a member must be enrolled full-time or part-time at a state postsecondary education institution. The benefit may be used to earn one credential at the following levels: baccalaureate, associate or certificate and licensure. The benefit must be reduced by any other tuition assistance received by a member not related to housing costs or non-tuition expenses.

**Sec. 4. 37-B MRSA §357**, as repealed and replaced by PL 2015, c. 465, Pt. D, §12, is amended to read:

**§357. In-state tuition rates**

A Unless otherwise provided under this subchapter, a member who is approved to receive tuition bene-

fits under this subchapter qualifies for in-state tuition rates.

**Sec. 5. 37-B MRSA §505, sub-§1-A**, as amended by PL 2009, c. 415, Pt. A, §§24 and 25, is repealed.

**Sec. 6. 37-B MRSA §505, sub-§§1-B and 1-C** are enacted to read:

**1-B. Veterans Temporary Assistance Fund.** The Veterans Temporary Assistance Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing Other Special Revenue Funds account in the bureau. The fund is administered and used by the director for the purposes of offering financial assistance to veterans as prescribed by subsection 1-C.

**1-C. Financial assistance.** The following provisions apply to grants of temporary financial assistance to veterans.

A. The bureau may provide a grant of temporary assistance not to exceed \$2,000 to a veteran currently a resident of this State who has filed a valid claim for a veteran's pension, pending notification of the award of such a pension. For purposes of this paragraph, "claim for a veteran's pension" means a claim filed with the United States Department of Veterans Affairs pursuant to 38 United States Code, Chapter 15.

B. The bureau may provide a grant of temporary assistance not to exceed \$2,000 to a veteran currently a resident of this State who demonstrates to the bureau's satisfaction a financial need and suffers an emergency, including but not limited to:

- (1) Damage to that veteran's home due to fire, flood or hurricane that is not fully compensable by insurance;
- (2) Illness or the illness of an immediate family member; or
- (3) Hardship that would result in the veteran becoming homeless.

C. A veteran who requests temporary assistance under this subsection and is denied such assistance by the bureau may request a reconsideration and review of this decision. Requests for reconsideration of a claim must be reviewed by the director and the commissioner or the commissioner's designee, and the decision after the reconsideration is final and may not be appealed to a court.

D. The bureau may contract with an organization incorporated in the State as a nonprofit corporation in accordance with Title 13-B or an organization with tax-exempt status under 26 United States Code, Section 501(c) for the purpose of providing temporary financial assistance to veterans as described in this subsection. A contract authorized under this subsection may provide only for the

distribution of direct temporary financial assistance to veterans and may not provide for compensation for personnel costs of the organization, funding of positions of employment within the organization or administrative costs of the organization except those directly related to the distribution of temporary financial assistance grants to veterans.

E. The department may adopt rules to implement this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

For the purposes of this subsection, "veteran" has the same meaning as "eligible veteran" in section 504, subsection 4, paragraph A-1. The director may also determine eligibility for temporary financial assistance on a case-by-case basis.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

**Maine National Guard Postsecondary Fund Z190**

Initiative: Provides funding for tuition assistance to veterans attending state postsecondary education institutions and private postsecondary education institutions.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$150,000
GENERAL FUND TOTAL	\$0	\$150,000

**Veterans Temporary Assistance Fund N284**

Initiative: Establishes the Veterans Temporary Assistance Fund and provides funding for financial assistance to veterans.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$250,000
GENERAL FUND TOTAL	\$0	\$250,000

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$400,000

DEPARTMENT TOTAL -	\$0	\$400,000
ALL FUNDS		

See title page for effective date.

**CHAPTER 420**

**S.P. 696 - L.D. 1843**

**An Act To Amend Career and Technical Education Statutes**

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

**Sec. 1. 20-A MRSA §5809**, as amended by PL 2003, c. 477, §5 and c. 545, §§5 and 6, is further amended to read:

**§5809. Students enrolled in career and technical educational programs**

Schools receiving tuition students who are enrolled in regular school day career and technical educational programs at career and technical education centers, satellites or career and technical education regions, under chapter 313, may charge a tuition rate up to 2/3 of the maximum tuition rate as computed under ~~sections~~ section 5805 or 5806. ~~The career and technical education center, satellite or region may charge a tuition rate of up to 1/3 of the maximum tuition rate as computed under section 5805 or 5806 for the student.~~

**Sec. 2. 20-A MRSA §8403-A, sub-§2**, as amended by PL 2011, c. 679, §13, is further amended to read:

**2. Procedure for authorizing career and technical education satellite programs.** Any affiliated unit that wishes to operate a career and technical education satellite program shall submit a written request to operate such a satellite program to the governing body of the center or region with which the unit is affiliated. The request must fully document the perceived need for the operation of a satellite program. The governing body of the center or region with which the unit is affiliated shall consider the request and forward its recommendation to the commissioner concerning whether that request should be approved. The commissioner shall act on the request pursuant to section 8306-B.

**Sec. 3. 20-A MRSA §8403-A, sub-§3**, as enacted by PL 1991, c. 518, §14, is repealed and the following enacted in its place:

**3. Financial responsibility for satellite programs.** A career and technical education center or region affiliated with a satellite program approved pursuant to subsection 2 shall provide financial support for the operating costs of that program as calcu-

lated pursuant to chapter 606-B and paid to the center or region affiliated with the program. The center or region shall transfer the financial support received pursuant to this subsection to the unit that operates the approved satellite program to support the operating costs of that program.

**Sec. 4. 20-A MRSA §8403-A, sub-§5,** as corrected by RR 2003, c. 2, §57, is amended to read:

**5. Employment of teachers.** The superintendent of a unit operating a satellite program shall, in consultation with the career and technical education director of the center or region with which the unit is affiliated, employ teachers for that satellite program in accordance with the procedures established by section 13201.

**Sec. 5. 20-A MRSA §8403-A, sub-§6,** as corrected by RR 2003, c. 2, §57, is repealed and the following enacted in its place:

**6. Supervision.** The career and technical education director of the center or region with which a unit is affiliated, in consultation with the superintendent or high school principal of the unit operating the satellite program, shall supervise personnel working for that satellite program.

**Sec. 6. 20-A MRSA §8451-B** is enacted to read:

**§8451-B. Authority for career and technical education region satellite programs**

An affiliated unit that wishes to operate a career and technical education region satellite program shall comply with the satellite program authorization requirements of section 8403-A.

**Sec. 7. 20-A MRSA §15681-A, sub-§4-A** is enacted to read:

**4-A. Costs of plans for middle school career and technical education exploration programs.** Beginning in fiscal year 2018-19, and in each subsequent fiscal year, costs approved pursuant to chapter 313 attributable to establishing and operating career and technical education exploration programs for middle school students. The commissioner may establish an allocation to school administrative units for plans under this subsection. The plans must be implemented within the school administrative unit; and

**Sec. 8. 20-A MRSA §15688-A, sub-§1,** as amended by PL 2017, c. 284, Pt. C, §45, is repealed and the following enacted in its place:

**1. Career and technical education program components.** Beginning in fiscal year 2018-19, the allocation for career and technical education centers and career and technical education regions is based upon a model that recognizes program components that have been approved by the department pursuant to chapter 313 for:

A. Direct instruction. The direct instruction component includes personnel costs for teachers, education technicians for programs and clinical supervisors for health care programs. The allocation for direct instruction is the sum of the costs as determined based on the following components, which the commissioner shall determine annually:

(1) A teacher salary matrix. In determining the teacher salary matrix for each program, the commissioner shall give consideration to the most recent available data regarding years of education experience and years of professional work experience relevant to instructional assignment;

(2) Student-to-teacher ratios for each program;

(3) The number of education technicians required for purposes of instructional support, based on student enrollment and program requirements. The commissioner shall calculate the education technician allocation by multiplying the number of education technicians required by the statewide average salary for full-time education technicians, based on the most recent available salary data, but shall ensure that each career and technical education center or career and technical education region is allocated at least one full-time education technician; and

(4) The clinical supervision staffing level necessary for each program requiring such staffing, based on student enrollment as determined pursuant to paragraph G;

B. Central administration. The central administration component includes personnel costs for directors, assistant directors and clerical staff working in career and technical education centers and career and technical education regions, as well as business managers working in career and technical education regions. The central administration allocation is the sum of:

(1) Costs for personnel for each career and technical education center and career and technical education region, as follows:

(a) A director, the allocation for which must be for one full-time equivalent;

(b) An assistant director, the allocation for which must be based on student enrollment as determined pursuant to paragraph G but may not exceed one full-time equivalent;

(c) Clerical staff, the allocation for which must be for at least one full-time equivalent, with additional clerical staff

allocations based on student enrollment as determined pursuant to paragraph G;

(d) A career and technical education region business manager, the allocation for which must be for one full-time equivalent; and

(e) Benefit costs for employees in central administration, which must be calculated pursuant to section 15678, subsection 5, paragraph B; and

(2) Nonpersonnel costs, which the commissioner shall calculate annually based upon the relationship of the most recent available career and technical education expenditures for nonpersonnel costs to personnel costs;

C. Supplies and other expenditures such as purchased services, dues and fees for instructional programs. The allocation for supplies and other expenditures is the sum of:

(1) A per-program allocation for supplies, as determined by the commissioner based on the most recent available career and technical education expenditures amount, adjusted to the year prior to the allocation year; and

(2) A per-pupil allocation for each student in each career and technical education center and each career and technical education region, determined by the commissioner based on:

(a) The most recent available career and technical education expenditures amount, adjusted for inflation to the year prior to the allocation year; and

(b) Student enrollment, as determined pursuant to paragraph G;

D. Plant operation and maintenance, including all costs for operating and maintaining buildings and grounds. The commissioner shall determine the allocation for plant operation and maintenance costs for each career and technical education center and each career and technical education region by multiplying the square footage of the career and technical education center or career and technical education region building by an amount per square foot, as determined by the commissioner;

E. Other student and staff support, which includes costs for student services coordination, career preparation, instructional technology, professional development, student assessment and program safety. The other student and staff support allocation is the sum of the costs for:

(1) A counselor, the allocation for which must be for one full-time equivalent, to collaborate with sending school guidance coun-

selors in order to maximize student participation at the middle school and high school grade levels;

(2) Career and technical education center or career and technical education region student services coordinators, the allocation for which must be based on student enrollment, as determined pursuant to paragraph G, but no less than one full-time equivalent;

(3) Benefit costs for employees under this paragraph, calculated pursuant to section 15678, subsection 5, paragraph B; and

(4) Instructional technology, staff professional development, student assessment and program safety. The commissioner shall calculate a per-pupil allocation for this allocation based upon student enrollment, as determined pursuant to paragraph G, and the relationship of the most recent available career and technical education expenditures for these costs to total costs, adjusted to the year prior to the allocation year;

F. Equipment provided pursuant to subsection 6; and

G. Student enrollment, which is determined as follows.

(1) For each program or plan approved pursuant to chapter 313 that has 3 years of attending student counts on October 1st, student enrollment is a 3-year average of the attending student counts on October 1st for that program or plan.

(2) For each program or plan approved pursuant to chapter 313 that is not governed by subparagraph (1), including a new program or plan approved pursuant to chapter 313, student enrollment must be based on the estimated attending student count submitted in accordance with the application for the program or plan approval. This estimated attending student count must be used until the program or plan has 3 consecutive years of actual attending student counts on October 1st.

The total allocation for a career and technical education center or career and technical education region is the sum of the components in paragraphs A to E, except if the sum of the components in paragraphs A to E is less than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, the career and technical education center or career and technical education region may not receive less than the adjusted expenditure, and if the sum of the components in paragraphs A to E is more than 5% greater than the most recent expenditure data, as ad-

justed for inflation to the year prior to the allocation year, then the career and technical education center or career and technical education region may not receive more than the adjusted expenditures plus 5%.

The commissioner shall authorize monthly payment of allocations to career and technical education centers and career and technical education regions in an amount equal to 1/12 of the total allocation. Payments for satellite programs as approved pursuant to chapter 313 must be made within this schedule to the responsible career and technical education center or career and technical education region; it is the responsibility of the career and technical education center or career and technical education region to provide the state support for the approved satellite program to the school administrative unit that operates the approved satellite program.

If a school administrative unit operating a career and technical education center or career and technical education region has any unexpended funds at the end of the fiscal year, these funds must be carried forward for the purposes of career and technical education.

**Sec. 9. 20-A MRSA §15688-A, sub-§8** is enacted to read:

**8. Pilot projects for middle school career and technical education exploration.** Beginning in fiscal year 2018-19 and for the 2 subsequent fiscal years, the commissioner may expend and disburse funds to career and technical education centers and career and technical education regions for pilot projects for middle school level plans approved pursuant to chapter 313 to create career and technical education exploration programs for middle school level students. The commissioner, in collaboration with career and technical education directors, also may contract for services to implement pilot projects for middle school level plans. A middle school level plan must demonstrate to the commissioner a partnership between a school administrative unit and a career and technical education center or career and technical education region.

**Sec. 10. Report.** The Commissioner of Education shall report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2019 on the Department of Education's progress in formalizing the components of the funding model for career and technical education and to address the framework for the evaluation of the proposed middle school career and technical education exploration pilot projects, including a proposed definition of "career and technical education exploration."

See title page for effective date.

**CHAPTER 421  
S.P. 94 - L.D. 320**

**An Act To Provide MaineCare Coverage for Chiropractic Treatment**

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

**Sec. 1. 22 MRSA §3174-AAA** is enacted to read:

**§3174-AAA. Chiropractic services reimbursement**

**1. Reimbursement.** The department shall reimburse under the MaineCare program for chiropractic evaluation and management examinations performed by a chiropractic doctor licensed under Title 32, chapter 9 that are within the scope of practice of chiropractic doctors. This subsection does not limit reimbursements under the MaineCare program that may be available for other chiropractic services or affect any limits that may apply to reimbursements such as limits relating to numbers of visits.

**2. Rulemaking.** The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides appropriations and allocations for chiropractic evaluation and management examinations to be reimbursed under the MaineCare program.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$67,661
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$67,661</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$122,130
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$122,130</b>

See title page for effective date.

**CHAPTER 422**  
**S.P. 645 - L.D. 1746**

**An Act To Ensure That  
Low-income Residents of the  
State Have Access to Telephone  
Services**

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

**Sec. 1. 25 MRSA §2927, sub-§1-D**, as enacted by PL 2009, c. 400, §8 and affected by §15, is amended to read:

**1-D. Funding.** The activities authorized under this chapter are funded through:

A. The statewide E-9-1-1 surcharge under subsection 1-E levied on:

- (1) Each residential and business telephone exchange line, including private branch exchange lines and Centrex lines;
- (2) Semipublic coin and public access lines;
- (3) Customers of interconnected voice over Internet protocol service; and
- (4) Customers of cellular or wireless telecommunications service that is not prepaid wireless telecommunications service. A surcharge may not be levied under this subparagraph with respect to customers of cellular or wireless telecommunications service that is supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54; and

B. The statewide prepaid wireless E-9-1-1 surcharge under subsection 1-F levied on prepaid wireless telecommunications service consumers. A surcharge may not be levied under this paragraph with respect to prepaid wireless telecommunications service supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54, except that a surcharge may be levied under this paragraph on transactions in which the customer directly purchases optional services that are not supported by federal universal service support funds.

**Sec. 2. 35-A MRSA §7104, sub-§3, ¶D**, as amended by PL 2011, c. 623, Pt. B, §14, is further amended to read:

D. Ensure that any requirements regarding contributions to a state universal service fund be non-discriminatory and competitively neutral; ~~and~~

**Sec. 3. 35-A MRSA §7104, sub-§3, ¶G**, as enacted by PL 2011, c. 623, Pt. B, §14, is amended to read:

G. Require, if a voice network service provider recovers its contributions under this section by means of a charge placed on a bill issued to a customer, explicit identification on that bill of any charge imposed under this section; ~~and~~

**Sec. 4. 35-A MRSA §7104, sub-§3, ¶H** is enacted to read:

H. Ensure that any fees or surcharges established by or pursuant to this section are not imposed on revenues received from or on prepaid wireless telecommunications service transactions supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54. This paragraph does not prohibit the imposition of fees or surcharges with respect to revenues received from consumers for optional services that are not supported by federal universal service support funds.

**Sec. 5. 35-A MRSA §7104-B, sub-§3, ¶¶C and D**, as amended by PL 2017, c. 244, §3, are further amended to read:

C. Integrate the collection of the surcharge with any state universal service fund developed by the commission; ~~and~~

D. Require, if a voice network service provider recovers its contributions under this section by means of a charge placed on a bill issued to a customer, explicit identification on customer bills of the surcharge imposed under this section; ~~and~~

**Sec. 6. 35-A MRSA §7104-B, sub-§3, ¶F** is enacted to read:

F. Ensure that any fees or surcharges established by or pursuant to this section are not imposed on revenues received from or on prepaid wireless telecommunications service transactions supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54. This paragraph does not prohibit the imposition of fees or surcharges with respect to revenues received from consumers for optional services that are not supported by federal universal service support funds.

**Sec. 7. 36 MRSA §1752, sub-§14, ¶B**, as repealed and replaced by PL 2015, c. 494, Pt. A, §44, is amended to read:

B. "Sale price" does not include:

- (1) Discounts allowed and taken on sales;
- (2) Allowances in cash or by credit made upon the return of merchandise pursuant to warranty;
- (3) The price of property returned by customers, when the full price is refunded either in cash or by credit;

(4) The price received for labor or services used in installing or applying or repairing the property sold, if separately charged or stated;

(5) Any amount charged or collected, in lieu of a gratuity or tip, as a specifically stated service charge, when that amount is to be disbursed by a hotel, restaurant or other eating establishment to its employees as wages;

(6) The amount of any tax imposed by the United States on or with respect to retail sales, whether imposed upon the retailer or the consumer, except any manufacturers', importers', alcohol or tobacco excise tax;

(7) The cost of transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, provided that those charges are separately stated and the transportation occurs by means of common carrier, contract carrier or the United States mail;

(8) Any amount charged or collected by a person engaged in the rental of living quarters as a forfeited room deposit or cancellation fee if the prospective occupant of the living quarters cancels the reservation on or before the scheduled date of arrival;

(9) Any amount charged for the disposal of used tires;

(10) Any amount charged for a paper or plastic single-use carry-out bag; ~~or~~

(11) Any charge, deposit, fee or premium imposed by a law of this State; ~~or~~

(12) Federal universal service support funds that are paid directly to the seller pursuant to 47 Code of Federal Regulations, Part 54.

**Sec. 8. 36 MRSA §2551, sub-§15, ¶D**, as amended by PL 2007, c. 438, §54, is further amended to read:

D. The amount of any tax imposed by the United States or the State on or with respect to the sale of a service, whether imposed upon the seller or the consumer; ~~or~~

**Sec. 9. 36 MRSA §2551, sub-§15, ¶E**, as enacted by PL 2007, c. 438, §54, is amended to read:

E. The cost of transportation from the service provider's place of business or other point from which shipment is made directly to the purchaser, as long as those charges are separately stated and the transportation occurs by means of common carrier, contract carrier or the United States Postal Service; ~~or~~

**Sec. 10. 36 MRSA §2551, sub-§15, ¶F** is enacted to read:

F. Federal universal service support funds that are paid directly to the seller pursuant to 47 Code of Federal Regulations, Part 54.

**Sec. 11. Commission may adjust fee.** Notwithstanding the prohibitions under the Maine Revised Statutes, Title 35-A, section 7104, subsection 3-A and Title 35-A, section 7104-B, subsection 2-A on the Public Utilities Commission's adjusting the prepaid wireless telecommunications service fee more than once every 24 months, the Public Utilities Commission may adjust the prepaid wireless telecommunications service fee if needed to conform to this Act.

**Sec. 12. Effective date.** This Act takes effect January 1, 2019.

Effective January 1, 2019.

**CHAPTER 423**

**H.P. 1277 - L.D. 1835**

**An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife**

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

**Whereas**, the 90-day period may not terminate until after the beginning of the next fiscal year; and

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

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Transfer; Inland Fisheries and Wildlife carrying account.** Notwithstanding any other provision of law, the State Controller shall transfer \$300,000 by June 30, 2018 from the Inland Fisheries and Wildlife carrying account, General Fund account within the Department of Inland Fisheries and Wildlife to the Warden Service General Fund account within the Department of Inland Fisheries and Wildlife. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

**Sec. 2. Transfer; Inland Fisheries and Wildlife carrying account.** Notwithstanding any

other provision of law, the State Controller shall transfer \$300,000 by June 30, 2019 from the Inland Fisheries and Wildlife carrying account, General Fund account within the Department of Inland Fisheries and Wildlife to the Warden Service General Fund account within the Department of Inland Fisheries and Wildlife. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 25, 2018.

**CHAPTER 424  
H.P. 1297 - L.D. 1862**

**An Act To Establish Municipal  
Cost Components for  
Unorganized Territory  
Services To Be Rendered in  
Fiscal Year 2018-19**

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

**Whereas,** prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2018-19 is as follows:

Fiscal Administration - Office of the State Auditor	\$233,077
Education	12,335,556
Forest Fire Protection	150,000

Human Services - General Assistance	65,000
Property Tax Assessment - Operations	1,246,676
Maine Land Use Planning Commission - Operations	569,905
<b>TOTAL STATE AGENCIES</b>	<b>\$14,600,214</b>

County Reimbursements for Services:

Aroostook	\$1,413,226
Franklin	953,878
Hancock	241,550
Kennebec	11,595
Oxford	1,262,600
Penobscot	1,152,652
Piscataquis	965,963
Somerset	1,624,102
Washington	1,032,764

**TOTAL COUNTY SERVICES** **\$8,658,330**

COUNTY TAX INCREMENT FINANCING DISTRIBUTIONS FROM FUND

Tax Increment Financing Payments	\$3,522,650
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**TOTAL REQUIREMENTS** **\$26,781,194**

COMPUTATION OF ASSESSMENT

Requirements	\$26,781,194
Less Revenue Deductions:	
General Revenue	
Municipal Revenue Sharing	\$80,000
Homestead Reimbursement	100,000
Miscellaneous Revenues	10,000

Transfer from Fund Balance	300,000
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TOTAL GENERAL REVENUE DEDUCTIONS	\$490,000
Educational Revenue	
Land Reserved Trust	\$70,000
Tuition/School Transportation	80,000
United States Forestry Payment in Lieu of Taxes	5,000
Special - Teacher Retirement	230,000
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TOTAL EDUCATION REVENUE DEDUCTIONS	\$385,000
TOTAL REVENUE DEDUCTIONS	\$875,000
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TAX ASSESSMENT BEFORE COUNTY TAXES and OVERLAY (Title 36 §1602)	\$25,906,194

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 27, 2018.

**CHAPTER 425  
H.P. 1034 - L.D. 1510**

**An Act To Authorize a General Fund Bond Issue To Fund Wastewater Infrastructure Projects**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

**Sec. 1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$30,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. 2. Records of bonds issued; Treasurer of State.** The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. 4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

**Sec. 2. Aroostook County; reimbursement.** The municipal cost component submitted by Aroostook County is reduced by \$45,000 in order to remove funding for a vehicle to support a half-time deputy sheriff position.

The Aroostook County administrator shall reimburse the fiscal administrator of the unorganized territory any funding for a half-time Aroostook County deputy sheriff position provided in the municipal cost component in Section 1 for the time that deputy sheriff is directly providing service to the organized municipalities in Aroostook County, as determined by the Aroostook County administrator.

**Sec. 3. Oxford County.** The municipal cost component submitted by Oxford County is reduced by \$100,000 in order to remove funding for the construction of a bridge on the Lincoln Pond Road, also known as the ALCA Road, a private road in Parkertown Township.

**Sec. 5. Disbursement of bond proceeds from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the Department of Environmental Protection.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Small Community Grant Program**

Provides funds for grants to towns to help replace malfunctioning septic systems that are polluting coastal watersheds or causing a public nuisance.

Total \$2,000,000

**Wastewater Treatment Facility Planning and Construction Grants**

Provides funds for wastewater treatment facility planning, construction grants and hydrographic modeling in coastal watersheds, prioritizing areas with high-value shellfish resources.

Total \$27,650,000

**Overboard Discharge**

Provides funds to assist homeowners whose homes are served by substandard or malfunctioning wastewater treatment systems, including straight pipe discharges, individual overboard discharge systems, subsurface wastewater disposal systems, septic tanks, leach fields and cesspools, which result in direct discharges of domestic pollutants to coastal watersheds.

Total \$350,000

**Sec. 6. Contingent upon ratification of bond issue.** Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

**Sec. 7. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. 8. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes are not issued, within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2

years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. 9. Referendum for ratification; submission at election; form of question; effective date.** This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$30,000,000 bond issue to improve water quality, support the planning and construction of wastewater treatment facilities and assist homeowners whose homes are served by substandard or malfunctioning wastewater treatment systems?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

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**CHAPTER 426**

**S.P. 438 - L.D. 1286**

**An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements**

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

**Sec. 1. 20-A MRSA §13026** is enacted to read:

**§13026. Compliance with criminal history record check and fingerprinting requirements**

**1. List of school administrative unit employees.** Beginning January 1, 2019, and quarterly thereafter, a school administrative unit shall submit to the department a list of the names of all employees subject to certification, approval or authorization and indicate for each person included on the list the date on which the person most recently commenced employment with the school administrative unit.

**2. Notification of noncompliance.** Upon receipt of a list from a school administrative unit pursuant to subsection 1, the department shall determine for each person included on the list whether the person has complied with all applicable criminal history record check and fingerprinting requirements of section 6103 and rules adopted by the state board. If the department determines that the person has failed to comply with any such applicable requirement, the department shall immediately notify the school administrative unit of the person's failure to comply.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF  
Learning Systems Team Z081**

Initiative: Provides ongoing funds for 90% of the cost to local school administrative units to submit the names of all employees subject to certification, approval or authorization along with the date that each employee began working for the school administrative unit.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$13,508
GENERAL FUND TOTAL	\$0	\$13,508

See title page for effective date.

**CHAPTER 427  
H.P. 548 - L.D. 768  
An Act To Simplify  
Nonresident Hunting and  
Fishing Licenses**

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

**Sec. 1. 12 MRSA §10001, sub-§2,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 2. 12 MRSA §10001, sub-§53,** as amended by PL 2009, c. 415, Pt. A, §8, is further amended to read:

**53. Resident.** "Resident" means a citizen of the United States or ~~an alien~~ a person who is not a citizen of the United States who has been domiciled in the State for one year who:

- A. If registered to vote, is registered in this State;
- B. If licensed to drive a motor vehicle, has made application for or possesses a motor vehicle operator's license issued by the State;
- C. If owning a motor vehicle located within the State, has registered each such vehicle in the State; and
- D. Is in compliance with the state income tax laws.

A person who is a full-time student at a college or university in the State and has satisfied the requirements of paragraphs A to D is rebuttably presumed to be a resident in the State during that period.

**Sec. 3. 12 MRSA §10263,** as enacted by PL 2011, c. 370, §2, is amended to read:

**§10263. Moose Research and Management Fund**

The Moose Research and Management Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the research and the management of moose. One hundred dollars from each nonresident ~~or alien~~ moose hunting permit issued under section 11154, subsection 3 must be deposited in the fund. In addition, up to \$25,000 may be deposited in the fund from the revenues generated by moose hunting application and permit fees to carry out the department's documented moose research. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

**Sec. 4. 12 MRSA §10752, sub-§3,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 5. 12 MRSA §11109, sub-§2,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**2. Hunting licenses; agent's fee.** The commissioner may appoint clerks or other agents to issue licenses and permits under this Part. Clerks or other agents appointed by the commissioner to issue licenses and permits shall charge a fee of \$2 for each hunting license issued. The commissioner shall charge a fee of

\$1 for each hunting license issued by department employees.

**Sec. 6. 12 MRSA §11109, sub-§3, ¶¶K to M,** as repealed and replaced by PL 2015, c. 494, Pt. D, §2, are repealed.

**Sec. 7. 12 MRSA §11109, sub-§5,** as amended by PL 2009, c. 213, Pt. OO, §3, is further amended to read:

**5. Muzzle-loading permits and fees.** Muzzle-loading hunting permits and fees are as follows:

A. A resident muzzle-loading hunting permit is \$13; and

B. A nonresident muzzle-loading hunting permit is \$69; and

~~C. An alien muzzle-loading hunting permit is \$79.~~

**Sec. 8. 12 MRSA §11109, sub-§7,** as amended by PL 2017, c. 125, §1, is further amended to read:

**7. Archery hunting licenses; combination licenses; fees.** Archery hunting licenses, combination licenses and fees are as follows:

A. A resident archery license is \$26;

B. A resident combination archery hunting and fishing license is \$43;

C. A nonresident archery license is \$75; and

~~D. An alien archery license is \$85; and~~

E. A nonresident 6-day archery license, which is valid for 6 consecutive hunting days, is \$26.

**Sec. 9. 12 MRSA §11109, sub-§9,** as repealed and replaced by PL 2015, c. 494, Pt. A, §7, is amended to read:

**9. Crossbow permits and fees.** Crossbow permits and fees are as follows:

A. A resident crossbow permit is \$26; and

B. A nonresident crossbow permit is \$56; and

~~C. An alien crossbow permit is \$80.~~

**Sec. 10. 12 MRSA §11152, sub-§3,** as amended by PL 2011, c. 533, §3, is further amended to read:

**3. Rulemaking.** The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this section, except that the commissioner is not authorized to establish an antlerless deer permit system unless otherwise specified in this section. The commissioner may appoint clerks or agents under section 10801 to process applications for permits issued under this section. A clerk or agent appointed by the commissioner to process applications shall charge a fee of \$2 for each applica-

tion processed by that clerk or agent under this section. Rules adopted by the commissioner that provide for permits to be issued to nonresident ~~or alien~~ hunters must provide that:

B. No more than 15% of the antlerless deer permits issued in any one district or in any one zone may be issued to nonresident ~~and alien~~ hunters.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 11. 12 MRSA §11154, sub-§2,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**2. Issuance of moose hunting permits.** In accordance with section 11552, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the commissioner by rule open to moose hunting. No more than 10% of the moose hunting permits may be issued to nonresident ~~and alien~~ hunters.

**Sec. 12. 12 MRSA §11154, sub-§3,** as amended by PL 2011, c. 370, §4, is further amended to read:

**3. Moose hunting permit fee.** The fee for a moose hunting permit is \$52 for a resident and \$585 for a nonresident ~~or alien~~.

**Sec. 13. 12 MRSA §11154, sub-§4,** as amended by PL 2015, c. 281, Pt. E, §9, is further amended to read:

**4. Hunting license required.** While hunting moose, the permittee and the subpermittee shall each have in that person's possession a valid Maine resident, ~~or~~ nonresident ~~or alien~~ hunting or archery hunting license, whichever is applicable.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

**Sec. 14. 12 MRSA §11154, sub-§5,** as amended by PL 2017, c. 72, §2 and c. 96, §1, is repealed and the following enacted in its place:

**5. Eligibility.** Except as provided in this subsection, a resident or nonresident who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening day of the open moose season is eligible to apply for a moose hunting permit. A person who has obtained a moose hunting permit is ineligible to obtain another permit until the 4th calendar year after the issuance of the last permit. This limitation does not apply to subpermittees under subsection 7. A person under 10 years of age on the opening day of the open moose season is eligible to apply for a moose hunting permit and may

accrue points under subsection 8 but is ineligible to receive a moose hunting permit.

**Sec. 15. 12 MRSA §11158, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**2. Eligibility.** A resident of the State, ~~or nonresident or alien~~ who is eligible to obtain a state hunting license is eligible to be certified to hunt migratory game birds.

**Sec. 16. 12 MRSA §12201, sub-§2, ¶D**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

D. A nonresident who is a citizen of the United States is eligible to purchase a nonresident trapping license.

**Sec. 17. 12 MRSA §12201, sub-§2, ¶E**, as enacted by PL 2017, c. 164, §14, is amended to read:

E. ~~An alien~~ A nonresident who is not a citizen of the United States is eligible to purchase only a nonresident trapping license for beaver pursuant to section 12259, subsection 3.

**Sec. 18. 12 MRSA §12501, sub-§6, ¶I**, as amended by PL 2009, c. 213, Pt. OO, §11, is repealed.

**Sec. 19. Effective date.** This Act takes effect January 1, 2019.

Effective January 1, 2019.

**CHAPTER 428**

**S.P. 615 - L.D. 1671**

**An Act To Create a Grant Program To Assist with Dispatch Center Consolidation**

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

**Sec. 1. 25 MRSA §2927, sub-§3-D** is enacted to read:

**3-D. Grants for dispatch consolidation.** To support the consolidation of dispatch centers into existing public safety answering points, the bureau shall use up to \$1,000,000 from the funds collected from the statewide E-9-1-1 surcharge under subsection 1-E and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge under subsection 1-F to provide grants to dispatch centers for nonrecurring costs associated with the consolidation of the dispatch centers into public safety answering points. The bureau shall adopt rules establishing the application process for the distribution of grants and establishing the allowable uses of grants pursuant to this subsection. Rules adopted pursuant to this subsection are routine

technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Emergency Services Communication Bureau 0994**

Initiative: Provides an allocation for grants to encourage the consolidation of dispatch centers into existing public safety answering points.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$1,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,000,000

See title page for effective date.

**CHAPTER 429**

**H.P 487 - L.D. 696**

**An Act To Require Notification of Adverse Changes to Prescription Drug Formularies in Health Plans**

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

**PART A**

**Sec. A-1. 24-A MRSA §4311, sub-§1**, as enacted by PL 1999, c. 742, §19 and affected by §21, is amended to read:

**1. Formulary.** If a health plan provides coverage for prescription drugs but the coverage limits such benefits to drugs included in a formulary, a carrier shall:

A. Ensure participation of participating physicians and pharmacists in the development of the formulary; ~~and~~

B. Provide exceptions to the formulary limitation when a nonformulary alternative is medically indicated, consistent with the utilization review standards in section 4304-;

C. Provide an enrollee with at least 60 days' written notice of an adverse change to a formulary, except that a carrier may provide less than 60 days' notice when a prescription drug is being removed from the formulary because of concerns about safety. The notice must use a conspicuous font and inform the enrollee of the adverse change to the formulary and advise the enrollee to consult

with the enrollee's provider about the change. For the purposes of this paragraph, "adverse change to a formulary" means a change that removes a drug currently prescribed for that enrollee from the formulary applicable to the enrollee's health plan or a change that moves the prescribed drug to a tier with a higher cost-sharing requirement if the carrier uses a formulary with tiers;

D. If a prescription drug is removed from a formulary, notify an enrollee affected by the change of the enrollee's ability to request an exception to the formulary limitation pursuant to paragraph B and provide a form for the enrollee to use to request an exception. If an enrollee has already received prior authorization for that drug, the carrier shall continue to honor the existing authorization until it expires, as long as the enrollee continues to be covered under the same health plan and the drug has not been removed from the formulary because of concerns about safety; and

E. Except when a drug has been removed because of concerns about safety, if a drug has been removed from a formulary and a request for an exception to a formulary limitation submitted by or on behalf of an enrollee is received prior to the effective date of the proposed change, continue to provide coverage for that drug until the carrier has rendered a decision on the enrollee's request for an exception to the formulary limitation.

**Sec. A-2. Application.** The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2019. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

## PART B

**Sec. B-1. Report on formulary changes.** As determined by the Department of Professional and Financial Regulation, Bureau of Insurance, a carrier subject to the requirements of the Maine Revised Statutes, Title 24-A, section 4311, subsection 1 shall report quarterly no less than 30 days following the end of each quarter on any changes made by the carrier or any pharmacy benefits manager contracted by the carrier to any prescription drug formulary for a health plan offered in this State between January 1, 2019 and December 31, 2019. For purposes of this section, a change to a prescription drug formulary includes the movement of a prescription drug to a tier with higher cost sharing for that drug or the removal of a prescription drug from the formulary. The report must be in a form and manner determined by the Bureau of Insurance and include a list of formulary changes made by the carrier and the effective date of each formulary change; the prescription drugs affected by each formulary change by name and manufacturer; the number of

enrollees affected by each formulary change; the expected impact of each formulary change on cost sharing for affected enrollees; a written explanation of the reasons for each formulary change; the number of exception requests made by enrollees with regard to each formulary change; and the number of exception requests granted, denied or withdrawn with regard to each formulary change. No less than 60 days following the end of each quarter, as determined by the Bureau of Insurance, the bureau shall compile this data for those carriers required by the bureau to report and submit a report to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters may report out legislation related to the report to any regular or special session of the 129th Legislature.

**Sec. B-2. Report on formulary changes in state employee health insurance program.** The 3rd-party administrator or any pharmacy benefits manager contracted by the state employee health insurance program to administer prescription drug benefits for the group health plan offered to state employees and other eligible persons pursuant to the Maine Revised Statutes, Title 5, section 285 shall report quarterly no less than 30 days following the end of each quarter to the director of employee health and benefits within the Department of Administrative and Financial Services, Bureau of Human Resources on any changes made to any prescription drug formulary between January 1, 2019 and December 31, 2019. For purposes of this section, a change to a prescription drug formulary includes the movement of a prescription drug to a tier with higher cost sharing for that drug or the removal of a prescription drug from the formulary. The report must be in a form and manner determined by the director and include a list of formulary changes made by the carrier and the effective date of each formulary change; the prescription drugs affected by each formulary change by name and manufacturer; the number of enrollees affected by each formulary change; the expected impact of each formulary change on cost sharing for affected enrollees; a written explanation of the reasons for each formulary change; the number of exception requests made by enrollees with regard to each formulary change; and the number of exceptions granted, denied or withdrawn with regard to each formulary change. No less than 60 days following the end of each quarter, the director shall report this data to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters may report out legislation related to

any report submitted pursuant to this section to any regular or special session of the 129th Legislature.

See title page for effective date.

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## CHAPTER 430

### H.P. 1259 - L.D. 1817

#### An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services

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

**Whereas,** the Maine Commission on Indigent Legal Services consists of 5 members, although there are currently only 3 sitting commissioners; and

**Whereas,** the Working Group to Improve the Provision of Indigent Legal Services recommended that the membership be expanded in number and diversity; and

**Whereas,** new appointments to the commission should be made consistent with the recommendation to adjust the makeup of the commission, and the commission should be operating at full strength as soon as possible; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 4 MRSA §1803, sub-§1,** as enacted by PL 2009, c. 419, §2, is repealed and the following enacted in its place:

**1. Members; appointment; chair.** The commission consists of 9 members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and confirmation by the Legislature. The Governor shall designate one member to serve as chair of the commission. The membership consists of the following:

A. One member from a list of qualified potential appointees, provided by the President of the Senate;

B. One member from a list of qualified potential appointees, provided by the Speaker of the House of Representatives;

C. Three members from a list of qualified potential appointees, provided by the Chief Justice of the Supreme Judicial Court;

D. One member with experience in administration and finance;

E. One member with experience providing representation in child protection proceedings;

F. One member from a list of qualified potential appointees who are attorneys engaged in the active practice of law and provide indigent legal services, provided by the president of the Maine State Bar Association. This member is a nonvoting member of the commission; and

G. One member from a list of qualified potential appointees who are attorneys engaged in the active practice of law and provide indigent legal services, provided by the president of a statewide organization, other than the Maine State Bar Association, that represents criminal defense attorneys. This member is a nonvoting member of the commission.

In determining the appointments and recommendations under this subsection, the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Judicial Court, the president of the Maine State Bar Association and the president of the statewide organization that represents criminal defense attorneys shall consider input from individuals and organizations with an interest in the delivery of indigent legal services. Recommendations provided by the president of the Maine State Bar Association and the president of the statewide organization representing criminal defense attorneys must consist of attorneys providing indigent legal services as a majority of their law practices.

**Sec. 2. 4 MRSA §1803, sub-§§2 and 4,** as enacted by PL 2009, c. 419, §2, are amended to read:

**2. Qualifications.** Individuals appointed to the commission must have demonstrated a commitment to quality representation for persons who are indigent and have the skills and knowledge required to ensure that quality of representation is provided in each area of law. No more than ~~3~~ 7 members may be attorneys engaged in the active practice of law. A person who is a sitting judge, prosecutor or law enforcement official, or an employee of such a person, may not be appointed to the commission. A voting member and the immediate family members living in the same household as the member may not receive compensation from the

commission, other than that authorized in Title 5, section 12004-G, subsection 25-A, while the member is serving on the commission.

The limitations on members receiving compensation from the commission do not apply to any member serving on the commission as of April 1, 2018 for the duration of the member's term.

4. **Quorum.** ~~Three~~ A quorum is a majority of the current voting members of the commission constitutes a quorum. A vacancy in the commission does not impair the power of the remaining members to exercise all the powers of the commission.

**Sec. 3. Initial appointments.** Notwithstanding the Maine Revised Statutes, Title 4, section 1803, subsection 3, when appointing the members to fill the 4 new seats on the Maine Commission on Indigent Legal Services pursuant to this Act, the Governor shall designate one member to serve an initial term of 3 years, 2 members to serve an initial term of 2 years and one member to serve an initial term of one year. Members serving on the commission on the effective date of this Act continue to serve until the expiration of their terms.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 1, 2018.

**CHAPTER 431  
H.P. 369 - L.D. 525**

**An Act To Enhance Maine's  
Response to Domestic Violence**

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

**Sec. 1. Report on effectiveness of programs.** The Department of Corrections shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice matters a report regarding the effectiveness of certified batterers' intervention programs, including any suggested implementing legislation, by December 5, 2020. The joint standing committee may report out legislation addressing the report.

**Sec. 2. Sunset of funding for programs.** Notwithstanding any provision of law to the contrary, funding provided to the Department of Corrections, Office of Victim Services related to expenditures for certified batterers' intervention programs may not be provided beyond fiscal year 2020-21 without explicit legislative approval.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF**

**Office of Victim Services 0046**

Initiative: Provides funds for partial reimbursement of certified batterers' intervention programs for indigent participant fees. These funds are appropriated on an ongoing basis but not after June 30, 2021.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$100,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$100,000

**Office of Victim Services 0046**

Initiative: Provides funds for training programs to sustain and expand the accessibility of certified batterers' intervention programs. These funds are appropriated on an ongoing basis but not after June 30, 2021.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$20,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$20,000

**Office of Victim Services 0046**

Initiative: Provides funds for partial reimbursement of mileage expenses for certified batterers' intervention program facilitators who are providing testimony and information required by the court regarding offender participation in certified batterers' intervention programs as a condition of release. These funds are appropriated on an ongoing basis but not after June 30, 2021.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$5,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$5,000

**Office of Victim Services 0046**

Initiative: Provides funds for the Maine Coalition to End Domestic Violence for the administrative expenses associated with additional funding for certified batterers' intervention program expenses. These funds are appropriated on an ongoing basis but not after June 30, 2021.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$25,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$25,000

CORRECTIONS, DEPARTMENT OF		
DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$150,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$150,000

See title page for effective date.

**CHAPTER 432  
H.P. 765 - L.D. 1091**

**An Act To Implement Certain  
Recommendations of the  
Criminal Law Advisory  
Commission Relative to the  
Maine Criminal Code and  
Related Statutes**

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

**Whereas,** this legislation amends the Maine Criminal Code to correct errors in the definitions of "cocaine" and "heroin" in the controlled substances laws, to clarify that the dissemination of certain information pertaining to a person receiving services from the Department of Corrections may be made to any criminal justice agency if necessary to carry out the administration of criminal justice as defined in the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and to clarify and amend other provisions of the Maine Criminal Code; and

**Whereas,** the amendments to law are immediately necessary to the administration of justice; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1. 15 MRSA §393, sub-§1-B,** as amended by PL 2015, c. 470, §3, is further amended to read:

**1-B. Prohibition for domestic violence offenses.** A person may not own, possess or have under that person's control a firearm if that person:

A. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A Class D crime in this State in violation of Title 17-A, section 207-A, 209-A, 210-B, 210-C or 211-A; or

(2) A crime under the laws of the United States or any other state that in accordance with the laws of that jurisdiction is elementally substantially similar to a crime in subparagraph (1).

Violation of this paragraph is a Class C crime; or

B. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under this subsection. Violation of this paragraph is a Class C crime.

Except as provided in subsection 1-A, the prohibition created by this subsection for a conviction or adjudication of an offense listed in paragraph A or B expires 5 years from the date the person is finally discharged from the sentence imposed as a result of the conviction or adjudication if that person has no subsequent criminal convictions during that 5-year period. If a person is convicted of a subsequent crime within the 5-year period, the 5-year period starts anew from the date of the subsequent conviction. In the case of a deferred disposition, the 5-year period begins at the start of the deferred disposition period. If, at the conclusion of the deferred disposition period, the court grants the State's motion to allow a person to withdraw the plea and the State dismisses the ~~pending charging instrument charge that gave rise to the prohibition~~ with prejudice, the 5-year period terminates.

For the purposes of this subsection, a person is deemed to have been convicted or adjudicated upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

The provisions of this subsection apply only to a person convicted, adjudicated or placed on deferred disposition on or after October 15, 2015.

**Sec. A-2. 15 MRSA §1094-C** is enacted to read:

**§1094-C. Improper contact with alleged murder victim's family or household member**

**1. Improper contact.** A person is guilty of improper contact with an alleged murder victim's family or household member if:

A. The person is being detained as a result of the person's arrest for the intentional or knowing murder of the alleged victim;

B. A Harnish bail proceeding:

(1) Has not yet taken place;

(2) Has been waived in open court by the person; or

(3) Has taken place and the person's conditional right to bail has been extinguished and bail has been denied by the court;

C. The person:

(1) In the circumstance specified in paragraph B, subparagraph (1) is notified, in writing or otherwise, by the detaining county jail, correctional facility or mental health institute staff not to make direct or indirect contact with any specifically identified family or household member of the alleged victim of the crime for which the person is being detained; or

(2) In the circumstance specified in paragraph B, subparagraph (2) or (3) is notified on the record or in writing by the court not to make direct or indirect contact with any specifically identified family or household member of the alleged victim of the crime for which the person is being detained; and

D. After the notification specified in paragraph C, the person intentionally or knowingly makes direct or indirect contact with the specifically identified family or household member of the alleged victim of the crime for which the person is being detained.

As used in this subsection, "family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4.

**2. Penalty.** Violation of this section is a Class C crime.

**PART B**

**Sec. B-1. 16 MRSA §703, sub-§2, ¶L**, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

L. Information disclosing that a person has petitioned for and been granted a full and free pardon ~~or amnesty~~.

**Sec. B-2. 16 MRSA §708, sub-§7**, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

**7. Pardons, other than full and free pardons, commutations, reprieves and amnesties.** Petitions for and warrants of pardons, commutations, reprieves and amnesties other than warrants of full and free pardons and their respective petitions.

**PART C**

**Sec. C-1. 17-A MRSA §33**, as enacted by PL 1981, c. 324, §14, is repealed and the following enacted in its place:

**§33. Result as an element; causation**

**1.** Unless otherwise provided, when causing a result is an element of a crime, causation may be found when the result would not have occurred but for the conduct of the defendant, operating either alone or concurrently with another cause.

**2.** In cases in which concurrent causation is generated as an issue, the defendant's conduct must also have been sufficient by itself to produce the result.

**Sec. C-2. 17-A MRSA §505, sub-§2**, as repealed and replaced by PL 2015, c. 358, §2, is amended to read:

**2.** As used in this section, "public way" means a way, including a sidewalk, owned and maintained by the State, a county or a municipality over which the general public has a right to pass by foot or by vehicle, a way upon which the public has access as invitees or licensees or a way under the control of park commissioners or a body having like powers.

**PART D**

**Sec. D-1. 17-A MRSA §207-A, sub-§1, ¶B**, as amended by PL 2011, c. 640, Pt. B, §1, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 209-A, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 209-A, 210-B, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; ~~or~~

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

**Sec. D-2. 17-A MRSA §209-A, sub-§1, ¶B,** as amended by PL 2011, c. 640, Pt. B, §3, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 210-B, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one

or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

**Sec. D-3. 17-A MRSA §210-B, sub-§1, ¶B,** as amended by PL 2011, c. 640, Pt. B, §4, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 209-A, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 209-A, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

**Sec. D-4. 17-A MRSA §210-C, sub-§1, ¶B,** as amended by PL 2011, c. 640, Pt. B, §5, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section

207-A, 209-A, 210-B or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 209-A, 210-B or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; ~~or~~

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; ~~or~~

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

**Sec. D-5. 17-A MRSA §211-A, sub-§1, ¶B,** as amended by PL 2011, c. 640, Pt. B, §6, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 209-A, 210-B or 210-C or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 209-A, 210-B or 210-C in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; ~~or~~

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026,

subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; ~~or~~

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

## PART E

**Sec. E-1. 17-A MRSA §1101, sub-§§25 and 26** are enacted to read:

**25. Cocaine.** "Cocaine" means:

A. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine and their salts have been removed; or

B. A mixture or preparation that contains any quantity of any of the following substances:

(1) Cocaine, its salts, optical and geometric isomers and salts of isomers;

(2) Ecgonine, its derivatives, their salts, isomers and salts of isomers; or

(3) Cocaine base, which is the alkaloid form of cocaine.

**26. Heroin.** "Heroin" means any compound, mixture or preparation containing heroin (diacetylmorphine) in any quantity.

**Sec. E-2. 17-A MRSA §1102, sub-§1, ¶F,** as repealed and replaced by PL 1995, c. 635, §1, is repealed and the following enacted in its place:

F. Cocaine;

## PART F

**Sec. F-1. 30-A MRSA §3821, sub-§3,** as amended by PL 2005, c. 397, Pt. A, §30, is further amended to read:

**3. Availability for inspection.** Both the register and the record must be kept for 2 years and be available at all reasonable times to the inspection of any lawful agent of the licensing authority ~~or any full-time law enforcement officer as defined in Title 25, section 2801-A, subsection 4.~~ The guest register may be

"kept," within the meaning of this section, when reproduced on any photographic, microfilm or other process that reproduces the original record.

**Sec. F-2. 34-A MRSA §1216, sub-§1, ¶D,** as amended by PL 2015, c. 470, §18, is further amended to read:

D. To any criminal justice agency if necessary to carry out the administration of criminal justice as defined in Title 16, section 703, subsection 1 ~~or~~, the administration of criminal justice as defined in Title 16, section 803, subsection 2, the administration of juvenile criminal justice as defined in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2), the administration of juvenile justice as defined in Title 15, section 3308-A, subsection 1, paragraph A or for criminal justice agency employment;

**PART G**

**Sec. G-1. Appropriations and allocations.**

The following appropriations and allocations are made.

**INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**

**Maine Commission on Indigent Legal Services Z112**

Initiative: Provides funds for indigent legal services due to changes in the list of predicate offenses for certain domestic violence cases.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$6,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$6,000</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 4, 2018.

**CHAPTER 433**

**H.P. 840 - L.D. 1204**

**An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities**

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

**Sec. 1. 21-A MRSA §753-B, sub-§5,** as amended by PL 2011, c. 534, §20, is further amended to read:

**5. Alternate method of balloting by residents of certain licensed facilities.** The municipal clerk shall designate one or more times during the 30-day period prior to an election during which the municipal clerk shall be present in each licensed nursing home subject to the provisions of Title 22, chapter 405; licensed residential care facility subject to the provisions of Title 22, chapter 1664; and assisted housing program subject to the provisions of Title 22, chapter 1664, in the municipality for the purpose of conducting absentee voting by residents of these facilities. The licensed residential care facilities or assisted housing programs referred to in this subsection are those that are licensed to have 6 or more beds. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guard-rail enclosure. The clerk shall post a notice in the municipal office that absentee voting will be conducted as prescribed in this subsection. The clerk shall provide a notice to each licensed facility of the date and time when absentee voting will be conducted. The notice must state that the licensed facility is required to notify the contact person or persons, if any, for each resident that absentee voting will be conducted. Each licensed facility must provide notice, which may be in the form of an e-mail or an electronic newsletter, to the contact person or persons, if any, for each resident of the date and time when absentee voting will be conducted at the facility. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk.

See title page for effective date.

**CHAPTER 434**

**S.P. 432 - L.D. 1280**

**An Act To Require Drug Manufacturers To Comply with Federal Law**

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

**Sec. 1. 32 MRSA §13702-A, sub-§12-A** is enacted to read:

**12-A. Eligible product developer.** "Eligible product developer" means a person that seeks to develop an application for the approval of a drug under the Federal Food, Drug, and Cosmetic Act, Section 505(b) or 505(j) or the licensing of a biological product under the federal Public Health Service Act, Section 351.

**Sec. 2. 32 MRSA §13742-A, sub-§1, ¶¶C and D,** as enacted by PL 2007, c. 402, Pt. DD, §19, are amended to read:

C. Engaging in unprofessional conduct by violating any standard of professional behavior, including but not limited to a breach of confidentiality of health care information pursuant to state law, that has been established in the practice for which the licensee is licensed; or

D. Engaging in false, misleading or deceptive advertising; or

**Sec. 3.** 32 MRSA §13742-A, sub-§1, ¶E is enacted to read:

E. Failing to comply with section 13800.

**Sec. 4.** 32 MRSA §13742-A, sub-§4 is enacted to read:

**4. Injunction.** Notwithstanding any other provision of law, the Attorney General may seek injunctive relief against a person who violates subsection 1, paragraph E. If the Attorney General prevails in an action under this subsection, the court must order the person to reimburse the State for the Attorney General's costs of prosecuting the action, including reasonable attorney's fees.

**Sec. 5.** 32 MRSA §§13800 and 13800-A are enacted to read:

**§13800. Access to distributed drugs**

A manufacturer or wholesaler licensed under section 13758 shall make a drug distributed in this State available for sale in this State to an eligible product developer for purposes of conducting testing required to support an application for approval of a drug under the Federal Food, Drug, and Cosmetic Act, Section 505(b) or 505(j) or the licensing of a biological product under the federal Public Health Service Act, Section 351.

The manufacturer or wholesaler licensed under section 13758 shall make the drug available for sale at a price no greater than the wholesale acquisition cost and without any restriction that would block or delay the eligible product developer's application in a manner inconsistent with Section 505-1(f)(8) of the Federal Food, Drug, and Cosmetic Act, 21 United States Code, Section 355-1(f)(8) (2016).

An eligible product developer that receives a drug at a price no greater than the wholesale acquisition cost for that drug pursuant to this section shall charge consumers in this State the same price or less for the drug manufactured by that eligible product developer.

As used in this section, "wholesale acquisition cost" means the manufacturer's list price for a brand-name drug or a generic drug per person per year or course of treatment when sold to wholesalers or direct purchasers in the United States, not including discounts or rebates, for the most recent month for which information is available.

**§13800-A. Liability for product of another; exemption**

A manufacturer or wholesaler licensed under section 13758 is not liable for injuries alleged to have been caused by the failure to include adequate safety warnings on a product's label or by a defect in the product's design if:

**1. Access to distributed drugs.** The manufacturer or wholesaler has made the product distributed in this State available to an eligible product developer in accordance with section 13800; and

**2. Manufactured or sold by another.** The product was not manufactured or sold by that manufacturer or wholesaler.

**Sec. 6. Intent.** The costs of health care in this State are making health care coverage unaffordable for many consumers, increasing health care costs for the State and contributing to a health care crisis in this State. Increased competition in the market for drugs and biological products lowers prescription drug costs for patients and taxpayers. In order for there to be competition in the prescription drug market, developers of generic drugs and biosimilar biological products must be able to obtain quantities of the reference listed drug or biological product with which the generic drug or biosimilar biological product is intended to compete, referred to in this section as "reference samples," for purposes of supporting an application for approval by the United States Food and Drug Administration. Closed distribution systems are impeding generic and biosimilar product developers from obtaining reference samples to conduct necessary testing and otherwise meet requirements for approval of generic and biosimilar drugs and subjecting residents of this State to monopoly drug prices. This Act promotes competition in the market for drugs and biological products by facilitating access to reference samples. Developers of generic drugs and biosimilar biological products are required to act in accordance with applicable federal law and regulations in the testing of reference samples. The increased sales of reference samples in this State will generate revenue for the State.

See title page for effective date.

**CHAPTER 435**

**S.P. 439 - L.D. 1287**

**An Act To Strengthen Efforts  
To Recruit and Retain Primary  
Care Professionals and  
Dentists in Rural and  
Underserved Areas of the State**

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

**Sec. 1. 36 MRSA §5219-DD, sub-§2,** as amended by PL 2011, c. 434, §1, is further amended to read:

**2. Credit.** An eligible dentist determined to be eligible before January 1, 2012 is allowed a credit for each taxable year, not to exceed \$15,000, against the taxes due under this Part. ~~For dentists~~ An eligible dentist determined to be eligible on or after January 1, 2012, an eligible dentist but before January 1, 2018 is allowed a credit for each taxable year, not to exceed \$12,000, against the taxes due under this Part. An eligible dentist determined to be eligible on or after January 1, 2018 but before January 1, 2023 is allowed a credit, not to exceed \$6,000 in the first year, \$9,000 in the 2nd year, \$12,000 in the 3rd year, \$15,000 in the 4th year and \$18,000 in the 5th year, against the taxes due under this Part. The credit may be claimed in the first year that the eligible dentist meets the conditions of eligibility for at least 6 months and each of the 4 subsequent years. The credit is not refundable.

**Sec. 2. 36 MRSA §5219-DD, sub-§3,** as amended by PL 2011, c. 434, §2, is further amended to read:

**3. Eligibility limitation; certification.** The oral health program shall certify up to 5 eligible dentists in each year in 2009, 2010 and 2011 ~~and~~ up to 6 additional eligible dentists in each year from 2012 through 2015 and up to 5 eligible dentists in each year from 2018 through 2022. Additional dentists may not be certified after ~~2015~~ 2022. The oral health program shall monitor certified dentists to ensure that they continue to be eligible for the credit under this section and shall decertify any dentist who ceases to meet the conditions of eligibility. The oral health program shall notify the bureau whenever a dentist is certified or decertified. A decertified dentist ceases to be eligible for the credit under this section beginning with the tax year during which the dentist is decertified.

**Sec. 3. 36 MRSA §5219-DD, sub-§6,** as amended by PL 2011, c. 434, §3, is further amended to read:

**6. Repeal.** This section is repealed December 31, ~~2020~~ 2027.

**Sec. 4. 36 MRSA §5219-LL, sub-§§2 and 3,** as reallocated by RR 2013, c. 2, §46, are amended to read:

**2. Credit.** For tax years beginning on or after January 1, 2014 ~~but before January 1, 2019~~, an eligible primary care professional is allowed a credit against the taxes due under this Part as follows.

A. The credit may be claimed in the first year that the eligible primary care professional meets the conditions of eligibility for at least 6 months and each of the 4 subsequent years or until the student

loan of the eligible primary care professional is paid in full, whichever comes first.

B. The credit may be claimed in an amount equal to the annual payments made on the student loan not to exceed \$6,000 in the first year, \$9,000 in the 2nd year, \$12,000 in the 3rd year, \$15,000 in the 4th year and \$18,000 in the 5th year.

C. The credit may not reduce the tax due under this Part to less than zero.

**3. Eligibility limitation; certification.** The Department of Health and Human Services shall certify up to 5 10 eligible primary care professionals each year. The Department of Health and Human Services shall monitor certified primary care professionals to ensure that they continue to be eligible for the credit under this section and shall decertify any primary care professional who ceases to meet the conditions of eligibility. The Department of Health and Human Services shall notify the bureau whenever a primary care professional is certified or decertified. A decertified primary care professional ceases to be eligible for the credit under this section beginning with the tax year during which the primary care professional is decertified.

See title page for effective date.

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## CHAPTER 436

### H.P. 916 - L.D. 1322

#### An Act Regarding Mental Health First Aid Training for Corrections Personnel

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

**Sec. 1. 25 MRSA §2804-D, sub-§1,** as amended by PL 2013, c. 147, §33, is further amended to read:

**1. Required.** As a condition to the continued employment of any person as a corrections officer, that person must successfully complete, within the first 12 months of employment, a basic training course as approved by the board. Thereafter, as a condition of continued employment as a corrections officer, the officer must satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board, in individual cases, may waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction. A full-time correctional trade instructor ~~hired after January 1, 2002~~ must meet the requirements established under this subsection for corrections officers. Beginning January 1, 2018,

the basic training course must include 8 hours of training in how to identify, understand and respond to signs of mental illnesses and substance use disorder that is provided by a trainer who is certified by a nationally recognized organization that provides evidence-based mental health first aid training.

**Sec. 2. Jails, prisons and correctional facilities to incrementally train corrections personnel in mental health first aid.** Every jail, prison and state correctional facility shall ensure that 20% of corrections officers at the jail, prison or state correctional facility are trained in mental health first aid by 2022. For purposes of this section, "corrections officer" has the same meaning as in the Maine Revised Statutes, Title 25, section 2801-A, subsection 2.

**Sec. 3. Report.** Every jail, prison and state correctional facility shall report to the Commissioner of Corrections when personnel at the facility have received mental health first aid training at the Maine Criminal Justice Academy as required by section 2. When all jails, prisons and state correctional facilities in the State have reported to the commissioner, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters that the provisions of section 2 have been met.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF  
Criminal Justice Academy 0290**

Initiative: Provides an allocation to provide 8 hours of mental health first aid training as part of basic corrections training.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$30,265
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$30,265

See title page for effective date.

**CHAPTER 437  
S.P. 557 - L.D. 1584**

**An Act To Expand the Local  
Foods Economy by Promoting  
Local Foods Procurement**

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

**Sec. 1. 7 MRSA c. 8-A, sub-c. 3** is enacted to read:

**SUBCHAPTER 3**

**LOCAL FOODS PROCUREMENT PROGRAM**

**§220. Local foods procurement program; local foods access**

In accordance with this section, the commissioner shall establish and promote a local foods procurement program with the goal that no later than 2025, 20% of all food and food products procured by state institutions be local food or food products.

**1. Guidelines.** The commissioner shall establish guidelines to assist state institutions to assess their ability to procure local foods or food products while minimizing costs for that procurement.

**2. Education and outreach.** The commissioner shall provide education and outreach for the purpose of supporting local foods providers, such as farms, farmers' markets, community supported agriculture and seafood providers, to further the goal established in this section.

**3. Access to local foods for recipients of benefits.** The commissioner shall improve access to local foods for recipients of benefits under any food supplement program administered by the Department of Health and Human Services under Title 22 by:

A. Expanding opportunities for farmers to sell local foods to recipients of food supplement program benefits by promoting the use of electronic benefits transfer cards at farmers' markets and, in partnership with a statewide federation of farmers' markets, encouraging participation in community supported agriculture by recipients of food supplement program benefits;

B. Assisting farmers' markets in accepting payments through the electronic benefits transfer system by helping them secure equipment, including equipment that does not require the use of electricity, for processing payments through the electronic benefits transfer system; and

C. In partnership with the Commissioner of Health and Human Services, educating recipients of food supplement program benefits of the opportunity to use the benefits at farmers' markets and the advantages of such use.

**4. Rules.** The commissioner shall adopt rules necessary to carry out the provisions of this subchapter. The rules must include, but are not limited to, definitions of "local foods" and "local foods providers" that are consistent with the provisions of this chapter and must establish a method and baseline to determine the percentage of local foods or food products procured by state institutions based on dollars spent. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**5. Report.** The commissioner shall include a description of the progress toward reaching the goal under this section in the biennial report submitted to the Legislature pursuant to section 2, subsection 5.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Division of Quality Assurance and Regulation 0393**

Initiative: Provides an appropriation for one Planning and Research Associate II position.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$76,032
All Other	\$0	\$2,500
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$78,532</b>

**Division of Quality Assurance and Regulation 0393**

Initiative: Provides an appropriation for education and outreach, for artwork, printing and distribution of promotional material and for data and research to prepare an annual report.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$85,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$85,000</b>

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$163,532
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$163,532</b>

See title page for effective date.

**CHAPTER 438  
S.P. 561 - L.D. 1597**

**An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program**

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

**Sec. 1. 36 MRSA §1752, sub-§14, ¶B,** as repealed and replaced by PL 2015, c. 494, Pt. A, §44, is amended to read:

B. "Sale price" does not include:

- (1) Discounts allowed and taken on sales;
- (2) Allowances in cash or by credit made upon the return of merchandise pursuant to warranty;
- (3) The price of property returned by customers, when the full price is refunded either in cash or by credit;
- (4) The price received for labor or services used in installing or applying or repairing the property sold, if separately charged or stated;
- (5) Any amount charged or collected, in lieu of a gratuity or tip, as a specifically stated service charge, when that amount is to be disbursed by a hotel, restaurant or other eating establishment to its employees as wages;
- (6) The amount of any tax imposed by the United States on or with respect to retail sales, whether imposed upon the retailer or the consumer, except any manufacturers', importers', alcohol or tobacco excise tax;
- (7) The cost of transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, provided that those charges are separately stated and the transportation occurs by means of common carrier, contract carrier or the United States mail;
- (8) Any amount charged or collected by a person engaged in the rental of living quarters as a forfeited room deposit or cancellation fee if the prospective occupant of the living quarters cancels the reservation on or before the scheduled date of arrival;
- (9) Any amount charged for the disposal of used tires;
- (10) Any amount charged for a paper or plastic single-use carry-out bag; ~~or~~
- (11) Any charge, deposit, fee or premium imposed by a law of this State; or

(12) A paint stewardship assessment imposed pursuant to Title 38, section 2144.

**Sec. 2. Effective date; application.** This Act takes effect December 1, 2018 and applies to sales of paint occurring on or after that date without regard to when the paint stewardship assessment was added to the consumer's purchase price.

See title page for effective date.

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**CHAPTER 439**  
**S.P. 610 - L.D. 1653**

**An Act To Amend the Laws  
Governing Retirement Benefits  
for Capitol Police Officers**

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

**Sec. 1. 5 MRSA §17851-A, sub-§2**, as repealed and replaced by PL 2003, c. 510, Pt. D, §1 and affected by §§6 and 7, is amended to read:

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; ~~after June 30, 2002 for employees~~ any employee identified in subsection 1, paragraph M; and any employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment.

**Sec. 2. 5 MRSA §17851-A, sub-§3, ¶A**, as repealed and replaced by PL 2003, c. 510, Pt. D, §2 and affected by §§6 and 7, is amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which

the refund relates was served after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; ~~and after June 30, 2002 for employees identified in subsection 1, paragraph M~~; in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, ~~paragraph~~ paragraphs L and M regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

**Sec. 3. 5 MRSA §17851-A, sub-§4, ¶B**, as repealed and replaced by PL 2003, c. 510, Pt. D, §4 and affected by §§6 and 7, is amended to read:

B. Except as provided in paragraphs D ~~and~~ E and E, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;

before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or
- (b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in

subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph M must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or
- (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 4. 5 MRSA §17851-A, sub-§4, ¶F** is enacted to read:

F. The service retirement benefit of a member to whom subsection 1, paragraph M applies and who qualifies for service retirement benefits under subsection 2 must be computed under section 17852, subsection 1, paragraph A on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph M, regardless of when that creditable service was earned, except that for a member qualifying under subsection 2, paragraph B:

- (1) If the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 3, paragraphs A and B for each year the member's age precedes 55 years of age; or
- (2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 5. Application.** Notwithstanding the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, paragraph M, that section of this Act that enacts Title 5, section 17851-A, subsection 4, paragraph F applies only to those Capitol Police officers in the employment of the Department of Public Safety, Bureau of Capitol Police as of the effective date of this Act.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES**

**Retirement System - Retirement Allowance Fund 0085**

Initiative: Provides funds for the cost associated with allowing service retirement benefits of a Capitol Police officer earned under the regular state employee teacher plan to be calculated under the 1998 Special Plan.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$40,610
GENERAL FUND TOTAL	\$0	\$40,610

See title page for effective date.

**CHAPTER 440**

**S.P. 611 - L.D. 1654**

**An Act To Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits and Making Other Changes to the Program**

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

**Sec. 1. 30-A MRSA §5250-I, sub-§16**, as enacted by PL 2003, c. 688, Pt. D, §2, is amended to read:

**16. Qualified business activity.** "Qualified business activity" means a business activity that is conducted within a Pine Tree Development Zone and is directly related to financial services, manufacturing or a targeted technology business for which the business receives a certificate letter of certification from the commissioner pursuant to section 5250-O.

**Sec. 2. 30-A MRSA §5250-I, sub-§17**, as amended by PL 2005, c. 351, §4 and affected by §26, is further amended to read:

**17. Qualified Pine Tree Development Zone business.** "Qualified Pine Tree Development Zone business" or "qualified business" means any for-profit business in this State engaged in or that will engage in financial services, manufacturing or a targeted technology business that has added or will add at least one qualified Pine Tree Development Zone employee above its base level of employment in this State and that meets the following criteria:

A. It demonstrates that the establishment or expansion of operations within the Pine Tree Development Zone would not occur within the State absent the availability of the Pine Tree Development Zone benefits and provides, at a minimum, a signed and notarized statement to this effect. The department shall determine whether the business has met the requirements of this paragraph; and

B. It has received a certificate letter of certification as a qualified business pursuant to section 5250-O.

**Sec. 3. 30-A MRSA §5250-J, sub-§5**, as repealed and replaced by PL 2009, c. 461, §22, is amended to read:

**5. Termination.** A qualified Pine Tree Development Zone business located in a tier 1 location may not be certified under this subchapter after December 31, ~~2018~~ 2021, and a qualified Pine Tree Development Zone business located in a tier 2 location may not be certified under this subchapter after December 31, 2013. All Pine Tree Development Zone benefits provided under this subchapter are terminated on December 31, ~~2028~~ 2031.

**Sec. 4. 30-A MRSA §5250-O**, as amended by PL 2007, c. 263, §1, is further amended to read:

**§5250-O. Certification of qualified business**

A business may apply to the commissioner for certification as a qualified Pine Tree Development Zone business. Upon review and determination by the commissioner that a business is a qualified Pine Tree Development Zone business, the commissioner shall issue a ~~certificate of qualification~~ letter of certification to the business that includes a description of the qualified business activity for which the ~~certificate~~ letter is being issued. Prior to issuing a ~~certificate of qualification~~ letter of certification, the commissioner must find that the business activity will not result in a substantial detriment to existing businesses in the State. In order to make this determination, the commissioner shall consider those factors the commissioner determines necessary to measure and evaluate the effect of the proposed business activity on existing businesses, including whether any adverse economic effect of the proposed business activity on existing businesses is outweighed by the contribution to the economic well-being of the State. The State Economist must review applications under this section and provide an advisory

opinion to assist the commissioner in making findings under this section. The commissioner shall provide a copy of the letter of certification to the State Tax Assessor.

The commissioner shall issue a certificate of qualification to a qualified Pine Tree Development Zone business after the commissioner has verified that the business has added at least one qualified Pine Tree Development Zone employee above its base level of employment. This verification may be obtained in such manner as the commissioner may prescribe. The commissioner shall provide a copy of the certificate of qualification to the State Tax Assessor.

**Sec. 5. 30-A MRSA §5250-P**, as enacted by PL 2003, c. 688, Pt. D, §2, is repealed and the following enacted in its place:

**§5250-P. Annual reporting; evaluation**

**1. Annual reports.** A qualified Pine Tree Development Zone business, the State Tax Assessor and the commissioner each shall report annually in accordance with this subsection.

A. On or before April 15th annually, beginning in 2019, a qualified Pine Tree Development Zone business shall file a report with the commissioner for the immediately preceding calendar year, referred to in this subsection as "the report year," that contains the following information with such additional information and on forms as the commissioner may require:

- (1) The total number of Maine employees and total salary and wages for those employees for the report year;
- (2) The total number of qualified Pine Tree Development Zone employees and total salary and wages for those employees for the report year;
- (3) The number of qualified Pine Tree Development Zone employees hired within the report year;
- (4) The amount of investments made during the report year at the qualified Pine Tree Development Zone business location or directly related to the qualified business activity; and
- (5) In aggregate, the estimated or total value of Pine Tree Development Zone benefits received or claimed in the report year.

B. On or before October 1st annually, beginning in 2019, the State Tax Assessor shall report to the commissioner and to the joint standing committees of the Legislature having jurisdiction over taxation and economic development matters the aggregate revenue loss to the State for the most recently completed state fiscal year resulting from Pine Tree Development Zone benefits under sec-

tion 5250-I, subsection 14, paragraphs B, C and D.

C. On or before June 1st annually, beginning in 2019, the commissioner shall report to the joint standing committees of the Legislature having jurisdiction over taxation and economic development matters information on qualified Pine Tree Development Zone businesses, including, but not limited to:

- (1) The names of qualified Pine Tree Development Zone businesses for the report year;
- (2) The estimated or total aggregate amount of Pine Tree Development Zone benefits received by qualified Pine Tree Development Zone businesses in the report year; and
- (3) Aggregate information for each of the most recent 3 report years on:
  - (a) Employment levels for all Maine employees and for qualified Pine Tree Development Zone employees and associated salary and wages for both groups of employees;
  - (b) Average annual salary and wages and access to health insurance and retirement benefits for all Maine employees and for qualified Pine Tree Development Zone employees; and
  - (c) Amount of investment associated with the qualified Pine Tree Development Zone business locations or directly related to the qualified business activities.

**2. Evaluation; specific public policy objective; performance measures.** The Pine Tree Development Zone program established by this subchapter is subject to ongoing legislative review in accordance with Title 3, chapter 37. In developing evaluation parameters to perform the review, the Office of Program Evaluation and Government Accountability, the Legislature's government oversight committee and the joint standing committee of the Legislature having jurisdiction over taxation matters shall consider:

A. That the specific public policy objective of the Pine Tree Development Zone program established by this subchapter is to create and retain quality jobs in this State by reducing the tax burden experienced by businesses and thereby making this State's business tax burden more comparable to other states, encouraging location and expansion of businesses in this State and improving the competitiveness of this State's businesses; and

B. Performance measures, including:

- (1) Change in employment levels of qualified Pine Tree Development Zone employees;

- (2) Amount of investment directly related to a qualified business activity;
- (3) Comparison of business tax burden in this State to other states;
- (4) Comparison of other cost burdens in this State to other states;
- (5) Comparison of the amount of public incentives received from the Pine Tree Development Zone program to the amount of public incentives received from other incentive programs in the State;
- (6) Measures of industry competitiveness for businesses receiving Pine Tree Development Zone benefits;
- (7) Measures of fiscal impact and overall economic impact to the State; and
- (8) Other measures as may be relevant to the evaluation of program outcomes.

The Office of Program Evaluation and Government Accountability shall provide a report of its evaluation of the Pine Tree Development Zone program established by this subchapter in accordance with Title 3, section 999 by January 15, 2021 and shall also provide this report to the joint standing committee of the Legislature having jurisdiction over economic development matters, which may report out a bill to the First Regular Session of the 130th Legislature in response to the report's recommendations.

**Sec. 6. 35-A MRSA §3210-E, sub-§6**, as enacted by PL 2009, c. 627, §5 and affected by §12, is amended to read:

**6. Repeal.** This section is repealed December 31, ~~2028~~ 2031.

**Sec. 7. 36 MRSA §1760, sub-§87**, as amended by PL 2011, c. 285, §5, is further amended to read:

**87. Sales of tangible personal property and transmission and distribution of electricity to qualified development zone businesses.** Beginning July 1, 2005, sales of tangible personal property, and of the transmission and distribution of electricity, to a qualified Pine Tree Development Zone business, as defined in Title 30-A, section 5250-I, subsection 17, for use directly and primarily in one or more qualified business activities, as defined in Title 30-A, section 5250-I, subsection 16. The exemption provided by this subsection is limited for each qualified Pine Tree Development Zone business to sales occurring within a period of 10 years in the case of a business located in a tier 1 location, as defined in Title 30-A, section 5250-I, subsection 21-A, and 5 years in the case of a business located in a tier 2 location, as defined in Title 30-A, section 5250-I, subsection 21-B, from the date the business is certified pursuant to Title 30-A, section 5250-O or until December 31, ~~2028~~ 2031, whichever

occurs first. For a business that applies for certification as a qualified Pine Tree Development Zone business with the Commissioner of Economic and Community Development on or after January 1, 2019, the exemption provided by this subsection requires a qualified Pine Tree Development Zone business to obtain a certificate of qualification issued by the Commissioner of Economic and Community Development pursuant to Title 30-A, section 5250-O. As used in this subsection, "primarily" means more than 50% of the time during the period that begins on the date on which the property is first placed in service by the purchaser and ends 2 years from that date or at the time the property is sold, scrapped, destroyed or otherwise permanently removed from service by the purchaser, whichever occurs first.

**Sec. 8. 36 MRSA §2016, sub-§2**, as enacted by PL 2005, c. 351, §9 and affected by §26, is repealed and the following enacted in its place:

**2. Reimbursement allowed.** A reimbursement is allowed as provided in this section for a tax paid pursuant to this Part with respect to:

A. The sale or use of tangible personal property that is physically incorporated in and becomes a permanent part of real property that is owned by or sold to a qualified Pine Tree Development Zone business and that is used directly and primarily by that business in one or more qualified business activities; or

B. The sale or use of tangible personal property and the transmission and distribution of electricity to a qualified Pine Tree Development Zone business that is used directly and primarily in one or more qualified business activities.

**Sec. 9. 36 MRSA §2016, sub-§3**, as enacted by PL 2005, c. 351, §9 and affected by §26, is amended to read:

**3. Claim for reimbursement.** Claims under this section for reimbursement of taxes are controlled by this subsection.

A. A claim for reimbursement under this section pursuant to subsection 2, paragraph A must be filed by the contractor or subcontractor with the State Tax Assessor within 3 years from the date on which the tangible personal property was incorporated into real property. The reimbursement claim must be submitted on a form prescribed by the assessor and must be accompanied by a statement from a qualified Pine Tree Development Zone business certifying, under penalties of perjury, that the personal property with respect to which the tax was paid by the claimant has been placed in use directly and primarily in a qualified business activity. All records pertaining to such certification and to the transactions in question must be retained for at least 6 years by the con-

tractor or subcontractor, by the qualified Pine Tree Development Zone business and by the person, if any, that sold the real property in question to that business. The reimbursement claim must be accompanied by such additional information as the assessor may require. If a sales or use tax is included in the contractor's or subcontractor's contract price, the contractor or subcontractor shall file, at the request of the qualified Pine Tree Development Zone business, a claim for reimbursement in accordance with this section and pay the reimbursement to the qualified Pine Tree Development Zone business.

B. If, by agreement between the contractor or subcontractor and the qualified Pine Tree Development Zone business, the contractor or subcontractor assigns its right to claim and receive reimbursement pursuant to subsection 2, paragraph A, the qualified Pine Tree Development Zone business must file a claim for reimbursement in accordance with this subsection. A reimbursement may not be issued to a qualified Pine Tree Development Zone business under this paragraph unless the contractor or subcontractor has previously submitted to the bureau a certificate, signed by the contractor or subcontractor, releasing the contractor's or subcontractor's claim to the reimbursement. The certificate must be in a format prescribed by the assessor.

C. A claim for reimbursement under subsection 2, paragraph B by a qualified Pine Tree Development Zone business must include proof that the business was issued a certificate of qualification by the Commissioner of Economic and Community Development pursuant to Title 30-A, section 5250-O.

**Sec. 10. 36 MRSA §2016, sub-§4**, as amended by PL 2009, c. 627, §7 and affected by §12, is further amended to read:

**4. Limitations.** The following are the limitations on reimbursements made pursuant to this section.

A. Reimbursements made by the assessor pursuant to ~~this section~~ subsection 2, paragraph A are limited to taxes paid in connection with sales of tangible personal property that occur within a period of 10 years in the case of a qualified Pine Tree Development Zone business located in a tier 1 location, as defined in Title 30-A, section 5250-I, subsection 21-A, and 5 years in the case of a qualified Pine Tree Development Zone business located in a tier 2 location, as defined in Title 30-A, section 5250-I, subsection 21-B, from the date the qualified Pine Tree Development Zone business receiving the property is certified pursuant to Title 30-A, section 5250-O or by December 31, ~~2028~~ 2031, whichever occurs first.

B. Reimbursement pursuant to ~~this section~~ subsection 2, paragraph A of taxes paid in connection with the sale of tangible personal property subsequently attached to real property may not be made when those real property improvements:

(1) Are owned by more than one person prior to their acquisition by the qualified Pine Tree Development Zone business whose certification accompanies the reimbursement claim pursuant to subsection 3; or

(2) Have been used for a business purpose by a person other than the qualified Pine Tree Development Zone business whose certification accompanies the reimbursement claim pursuant to subsection 3.

C. Reimbursements pursuant to subsection 2, paragraph B are limited to taxes paid in connection with the sale or use of tangible personal property and the transmission and distribution of electricity that has occurred within the period of time between the date a qualified Pine Tree Development Zone business was issued a letter of certification pursuant to Title 30-A, section 5250-O and the date the business received a sales tax exemption certificate pursuant to eligibility for a sales tax exemption under section 1760, subsection 87, but in no case may this period of time exceed a period of time beyond 2 years from the date of issuance of the letter of certification.

**Sec. 11. 36 MRSA §2529, sub-§3**, as amended by PL 2009, c. 627, §9, is further amended to read:

**3. Limitation.** The credit provided by this section may not be claimed for calendar years beginning on or after January 1, ~~2029~~ 2032.

**Sec. 12. 36 MRSA §5219-W, sub-§4**, as amended by PL 2009, c. 627, §11, is further amended to read:

**4. Limitation.** The credit provided by this section may not be claimed for tax years beginning on or after January 1, ~~2029~~ 2032.

**Sec. 13. 36 MRSA §6754, sub-§1, ¶D**, as amended by PL 2011, c. 240, §44, is further amended to read:

D. For qualified Pine Tree Development Zone employees, as defined in Title 30-A, section 5250-I, subsection 18, employed directly in the qualified business activity of a qualified Pine Tree Development Zone business, as defined in Title 30-A, section 5250-I, subsection 17, for whom a certificate of qualification has been issued in accordance with Title 30-A, section 5250-O, the reimbursement under this subsection is equal to 80% of Maine income tax withheld each year for which reimbursement is requested and attributed to those qualified employees for a period of no

more than 10 years for a tier 1 location as defined in Title 30-A, section 5250-I, subsection 21-A and no more than 5 years for a tier 2 location as defined in Title 30-A, section 5250-I, subsection 21-B. Reimbursement under this paragraph may not be paid for years beginning after December 31, ~~2028~~ 2031.

**Sec. 14. Department of Economic and Community Development; study and report.**

**1. Study.** By January 15, 2019, the Department of Economic and Community Development shall study:

A. Whether the income requirements with respect to qualified Pine Tree Development Zone employees pursuant to the Maine Revised Statutes, Title 30-A, section 5250-I, subsection 18 should be amended in order to more effectually describe high-quality jobs; and

B. Whether geographical limitations under the Pine Tree Development Zone program should be amended in light of the public policy objectives of the program, given the current geographical distribution of qualified Pine Tree Development Zone businesses.

While performing this study, the Department of Economic and Community Development shall consult with, at a minimum, the Department of Labor and the Department of Administrative and Financial Services, Maine Revenue Services.

**2. Report.** The Department of Economic and Community Development shall submit a report of its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over economic development matters by January 15, 2019. The committee may report out a bill in response to the study to the First Regular Session of the 129th Legislature.

**Sec. 15. Department of Economic and Community Development; annual reports before June 1, 2021.** With respect to aggregate information for the most recent 3 report years that must be reported to the relevant joint standing committees of the Legislature pursuant to the Maine Revised Statutes, Title 30-A, section 5250-P, subsection 1, paragraph C, the Commissioner of Economic and Community Development is not required to report information for a year in which the data upon which such aggregate information would be based are not available and were not collected by virtue of such data collection not being required pursuant to statute. By June 1, 2021 the commissioner shall fully report all requisite information in the commissioner's annual reports to the Legislature.

**Sec. 16. Application.** Those sections of this Act that amend the Maine Revised Statutes, Title 30-A, section 5250-I, subsections 16 and 17 and sec-

tion 5250-O and Title 36, section 1760, subsection 87 and section 2016, subsections 3 and 4 and repeal and replace Title 36, section 2016, subsection 2 apply to businesses that apply to the Commissioner of Economic and Community Development for certification as a qualified Pine Tree Development Zone business on or after January 1, 2019.

**Sec. 17. Appropriations and allocations.** The following appropriations and allocations are made.

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF Business Development 0585**

Initiative: Provides one-time funds to update tax incentive software in order to expand data collection and reporting.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$33,750
GENERAL FUND TOTAL	\$0	\$33,750

See title page for effective date.

**CHAPTER 441  
S.P. 619 - L.D. 1683**

**An Act To Extend the Term of Guide Licenses**

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

**Sec. 1. 12 MRSA §12853, sub-§5,** as amended by PL 2005, c. 12, Pt. III, §30, is further amended to read:

**5. Fee.** The fee for a ~~3-year~~ guide license is ~~\$81~~ \$135.

**Sec. 2. 12 MRSA §12853, sub-§6,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed and the following enacted in its place:

**6. Term of license.** A guide license issued under this section expires on December 31st of the 4th complete year after the date of issuance.

**Sec. 3. Effective date.** This Act takes effect January 1, 2019.

Effective January 1, 2019.

**CHAPTER 442**  
**H.P. 1194 - L.D. 1714**

**An Act To Clarify Liability  
Pertaining to the Collection of  
Debts of MaineCare Providers  
by the Department of Health  
and Human Services**

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

**Whereas,** the Department of Health and Human Services amended its rules governing the MaineCare program to provide that anyone with a direct or indirect "ownership interest" of any size in a MaineCare provider, and every officer, director or member of a MaineCare provider, is personally liable for the provider's debts owed to the department; and

**Whereas,** the rule amendment contravenes a foundational principle of our political and economic system assuring that a provider organization's members, directors and, if applicable, shareholders are protected from the organization's liabilities except in extraordinary circumstances; and

**Whereas,** the imposition of personal liability for a provider organization's debts on employees, officers, directors, members and shareholders will disruptively alter established insurance risks, financial arrangements and investor and creditor expectations and may deter qualified persons from serving in positions of trust or responsibility in nonprofit or for-profit organizations that deliver health care to Maine people; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 22 MRSA §1714-A, sub-§5, as amended by PL 2003, c. 419, §5, is further amended to read:

**5. Department may offset.** The department may offset against current reimbursement owed to a provider or any entity related by ownership or control to that provider any debt it is owed by that provider after the debt becomes collectible. The department shall adopt rules that implement this subsection and define the ownership or control relationships that are subject to an offset under this subsection, except that the department may not define any ownership or control relationship as subject to an offset unless the relation-

ship allows the person whose relationship is the subject of the offset to control at least the number of votes of the provider's governing body or management that is needed to govern the operations of the provider. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2.** 22 MRSA §1714-A, sub-§10 is enacted to read:

**10. No imposition of liability on other persons.** The department may not by any means, including without limitation any rule or any contract or agreement with a provider, impose liability for a debt under this section on any person other than the provider notified of the debt pursuant to subsection 2 or a person subject to collection by offset pursuant to rules adopted under subsection 5. This subsection does not prohibit the department from seeking recovery of civil penalties from any person as provided in section 15.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 4, 2019.

**CHAPTER 443**

**S.P. 695 - L.D. 1842**

**An Act To Require Education  
and Training Regarding  
Harassment for Legislators,  
Legislative Staff and Lobbyists**

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

**Sec. 1.** 3 MRSA §170-B is enacted to read:

**§170-B. Required training regarding harassment**

All Legislators, legislative staff and lobbyists shall attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" has the same meaning as in section 312-A, subsection 10.

**Sec. 2.** 3 MRSA §312-B is enacted to read:

**§312-B. Required training regarding harassment**

A lobbyist shall complete the training required under section 170-B, retain proof of completion of the training for 2 years following completion and certify completion of that training to the commission at the time of registration under section 313. If completion of the required training prior to registration is not pos-

sible due to circumstances that are beyond a lobbyist's control, the commission may provide a limited extension to that lobbyist for completion of the training. If a lobbyist has a very limited physical presence in the State House and the Burton M. Cross Building, the commission may exempt the lobbyist from the requirements of this section.

Sec. 3. 3 MRSA §316, sub-§4-C, as enacted by PL 2007, c. 630, §12, is amended to read:

4-C. Website of employer. The address for the employer's publicly accessible website; and

Sec. 4. 3 MRSA §316, sub-§4-D is enacted to read:

4-D. Date of completion of required harassment training. The date that the lobbyist completed the training required under section 170-B; and

Sec. 5. 3 MRSA §321, sub-§9 is enacted to read:

9. Reject registrations. The commission shall reject registrations that do not include certification of completion of training required under section 170-B.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds for the contracting and related costs of providing harassment training for lobbyists.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,650
GENERAL FUND TOTAL	\$0	\$2,650

See title page for effective date.

CHAPTER 444

H.P. 1282 - L.D. 1845

An Act To Provide Incentives To Attract Trained Firefighters to Maine and To Retain Trained Firefighters by Expanding the Provision of Live Fire Service Training

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

Sec. 1. 5 MRSA §3371, sub-§8, ¶¶F and G, as enacted by PL 1999, c. 731, Pt. AAAA, §1, are amended to read:

F. Assist all governmental agencies with firefighter training and education responsibilities to enhance their delivery of services to fire prevention, protection and life safety professionals, including paid, call and volunteer fire service members; and

G. Submit proposed legislation to the Legislature to implement any recommendations of the commission; and

Sec. 2. 5 MRSA §3371, sub-§8, ¶H is enacted to read:

H. Make awards from the Live Fire Service Training Facilities Fund pursuant to Title 20-A, section 9004 and direct the Maine Fire Service Institute within the Maine Community College System to make payments to municipalities from the fund.

Sec. 3. 20-A MRSA §9004 is enacted to read:

§9004. Live Fire Service Training Facilities Fund

1. Fund established. The Live Fire Service Training Facilities Fund, referred to in this section as "the fund," is established under the Maine Fire Service Institute within the Maine Community College System as a nonlapsing fund to provide funds to municipalities for the construction and repair or replacement of regional live fire service training facilities in the State.

2. Grant program. The Maine Fire Protection Services Commission, referred to in this section as "the commission" and established pursuant to Title 5, section 12004-J, subsection 12, shall establish criteria to award grants to municipalities from the fund, including a requirement that proposals be fully designed and approved by a licensed professional engineer as defined in Title 32, section 1251, subsection 4. The commission may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Procedure. Municipalities may apply to the commission for grants. The commission shall evaluate each application pursuant to the criteria developed in subsection 2 and, to the extent funds are available, shall award grants from the fund to support the construction and repair or replacement of regional live fire service training facilities.

4. Payment of grants. Upon the award of a grant by the commission, the commission shall direct the Maine Fire Service Institute to make the payment of the grant award to the municipality from the fund.

Sec. 4. Sunset of funding for programs. Notwithstanding any provision of law to the contrary, funding provided to the Board of Trustees of the Maine Community College System related to expenditures for the construction and repair or replacement of

live fire service training facilities may not be provided beyond fiscal year 2020-21 without explicit legislative approval.

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

**COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE**

**Live Fire Service Training Facilities Fund N278**

Initiative: Provides funding for the Maine Fire Service Institute to provide funds for the construction and repair or replacement of regional live fire service training facilities in the State awarded by the Maine Fire Protection Services Commission through fiscal year 2020-21 only.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$500,000
<hr/>		
GENERAL FUND TOTAL	\$0	\$500,000

See title page for effective date.

**CHAPTER 445**

**H.P. 1315 - L.D. 1882**

**An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans**

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

**Sec. 1. 36 MRSA §1760, sub-§102** is enacted to read:

**102. Certain support organizations for combat-injured veterans.** Sales to incorporated nonprofit organizations organized for the primary purpose of operating a retreat in the State for combat-injured veterans and their families free of charge.

**Sec. 2. 36 MRSA §2557, sub-§§37 and 38,** as enacted by PL 2015, c. 267, Pt. TTTT, §8 and affected by §9, are amended to read:

**37. Certain veterans' support organizations.** Sales to incorporated nonprofit organizations organized for the purpose of providing direct supportive services in the State to veterans and their families living with service-related post-traumatic stress disorder or traumatic brain injury; and

**38. Nonprofit library collaboratives.** Sales to nonprofit collaboratives of academic, public, school and special libraries that provide support for library resource sharing, promote quality library information

services and support the cultural, educational and economic development of the State; and

**Sec. 3. 36 MRSA §2557, sub-§39** is enacted to read:

**39. Certain support organizations for combat-injured veterans.** Sales to incorporated nonprofit organizations organized for the primary purpose of operating a retreat in the State for combat-injured veterans and their families free of charge.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides one-time funding for programming changes to add an exemption line to the sales tax form.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,500
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GENERAL FUND TOTAL	\$0	\$2,500

**Sec. 5. Effective date.** This Act takes effect October 1, 2018.

See title page for effective date.

**CHAPTER 446**

**S.P. 712 - L.D. 1869**

**An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19**

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period in order to ensure state funding of local schools in fiscal year 2018-19; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 20-A MRSA §15671-A, sub-§2, ¶B,** as amended by PL 2017, c. 284, Pt. C, §23, is further amended to read:

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

- (1) For the 2005 property tax year, the full-value education mill rate is the amount necessary to result in a 47.4% statewide total local share in fiscal year 2005-06.
- (2) For the 2006 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2006-07.
- (3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 46.49% statewide total local share in fiscal year 2007-08.
- (4) For the 2008 property tax year, the full-value education mill rate is the amount necessary to result in a 47.48% statewide total local share in fiscal year 2008-09.
- (4-A) For the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a 51.07% statewide total local share in fiscal year 2009-10.
- (4-B) For the 2010 property tax year, the full-value education mill rate is the amount necessary to result in a 54.16% statewide total local share in fiscal year 2010-11.
- (4-C) For the 2011 property tax year, the full-value education mill rate is the amount necessary to result in a 53.98% statewide total local share in fiscal year 2011-12.
- (5) For the 2012 property tax year, the full-value education mill rate is the amount necessary to result in a 54.13% statewide total local share in fiscal year 2012-13.
- (6) For the 2013 property tax year, the full-value education mill rate is the amount neces-

sary to result in a 52.71% statewide total local share in fiscal year 2013-14.

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

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

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

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

(11) For the 2018 property tax year ~~and subsequent tax years~~, the full-value education mill rate is the amount necessary to result in a ~~45%~~ 50.50% statewide total local share in fiscal year 2018-19 ~~and after~~.

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

**Sec. 2. Mill expectation.** The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2018-19 is 8.48.

**Sec. 3. Total cost of funding public education from kindergarten to grade 12.** The total cost of funding public education from kindergarten to grade 12 for fiscal year 2018-19 is as follows:

	<b>2018-19</b>
	<b>TOTAL</b>
<b>Total Operating Allocation</b>	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,463,639,305
Total adjustments to state subsidy pursuant to Title 20-A, section 15689 included in subsidizable costs and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$509,865,569
<b>Total Operating Allocation and Subsidizable Costs</b>	

Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,973,504,874	Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3	\$300,000
<b>Total Debt Service Allocation</b>		Education research institute contract pursuant to Title 20-A, section 15689-A, subsection 6	\$250,000
Total debt service allocation pursuant to Title 20-A, section 15683-A	\$96,696,235	Emergency bus loan pursuant to Title 20-A, section 15689-A, subsection 9	\$0
<b>Total Adjustments pursuant to Title 20-A, section 15689</b>		Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10	\$4,926,754
Audit adjustments pursuant to Title 20-A, section 15689, subsection 4	\$250,000	Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11	\$3,000,000
Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5	\$391,378	National board certification salary supplement pursuant to Title 20-A, section 15689-A, subsection 12	\$307,551
Regionalization, consolidation and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9	\$4,083,539	Learning through technology program pursuant to Title 20-A, section 15689-A, subsection 12-A	\$14,114,965
Bus refurbishing program adjustments pursuant to Title 20-A, section 15689, subsection 13	\$180,123	Jobs for Maine's Graduates including college pursuant to Title 20-A, section 15689-A, subsection 13	\$3,545,379
MaineCare seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14	\$642,466	Maine School of Science and Mathematics pursuant to Title 20-A, section 15689-A, subsection 14	\$3,615,347
Special education budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 15	\$1,000,000	Maine Educational Center for the Deaf and Hard of Hearing pursuant to Title 20-A, section 15689-A, subsection 15	\$7,769,215
Total adjustments to the state share of total allocation pursuant to Title 20-A, section 15689	\$6,547,506	Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16	\$389,890
<b>Targeted Education Funds pursuant to Title 20-A, section 15689-A</b>		Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17	\$382,418
Special education costs for state agency clients and state wards pursuant to Title 20-A, section 15689-A, subsection 1	\$29,737,998		

Center of Excellence for At-risk Students pursuant to Title 20-A, section 15689-A, subsection 20	\$152,000	National industry standards for career and technical education pursuant to Title 20-A, section 15688-A, subsection 6	\$2,000,000
Fund for the Efficient Delivery of Educational Services pursuant to Title 20-A, section 15689-A, subsection 21	\$0	Total enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D	\$56,450,000
Comprehensive early college programs funding (bridge year program) pursuant to Title 20-A, section 15689-A, subsection 23	\$1,000,000	<b>Total Cost of Funding Public Education from Kindergarten to Grade 12</b>	
Community school pilots (3 pilot projects for 5 years) pursuant to Title 20-A, section 15689-A, subsection 25	\$50,000	Total cost of funding public education from kindergarten to grade 12 for fiscal year pursuant to Title 20-A, chapter 606-B, not including normal retirement costs	\$2,203,060,546
Maine School for Marine Science, Technology, Transportation and Engineering pursuant to Title 20-A, section 15689-A, subsection 26	\$320,414	Total normal cost of teacher retirement	\$46,519,107
Total targeted education funds pursuant to Title 20-A, section 15689-A	\$69,861,931	Total cost of funding public education from kindergarten to grade 12 for fiscal year pursuant to Title 20-A, chapter 606-B, including normal retirement costs	\$2,249,579,653
<b>Enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D</b>		Total cost of state contribution to unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2018-19 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement	\$181,527,833
Career and technical education costs pursuant to Title 20-A, section 15688-A, subsection 1	\$53,500,000	Total cost of funding public education from kindergarten to grade 12, plus state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2018-19 pursuant to Title 5, chapters 421 and 423	\$2,431,107,486
Career and technical education middle school costs pursuant to Title 20-A, section 15672, subsection 1-D	\$500,000		
College transitions programs through adult education college readiness programs pursuant to Title 20-A, section 15688-A, subsection 2	\$450,000		
New or expanded public pre-school pursuant to Title 20-A, section 15688-A, subsection 4	\$0		
School improvement and support pursuant to Title 20-A, section 15688-A, subsection 5	\$0		

**Sec. 4. Local and state contributions to total cost of funding public education from kindergarten to grade 12.** The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year

beginning July 1, 2018 and ending June 30, 2019 is calculated as follows:

	2018-19 LOCAL	2018-19 STATE
<b>Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12</b>		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subject to statewide distributions required by law	\$1,134,201,570	\$1,115,378,083
State contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2018-19 pursuant to Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement		\$181,527,833
State contribution to the total cost of funding public education from kindergarten to grade 12 plus state contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance pursuant to Title 5, chapters 421 and 423		\$1,296,905,916

**Sec. 5. Authorization of payments.** If the State's continued obligation for any individual component contained in those sections of this Act that set the total cost of funding public education from kindergar-

ten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from this Act may not lapse but must be carried forward for the same purpose.

**Sec. 6. Limit of State's obligation.** Those sections of this Act that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

**Sec. 7. Allocation for career and technical education center or career and technical education region.** For the purposes of calculating the total allocation for a career and technical education center or career and technical education region, to the extent that funding under the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 1 allows, any cap on the total allocation does not apply for the fiscal year beginning July 1, 2018 and ending June 30, 2019 only.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 8, 2018.

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**CHAPTER 447**

**S.P. 84 - L.D. 238**

**An Act To Amend the Maine Medical Use of Marijuana Act**

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

**Whereas,** the medical marijuana industry has developed a variety of products containing marijuana to serve the needs of qualifying patients; and

**Whereas,** the process of manufacturing those products may involve substances that are hazardous to use or that are hazardous to health; and

**Whereas,** increased oversight over the manufacturing and testing of medical marijuana products is needed to ensure safety during the process of manufacturing and the safety of medical marijuana products intended for human consumption; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §2422, sub-§4-D to 4-I** are enacted to read:

**4-D. Inherently hazardous substance.** "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

**4-E. Manufacture or manufacturing.** "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

**4-F. Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person or entity authorized to engage in marijuana extraction under section 2423-F.

**4-G. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.

**4-H. Marijuana extraction.** "Marijuana extraction" means the process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

**4-I. Marijuana product.** "Marijuana product" means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

**Sec. 2. 22 MRSA §2422, sub-§5-C, ¶A,** as enacted by PL 2015, c. 475, §3, is amended to read:

A. Is licensed, certified or otherwise approved by the department authorized in accordance with rules adopted by the department under section 2423-A, subsection 10, ~~paragraph D~~ to analyze contaminants in and the potency and cannabinoid profile of samples; and

**Sec. 3. 22 MRSA §2422, sub-§14-A,** as enacted by PL 2015, c. 475, §5, is amended to read:

**14-A. Sample.** "Sample" means any marijuana or product containing marijuana regulated under this

chapter that is provided for testing or research purposes to a marijuana testing facility by a qualifying patient, designated primary caregiver ~~or~~ dispensary or manufacturing facility.

**Sec. 4. 22 MRSA §2423-A, sub-§1, ¶H,** as amended by PL 2015, c. 475, §7, is further amended to read:

H. Accept excess prepared marijuana from a primary caregiver in accordance with subsection 2, paragraph H if nothing of value is provided to the primary caregiver; ~~and~~

**Sec. 5. 22 MRSA §2423-A, sub-§1, ¶I,** as enacted by PL 2015, c. 475, §8, is amended to read:

I. Provide samples to a marijuana testing facility for testing and research purposes; ~~and~~

**Sec. 6. 22 MRSA §2423-A, sub-§1, ¶¶J and K** are enacted to read:

J. Manufacture marijuana products and marijuana concentrate for medical use, except that a qualifying patient may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; and

K. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the qualifying patient provided to the manufacturing facility.

**Sec. 7. 22 MRSA §2423-A, sub-§2, ¶G,** as amended by PL 2013, c. 516, §7, is repealed and the following enacted in its place:

G. Manufacture marijuana products and marijuana concentrate for medical use, except that a primary caregiver may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;

**Sec. 8. 22 MRSA §2423-A, sub-§2, ¶¶L and M,** as enacted by PL 2015, c. 475, §11, are amended to read:

L. If the primary caregiver is a registered primary caregiver, provide samples to a marijuana testing facility for testing and research purposes; ~~and~~

M. If the primary caregiver is a registered primary caregiver, conduct marijuana testing at the request of anyone authorized to possess marijuana under this chapter for research and development purposes only; ~~and~~

**Sec. 9. 22 MRSA §2423-A, sub-§2, ¶N** is enacted to read:

N. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the primary caregiver provided to the manufacturing facility.

**Sec. 10. 22 MRSA §2423-A, sub-§10**, as enacted by PL 2015, c. 475, §14, is amended to read:

**10. Marijuana testing facility.** The following provisions apply to a marijuana testing facility.

A. A marijuana testing facility that meets the requirements of this subsection and any rules adopted under paragraph D may receive and possess samples from qualifying patients, designated primary caregivers ~~and~~, dispensaries ~~and~~ manufacturing facilities to provide testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant regulators and illegal pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning as in Title 7, section 604, subsection 26.

B. An employee of a marijuana testing facility may have access to cultivation facilities pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph I.

C. A marijuana testing facility shall:

(1) ~~Properly dispose~~ Dispose of marijuana residue in compliance with department rules in a manner that prevents diversion of marijuana to persons not authorized to possess marijuana tested by the facility;

(2) House and store marijuana in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss;

(3) Label marijuana being transported to and from the facility with the following statement: "For Testing Purposes Only";

(4) Maintain testing results as part of the facility's business books and records; and

(5) Operate in accordance with any rules adopted by the department.

D. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing marijuana testing facilities, including but not limited to:

(1) Marijuana testing facility director qualification requirements;

(2) Required security for marijuana testing facilities; and

(3) Requirements for the licensing, certifying or other approval of marijuana testing facilities.

The failure of the department to adopt rules under this paragraph does not prevent a marijuana testing facility from engaging in activities in compliance with this subsection.

E. A marijuana testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body. The department may inspect a marijuana testing facility during regular business hours and hours of apparent activity for compliance with this Act.

**Sec. 11. 22 MRSA §2423-A, sub-§11, ¶B**, as enacted by PL 2015, c. 475, §14, is amended to read:

B. A principal officer, board member, agent or employee of a marijuana testing facility is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a marijuana testing facility to test marijuana provided by a qualifying patient, registered primary caregiver ~~or~~, dispensary ~~or~~ manufacturing facility.

**Sec. 12. 22 MRSA §2423-A, sub-§12**, as enacted by PL 2015, c. 475, §14, is amended to read:

**12. Interest.** A principal officer, board member or employee of a registered dispensary ~~or~~, primary caregiver ~~or~~ manufacturing facility may not have a financial or other interest in a marijuana testing facility providing services associated with product labeling for that dispensary ~~or~~, primary caregiver ~~or~~ manufacturing facility.

**Sec. 13. 22 MRSA §2423-A, sub-§13**, as enacted by PL 2017, c. 271, §1, is repealed.

**Sec. 14. 22 MRSA §2423-A, sub-§14** is enacted to read:

**14. Municipal regulation.** Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered primary caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities, except that municipalities may not prohibit or limit the number of registered primary caregivers.

**Sec. 15. 22 MRSA §2423-F** is enacted to read:

**§2423-F. Marijuana manufacturing facilities**

A person may not manufacture marijuana products or marijuana concentrate or engage in marijuana extraction except as provided in this chapter.

**1. Tier 1 manufacturing facility.** A tier 1 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 40 pounds of harvested marijuana and marijuana in various stages of processing at any one time.

**2. Tier 2 manufacturing facility.** A tier 2 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 200 pounds of harvested marijuana and marijuana in various stages of processing at any one time.

**3. Authorization for extraction using inherently hazardous substances.** This subsection governs the authority of a person or entity to engage in marijuana extraction using inherently hazardous substances in accordance with subsection 5.

A. A qualifying patient, primary caregiver, registered dispensary or manufacturing facility may engage in marijuana extraction using inherently hazardous substances if the person or entity can produce, upon demand of the department:

(1) Certification from a professional engineer licensed in this State of the safety of the equipment used for marijuana extraction and the location of the equipment and the professional engineer's approval of the standard operating procedures for the marijuana extraction;

(2) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that the equipment used for marijuana extraction and the location of the equipment comply with state law and all applicable local and state building codes, electrical codes and fire codes, including the chapters of the most recent National Fire Protection Association Fire Code relating to marijuana extraction facilities;

(3) Documentation from the manufacturer of the marijuana extraction system or a professional engineer licensed in this State showing that a professional grade, closed-loop extraction system that is capable of recovering the solvents used to produce marijuana concentrate is used by the person or entity; and

(4) Evidence that the person or entity has provided notice to the department of the per-

son's or entity's intent to engage in marijuana extraction using inherently hazardous substances and the location where the marijuana extraction will occur prior to engaging in marijuana extraction using inherently hazardous substances.

A person or entity that intends to engage in marijuana extraction using inherently hazardous substances shall notify the department of that intention prior to engaging in marijuana extraction using inherently hazardous substances. The department may deny an application of a person or entity authorized under this subsection to register pursuant to rules adopted under subsection 10 if the person or entity did not notify the department in accordance with this subsection.

B. A person or entity that is not a qualifying patient, primary caregiver or registered dispensary and that meets the requirements of a person or entity authorized under paragraph A, pays the fee required by section 2425, subsection 12 and meets the requirements of rules adopted under subsection 10 is authorized to engage in marijuana extraction using inherently hazardous substances and may possess up to 40 pounds of harvested marijuana and marijuana in various stages of processing at any one time.

**4. Authorized conduct; manufacturing facilities.** A registered manufacturing facility:

A. May manufacture marijuana products and marijuana concentrate for medical use using any method that does not involve an inherently hazardous substance, except that a registered manufacturing facility may manufacture marijuana concentrate using inherently hazardous substances if authorized under subsection 3;

B. May obtain harvested marijuana from a qualifying patient, a primary caregiver or a registered dispensary and may transfer marijuana products and marijuana concentrate to the person or entity that provided the harvested marijuana used to manufacture the marijuana product or marijuana concentrate;

C. May transfer marijuana products or marijuana concentrate to a marijuana testing facility for testing;

D. May conduct testing of marijuana products or marijuana concentrate manufactured by the facility for research and development purposes;

E. May receive reasonable compensation for manufacturing marijuana products or marijuana concentrate;

F. Shall dispose of marijuana used in the manufacturing process in a manner that prevents diversion of marijuana to persons not authorized to

possess marijuana or marijuana products possessed by the facility and in accordance with rules adopted by the department; and

G. May employ staff.

**5. Authorized conduct; extraction using inherently hazardous substances.** A person or entity that is authorized to engage in marijuana extraction using inherently hazardous substances pursuant to subsection 3:

A. May engage in marijuana extraction to produce marijuana concentrate for medical use;

B. May obtain harvested marijuana from a qualifying patient, a primary caregiver or a registered dispensary and may transfer marijuana concentrate to the person or entity that provided the harvested marijuana used to produce the marijuana concentrate;

C. May transfer marijuana concentrate to a marijuana testing facility for testing;

D. May conduct testing of marijuana concentrate produced by the person or entity for research and development purposes;

E. May receive reasonable compensation for producing marijuana concentrate;

F. Shall dispose of marijuana used in the extraction process in a manner that prevents diversion of marijuana to persons not authorized to possess marijuana or marijuana products possessed by the person or entity and in accordance with rules adopted by the department; and

G. May employ staff, except that a qualifying patient authorized under subsection 3 may not employ staff and a primary caregiver shall comply with the employment limit established in section 2423-A, subsection 2, paragraph I.

Notwithstanding the authorizations established in this subsection, a person, entity or facility that is authorized to engage in marijuana extraction using inherently hazardous substances pursuant to subsection 3 shall comply with any rules adopted pursuant to subsection 10.

**6. Retail sale prohibited.** A registered manufacturing facility or a person or entity authorized to engage in marijuana extraction under subsection 3 may not engage in retail sales of marijuana products or marijuana concentrate unless the person or entity is authorized to engage in retail sales under this chapter.

**7. Food establishment license required to manufacture food products.** A registered manufacturing facility or a person or entity authorized to manufacture marijuana concentrate using inherently hazardous substances may not manufacture edible mari-

juana products or marijuana tinctures unless licensed pursuant to section 2167.

**8. Registration requirements.** This section governs registration requirements of a manufacturing facility or a person or entity authorized to engage in marijuana extraction under subsection 3 using inherently hazardous substances and the principal officers, board members and employees of the facility, person or entity.

A. In accordance with rules adopted under subsection 10, the department shall register and issue a registration certificate with a registry identification number to a manufacturing facility or a person or entity authorized to engage in marijuana extraction within 30 days to the facility, person or entity if the facility, person or entity provides:

(1) The annual fee required pursuant to section 2425, subsection 12;

(2) The legal name of the facility, person or entity and, if incorporated, evidence of incorporation and evidence that the corporation is in good standing with the Secretary of State;

(3) The physical address of the facility or entity, or the physical address where an applicant who is an individual will engage in the activities authorized under this section. If the facility or entity changes its physical location, or if a person registered under this subsection changes the location at which the person engages in activities authorized under this section, the facility, entity or person shall notify the department of the new location; and

(4) The name, address and date of birth of each principal officer, board member and employee of the facility or entity.

B. In accordance with rules adopted under subsection 10, the department shall issue registry identification cards to the principal officers, board members and employees of a registered manufacturing facility or entity authorized to engage in marijuana extraction using inherently hazardous substances within 5 business days of approving an application or renewal under this section. A registry identification card is required to be issued to a principal officer, board member or employee of a registered manufacturing facility or entity authorized to engage in marijuana extraction using inherently hazardous substances. Registry identification cards expire one year after the date of issuance. A registry identification card issued under this paragraph must contain:

(1) The name of the cardholder;

(2) The date of issuance and expiration date of the registry identification card; and

(3) A random identification number that is unique to the cardholder.

The department may not issue a registry identification card to any principal officer, board member or employee of a registered manufacturing facility or person or entity authorized to engage in marijuana extraction using inherently hazardous substances who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each person, principal officer, board member or employee subject to this subsection on an annual basis in order to ensure that each person, principal officer, board member or employee has not been convicted of a disqualifying drug offense. If the department determines not to issue a registry identification card for a person, principal officer, board member or employee, the department shall notify the registered manufacturing facility or person or entity authorized to engage in marijuana extraction using inherently hazardous substances in writing of the reason for denying the registry identification card.

**9. Packaging and labeling requirements.** A manufacturing facility shall package and label its marijuana products and marijuana concentrate prior to transfer from the manufacturing facility in a form intended for use or consumption by a qualifying patient in tamper-evident packaging and with a label that includes the following information:

A. The registry identification number of the manufacturing facility;

B. Information that allows the provider of the marijuana to the manufacturing facility to confirm that the marijuana provided was used to manufacture the marijuana product or marijuana concentrate transferred back to that provider;

C. Ingredients other than marijuana contained in the marijuana product or marijuana concentrate; and

D. Any chemicals, solvents or other substances used to manufacture the marijuana product or marijuana concentrate.

**10. Rulemaking.** The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing manufacturing facilities, including but not limited to:

A. Requirements for the registration of a manufacturing facility and the principal officers, board members and employees of a registered manufacturing facility;

B. Requirements for engaging in marijuana extraction using inherently hazardous substances;

C. Manufacturing facility director or principal officer qualification requirements;

D. Required security for manufacturing facilities;

E. Requirements of a disposal plan for marijuana used in the manufacturing process;

F. Minimum record-keeping requirements, including an annual audit requirement; and

G. Minimum content of educational materials provided to the recipient of the marijuana products or marijuana concentrate.

The failure of the department to adopt rules under this subsection does not prevent a person or entity authorized pursuant to subsection 3, paragraph A from engaging in conduct authorized under this section.

**11. Multiple authorizations.** A person or entity registered pursuant to subsection 8 may also be a qualifying patient or a primary caregiver, and an entity registered pursuant to subsection 8 may also be a registered dispensary. A person or entity authorized to possess marijuana under this Act may possess the amount allowed for that person or entity in addition to the possession amount allowed under this section if registered pursuant to this section. The marijuana possessed must be distinguishable with respect to the purposes for which it is authorized to be possessed.

**12. Record keeping.** A registered manufacturing facility or person or entity authorized to engage in marijuana extraction using inherently hazardous substances under subsection 3 shall maintain records of all transactions for a minimum of one year after the date of the transaction.

**13. Compliance.** The department may inspect a manufacturing facility during regular business hours and hours of apparent activity for compliance with this chapter.

**14. Immunity.** The immunity provisions in this subsection apply to manufacturing facilities and the officers, board members, agents and employees of manufacturing facilities.

A. A manufacturing facility is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this section to assist with the medical use of marijuana in accordance with this chapter.

B. A principal officer, board member, agent or employee of a manufacturing facility is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board

or entity, and may not be denied any right or privilege solely for working for or with a manufacturing facility to provide prepared marijuana to qualifying patients, primary caregivers, registered dispensaries or marijuana testing facilities or to otherwise assist with the medical use of marijuana in accordance with this chapter.

**Sec. 16. 22 MRSA §2425, sub-§1-A,** as amended by PL 2015, c. 475, §19, is further amended to read:

**1-A. Criminal history record check.** An applicant for a registry identification card who is a primary caregiver ~~or~~, an employee of a primary caregiver or a person authorized to engage in marijuana extraction under section 2423-F, subsection 3 or who is a principal officer, board member or employee of a registered dispensary ~~or a~~ marijuana testing facility or manufacturing facility must undergo a criminal history record check annually.

**Sec. 17. 22 MRSA §2425, sub-§4-A,** as enacted by PL 2015, c. 475, §20, is amended to read:

**4-A. Marijuana testing facility identification card.** The department shall issue registry identification cards to principal officers, board members and employees of a marijuana testing facility within 5 business days of approving an application or renewal under this section ~~in accordance with department rules.~~ The department may not issue a registry identification card to a principal officer, board member or employee of a marijuana testing facility who has been convicted of a disqualifying drug offense. Registry identification cards expire one year after the date of issuance. Registry identification cards must contain:

- A. The name of the cardholder;
- B. The date of issuance and expiration date of the registry identification card; and
- C. A random identification number that is unique to the cardholder.

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 18. 22 MRSA §2425, sub-§12, ¶¶H to J** are enacted to read:

H. There is an annual fee to register a tier 1 manufacturing facility of not less than \$50 and not more than \$150.

I. There is an annual fee to register a tier 2 manufacturing facility of not less than \$150 and not more than \$250.

J. There is an annual fee to register to engage in marijuana extraction under section 2423-F, sub-

section 3 of not less than \$250 and not more than \$350.

**Sec. 19. 22 MRSA §2428, sub-§1-A, ¶D,** as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

D. Assist any patient who designated the dispensary to cultivate marijuana with the medical use or administration of marijuana; ~~and~~

**Sec. 20. 22 MRSA §2428, sub-§1-A, ¶E,** as amended by PL 2013, c. 503, §2, is further amended to read:

E. Obtain prepared marijuana from a primary caregiver under section 2423-A, subsection 2, paragraph H or from another registered dispensary for the purposes of addressing an extended inventory supply interruption under subsection 6, paragraph G;

**Sec. 21. 22 MRSA §2428, sub-§1-A, ¶¶F and G** are enacted to read:

F. Manufacture marijuana products and marijuana concentrate for medical use, except that a registered dispensary may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; and

G. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that is produced from the harvested marijuana the registered dispensary provided to the manufacturing facility.

**Sec. 22. 22 MRSA §2428, sub-§10,** as amended by PL 2011, c. 407, Pt. B, §32, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 9, 2018.

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**CHAPTER 448**  
**S.P. 628 - L.D. 1729**

**An Act To Restore Confidence  
in Utility Billing Systems**

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period in order to restore confidence in utility billing systems as soon as possible; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 35-A MRSA §113, sub-§3**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**3. Costs.** The full cost of the management audit shall must be recovered from ratepayers, except that if the audit of an investor-owned public utility contributes to a commission finding of imprudence that results in a cost disallowance, the commission shall determine how to fairly allocate the cost of the management audit to ratepayers or the shareholders of the investor-owned public utility. In ordering an audit, the commission shall consider the impact of the cost of the audit upon the ratepayers and other alternatives that are available.

**Sec. 2. 35-A MRSA §3104-A** is enacted to read:

**§3104-A. Metering and billing system accuracy**

A transmission and distribution utility shall conduct testing of its metering and billing systems in accordance with rules adopted by the commission.

**1. System accuracy; rulemaking.** The commission shall amend or adopt rules governing the testing of the metering and billing systems of transmission and distribution utilities to ensure accuracy regarding the measurement of the usage of electricity and the determination of customer bills. Rules adopted by the commission must include but are not limited to requirements for the following:

A. The frequency of testing of the metering and billing systems;

B. The method by which the transmission and distribution utility shall conduct testing of its metering and billing system; and

C. The statistical analysis to be used as part of the testing procedures.

The commission may adopt alternative testing procedures based on different metering or billing system technologies, such as for analog meters and digital meters.

**2. Metering and billing system audits.** In adopting rules pursuant to this section, the commission shall consider and may require periodic, independent audits of the metering and billing systems and the commission may determine that such audits are applicable to only residential and small commercial customers of an investor-owned transmission and distribution utility.

If the commission requires periodic, independent audits of the metering and billing systems of an investor-owned transmission and distribution utility, the rules must contain at a minimum the following provisions:

A. The method by which the commission will choose an independent auditor;

B. The allocation of costs of a periodic metering and billing systems audit; and

C. The statistical analysis to be used in an audit.

Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. Report on cost of management audit.** The Public Utilities Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 15, 2019 on whether the commission has exercised the authority granted to it in the Maine Revised Statutes, Title 35-A, section 113, subsection 3 to allocate the cost of a management audit to ratepayers or shareholders of an investor-owned public utility. The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill to the First Regular Session of the 129th Legislature that amends Title 35-A, section 113, subsection 3.

**Sec. 4. Report.** The Public Utilities Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by February 1, 2019 that addresses the following issues:

1. Whether investor-owned transmission and distribution utilities are doing enough to protect and strengthen their systems, especially with what appears to be an increase in high-intensity storm events;

2. Whether it is in the ratepayers' interest to require investor-owned transmission and distribution utilities to do more to strengthen and protect their systems against damage in order to prevent and decrease the number and duration of power outages; and

3. With respect to utility operations, what can be done to improve public safety during storm events and what lessons have been learned from recent outages due to storm events.

In addressing subsection 3, the commission shall consult with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and review what other states are doing to improve emergency planning and preparedness.

The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill to the First Regular Session of the 129th Legislature relating to the matters addressed by the report.

**Sec. 5. Audit determinations.** In making determinations regarding metering and billing systems audits in accordance with the Maine Revised Statutes, Title 35-A, section 3104-A, subsection 2, the Public Utilities Commission shall consider information learned from the audit of Central Maine Power Company's customer billing system initiated in Public Utilities Commission, Docket No. 2018-00052.

**Sec. 6. Rules.** The Public Utilities Commission shall provisionally amend or adopt rules by January 11, 2019 in accordance with the Maine Revised Statutes, Title 35-A, section 3104-A.

**Sec. 7. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, that section of this Act that amends Title 35-A, section 113, subsection 3 applies to a management audit concluded at any time after the effective date of this Act.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 9, 2018.

**CHAPTER 449  
S.P. 678 - L.D. 1809**

**An Act To Amend the Laws  
Governing the Issuance of  
Burn Permits**

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

**Whereas**, under current law, anyone performing out-of-door burning is required to obtain a permit from the town forest fire warden or from the forest ranger having jurisdiction over the location where the fire is to be set; and

**Whereas**, until recently, as a convenience to the residents of the State, burn permits were available online and at no charge through a 3rd-party provider; and

**Whereas**, due to a change in interpretation of policy by the Commissioner of Agriculture, Conservation and Forestry, residents of the State are no longer able to get free online burn permits; and

**Whereas**, the burn permits issued online by the Department of Agriculture, Conservation and Forestry cost \$7 per permit; and

**Whereas**, in order to restore to the residents of the State the convenience of obtaining burn permits online and at no charge, it is necessary that this legislation take effect as soon as possible; and

**Whereas**, it is necessary for public safety that all burn permits are validly issued pursuant to statutory criteria in order to prevent wildfires, damage to property and harm to persons; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §9321, sub-§3**, as enacted by PL 1979, c. 545, §3, is amended to read:

**3. Delegation.** The director may delegate the issuance of permits to forest rangers or town forest fire wardens and their deputies. A town forest fire warden or deputy authorized to issue permits pursuant to this subsection may issue permits using burn permit software acquired from a private party to establish a publicly accessible online system in accordance with section 9327.

**Sec. 2. 12 MRSA §9321-A, sub-§1**, as amended by PL 1997, c. 512, §3, is further amended to read:

**1. Possession and production of permit in organized territory.** Any person, firm or corporation that engages in out-of-door burning in any municipality, plantation or village corporation as permitted by this article shall possess the permit at the scene of the burning and shall produce the permit on the demand of authorized persons, including fire chiefs, town forest fire wardens or their designated agents, state forest rangers, municipal code enforcement officers and any law enforcement officer as defined in Title 17-A. A person, firm or corporation that is issued an electronic permit pursuant to section 9326 or section 9327 may produce the permit on an electronic device.

**Sec. 3. 12 MRSA §9326, last ¶**, as amended by PL 2013, c. 35, §1, is further amended to read:

A person may apply for a permit to burn using the Internet or as otherwise provided in this article. When a person applies for and is issued a permit electronically ~~using the Internet pursuant to this section~~, a fee of \$7 must be paid. From the \$7 fee, \$4 must be deposited in the General Fund, \$2 must be transferred to the municipality in which the permit is issued and the remainder of \$1 must be used to cover administrative costs. For a permit issued in the unorganized and de-organized areas, from the \$7 fee, \$6 must be deposited in the General Fund and the remainder of \$1 must be used to cover administrative costs.

**Sec. 4. 12 MRSA §9327** is enacted to read:

**§9327. Private party burn permit software**

The Director of the Bureau of Forestry shall allow a municipality to use burn permit software acquired from a private party to establish a publicly accessible online system to issue a permit to burn pursuant to section 9325 if the issuance of a permit to burn using the private party burn permit software is in accordance with the criteria in section 9321.

**1. Approval.** The Director of the Bureau of Forestry shall approve private party burn permit software within 10 business days after a vendor or owner of a private party burn permit software system submits a request for review of the software to the director if the software submitted meets the requirements of this section and there are fewer than 2 private party burn permit software programs approved and in use pursuant to this section.

**2. Limit on private party burn permit software.** No more than 2 private party burn permit software programs may be approved and in operation in the State.

**3. Notification.** If the Director of the Bureau of Forestry does not approve the private party burn permit software that has been submitted for review under subsection 1, the director shall notify the vendor or owner of the private party burn permit software in writing of the reasons why the software has not been approved.

**4. Appeal.** A denial of approval of a private party burn permit software system is a final agency action that may be appealed in accordance with Title 5, chapter 375, subchapter 7.

**5. Fee.** If a person uses private party burn permit software to apply for a permit to burn, that person may not be charged a fee for the permit.

**6. Private party burn permit software to be provided at no charge.** A vendor or owner of a private party burn permit software system may not charge a municipality for use of private party burn permit software approved under subsection 1.

**7. Application for burn permit not using private party burn permit software.** A person may not be required to apply for a permit to burn using private party burn permit software, but may apply as otherwise provided in this article.

**8. Rules.** The Director of the Bureau of Forestry may adopt rules relating to private party burn permit software requirements. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 9, 2018.

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**CHAPTER 450**
**S.P. 519 - L.D. 1490****An Act To Stabilize Funding for the County Jails**

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

**Sec. 1. Allocation to fund county and regional jails.** One-time funding provided pursuant to section 3 to the Department of Corrections, County Jails Operation Fund for county and regional jails to offset unusually high costs incurred in fiscal year 2017-18 or incurring in fiscal year 2018-19 must be allocated as specified in this section.

1. Of the \$3,000,000 appropriation, \$2,712,008 must be allocated to the following jails in the following amounts:

- A. Androscoggin County Jail, \$354,895;
- B. Aroostook County Jail, \$67,427;
- C. Cumberland County Jail, \$300,954;
- D. Franklin County Jail, \$121,358;
- E. Hancock County Jail, \$92,083;
- F. Oxford County Jail, \$691,718;
- G. Penobscot County Jail, \$468,864;
- H. Piscataquis County Jail, \$225,626;
- I. Somerset County Jail, \$194,754; and
- J. Two Bridges Regional Jail, \$194,329.

2. The Department of Corrections shall use the remaining \$287,992 to reimburse county and regional jails for unexpected situations, as documented by the jails to the Department of Corrections, that cause expenditures in fiscal year 2018-19 that are not anticipated by the jails and that are in excess of the budgets of the jails and the amounts listed in paragraph A.

Funds provided under this section that are not expended by the county or regional jail during fiscal year 2018-19 lapse to the Department of Corrections, County Jails Operation Fund for use in a future year.

**Sec. 2. Transfers from available fiscal year 2018-19 Department of Professional and Financial Regulation Other Special Revenue Funds balances to General Fund.** At the close of fiscal year 2018-19, the State Controller shall transfer \$3,000,000 from available balances in Other Special

Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus. On or before June 30, 2019, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds will be transferred so that the sum equals \$3,000,000 and notify the State Controller and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs of the amounts to be transferred from each account.

**Sec. 3. Appropriations and allocations.**  
The following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF  
County Jails Operation Fund Z227**

Initiative: Appropriates additional funds on an ongoing basis for the County Jails Operation Fund program of which \$1,700,000 must be spent on community corrections as required pursuant to the Maine Revised Statutes, Title 34-A, section 1210-D, subsection 1.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$3,000,000
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GENERAL FUND TOTAL	\$0	\$3,000,000

**County Jails Operation Fund Z227**

Initiative: Provides one-time funding for county and regional jails with unusually high costs incurred during fiscal year 2017-18, such costs having been incurred to meet State of Maine jail standards and operational guidelines for the incarceration of inmates awaiting adjudication or serving sentences and for such unanticipated expenditures in fiscal year 2018-19. This appropriation is to be allocated to county and regional jails as provided in section 1.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$3,000,000
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GENERAL FUND TOTAL	\$0	\$3,000,000

**County Jails Operation Fund Z227**

Initiative: Appropriates funds for the Kennebec County Criminogenic Addiction Recovery Academy (CARA) program.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$120,000
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GENERAL FUND TOTAL	\$0	\$120,000

**CORRECTIONS,  
DEPARTMENT OF**

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$6,120,000
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$6,120,000

See title page for effective date.

**CHAPTER 451  
H.P. 1216 - L.D. 1762**

**An Act To Ensure Sustainable  
Health Care Access in the  
Jackman Region**

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

Whereas, health care access is an integral part of health care in the State; and

Whereas, the Jackman Community Health Center provides vital 24-hour medical services for the northern Somerset County region; and

Whereas, the Jackman Community Health Center's financial situation puts these services at risk; and

Whereas, without these medical services many of the most vulnerable residents would no longer be able to remain in the region; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Office of MaineCare Services 0129**

Initiative: Provides funding for health care access at the Jackman Community Health Center.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$150,000

GENERAL FUND	\$0	\$150,000
TOTAL		

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 9, 2018.

**CHAPTER 452**

**H.P. 1060 - L.D. 1539**

**An Act To Amend Maine's Medical Marijuana Law**

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

**Sec. 1. 22 MRSA §2152, sub-§4-A,** as amended by PL 2011, c. 407, Pt. A, §2, is further amended to read:

**4-A. Food establishment.** "Food establishment" means a factory, plant, warehouse or store in which food and food products are manufactured, processed, packed, held for introduction into commerce or sold. "Food establishment" includes a ~~primary~~ caregiver, as defined in section 2422, subsection 8-A, and a registered dispensary, as defined in section 2422, subsection 6, that prepare food containing marijuana for medical use by a qualifying patient pursuant to chapter 558-C. The following establishments are not considered food establishments required to be licensed under section 2167:

- A. Eating establishments, as defined in section 2491, subsection 7;
- B. Fish and shellfish processing establishments inspected under Title 12, section 6101, 6102 or 6856;
- C. Storage facilities for native produce;
- D. Establishments such as farm stands and farmers' markets primarily selling fresh produce not including dairy and meat products;
- E. Establishments engaged in the washing, cleaning or sorting of whole produce, provided the produce remains in essentially the same condition as when harvested. The whole produce may be packaged for sale, provided that packaging is not by a vacuum packaging process or a modified atmosphere packaging process;
- F. Establishments that are engaged in the drying of single herbs that are generally recognized as safe under 21 Code of Federal Regulations, Sections 182 to 189. The single herbs may be packaged for sale, provided that packaging is not by a

vacuum packaging process or a modified atmosphere packaging process; and

G. A ~~primary~~ caregiver, as defined in section 2422, subsection 8-A, conducting an activity allowed in section 2423-A for a qualifying patient who is a member of the family, as defined in section 2422, subsection 5-A, or member of the household, as defined in section 2422, subsection 5-B, of the ~~primary~~ caregiver.

**Sec. 2. 22 MRSA §2158,** as amended by PL 2011, c. 407, Pt. A, §3 and c. 657, Pt. W, §6, is further amended to read:

**§2158. Addition of certain substances limited**

Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, must be deemed to be unsafe for purposes of the application of section 2156, subsection 1, paragraph B; but when such substance is so required or cannot be avoided, the Commissioner of Agriculture, Conservation and Forestry shall adopt rules limiting the quantity therein or thereon to such extent as the commissioner finds necessary for the protection of public health, and any quantity exceeding the limits so fixed must be deemed to be unsafe for purposes of the application of section 2156, subsection 1, paragraph B. While such a rule is in effect limiting the quantity of any such substance in the case of any food, such food may not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of section 2156, subsection 1, paragraph A. In determining the quantity of such added substance to be tolerated in or on different articles of food, the commissioner shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances. Goods that are prepared by a ~~primary~~ caregiver under section 2152, subsection 4-A, paragraph G or in a food establishment that is a licensed facility under section 2167 and that contain marijuana for medical use by a qualifying patient, pursuant to chapter 558-C, are not considered to be adulterated under this subchapter.

**Sec. 3. 22 MRSA §2422,** as amended by PL 2017, c. 409, Pt. E, §2, is further amended to read:

**§2422. Definitions**

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

**1. Cardholder.** "Cardholder" means a ~~qualifying patient, a registered primary caregiver, an employee of a registered primary caregiver or a principal officer, board member or employee of a registered dispensary~~

or a marijuana testing facility person who has been issued and possesses a valid registry identification card.

**1-A. Collective.** "Collective" means an association, cooperative, affiliation or group of primary caregivers who physically assist each other in the act of cultivation, processing or distribution of marijuana for medical use for the benefit of the members of the collective.

**1-B. Certified nurse practitioner.** "Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing.

**1-C. Commissioner.** "Commissioner" means the Commissioner of Administrative and Financial Services.

**1-D. Assistant.** "Assistant" means a person paid to perform a service for a caregiver, dispensary, manufacturing facility or marijuana testing facility in accordance with this chapter, whether as an employee or independent contractor.

**1-E. Child-resistant.** "Child-resistant" means, with respect to packaging or a container:

A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and

B. With respect to any product intended for more than a single use or that contains multiple servings, resealable.

**2. Debilitating medical condition.** "Debilitating medical condition" means:

A. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, agitation of Alzheimer's disease, nail patella syndrome or the treatment of these conditions;

B. A chronic or debilitating disease or medical condition or its treatment that produces intractable pain, which is pain that has not responded to ordinary medical or surgical measures for more than 6 months;

C. A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe nausea; or seizures, including but not limited to those characteristic of epilepsy;

D. Any other medical condition or its treatment as provided for in section 2424, subsection 2; or

E. Post traumatic stress disorder, inflammatory bowel disease, dyskinetic and spastic movement disorders and other diseases causing severe and persistent muscle spasms.

**2-A. Department.** "Department" means the Department of Administrative and Financial Services.

**3. Cultivation area.** "Enclosed, locked facility Cultivation area" means a closet, room, building, greenhouse or other enclosed an indoor or outdoor area used for cultivation in accordance with this chapter that is enclosed and equipped with locks or other security devices that permit access only by the individual a person authorized to cultivate the marijuana have access to the area under this chapter.

**3-A. Extended inventory supply interruption.** "Extended inventory supply interruption" means any circumstance that:

A. Requires a registered dispensary to limit for more than a 2 week period the amount that a patient may purchase to less than 2 1/2 ounces during a 15-day period; or

B. Prevents a registered dispensary from consistently offering for a 2 week period or longer a full range of strains of marijuana, including but not limited to strains rich in cannabidiol, to a patient.

**3-B. Edible marijuana product.** "Edible marijuana product" means a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested marijuana.

**3-C. Harvested marijuana.** "Harvested marijuana" means the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

**4. Disqualifying drug offense.** "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or

B. An offense that consisted of conduct that would have been permitted under this chapter.

**4-A. Incidental amount of marijuana.** "Incidental amount of marijuana" means an amount of non-flowering marijuana plants; marijuana seeds, stalks

and roots; and harvested, dried unprepared marijuana defined by rules adopted by the department.

**4-B. Mature marijuana plant.** "Mature marijuana plant" means a harvestable flowering female marijuana plant that is flowering.

**4-C. Medical provider.** "Medical provider" means a physician or a certified nurse practitioner or a physician assistant.

**4-D. Immature marijuana plant.** "Immature marijuana plant" means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

**4-E. Inherently hazardous substance.** "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

**4-F. Long-term care facility.** "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with section 2423-A, subsection 1, paragraph F-1, subparagraph (2).

**4-G. Manufacture or manufacturing.** "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

**4-H. Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

**4-I. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.

**4-J. Marijuana extraction.** "Marijuana extraction" means the process of extracting marijuana concentrate from harvested marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

**4-K. Marijuana plant.** "Marijuana plant" means a plant of the genus *Cannabis*, including, but not limited to, *Cannabis sativa*, *Cannabis indica* and *Cannabis ruderalis* or their hybrids and the seeds of those plants.

**4-L. Marijuana product.** "Marijuana product" means a product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

**4-M. Nonflowering marijuana plant.** "Nonflowering marijuana plant" means a marijuana plant that is in a stage of growth in which the plant's pistils are not showing or the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the plant.

**5. Medical use.** "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's debilitating medical condition diagnosis or symptoms associated with the patient's debilitating medical condition for which a medical provider has provided the qualifying patient a written certification under this chapter.

**5-A. Member of the family.** "Member of the family" means a person who is a resident of the State and who is a spouse, domestic partner, child, sibling, aunt, uncle, niece, nephew, parent, stepparent, grandparent or grandchild of another person. "Member of the family" includes a person who is a resident of the State and who is living with a person as a spouse and a natural parent of a child of a person.

**5-B. Members of the same household.** "Members of the same household" means 2 or more people who share a residence of the State and who reside in a shared dwelling unit.

**5-C. Marijuana testing facility.** "Marijuana testing facility" means a public or private laboratory that:

A. Is licensed, certified or otherwise approved by the department authorized in accordance with rules adopted by the department under section 2423-A, subsection 10, paragraph D to analyze contaminants in and the potency and cannabinoid profile of samples; and

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.

**6. Registered dispensary.** "Registered dispensary" or "dispensary" means a not-for-profit entity registered under section 2428 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualify-

ing patients and the ~~primary~~ caregivers of those patients.

**6-B. Officer or director.** "Officer or director" means, when used with respect to any nonprofit, for-profit or other organization governed by this chapter, a director, manager, shareholder, board member, partner or other person holding a management position or ownership interest in the organization.

**7. Physician.** "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

**7-A. Physician assistant.** "Physician assistant" means a person licensed as a physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician assistant by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

**8-A. Caregiver.** "~~Primary caregiver~~ Caregiver" means a person or an employee assistant of that person, ~~a hospice provider licensed under chapter 1681 or a nursing facility licensed under chapter 405~~ that provides care for a qualifying patient in accordance with section 2423-A, subsection 2. ~~A person who is a primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.~~

**9. Qualifying patient.** "Qualifying patient" or "patient" means a person who ~~has been diagnosed by a medical provider as having a debilitating medical condition~~ has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

**9-A. Registration certificate.** "Registration certificate" means a document issued by the department that identifies an entity as an entity that has registered with the department in accordance with this chapter.

**9-B. Remuneration.** "Remuneration" means a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which marijuana is transferred or furnished by that person to another person.

**10. Registered nonprofit dispensary.** "~~Registered nonprofit dispensary~~" means a nonprofit dispensary that is registered by the department pursuant to section 2428, subsection 2, paragraph A.

**11. Registered caregiver.** "Registered ~~primary~~ caregiver" means a ~~primary~~ caregiver who is registered by the department pursuant to section 2425, ~~subsection 4~~ 2425-A.

**12. Registered patient.** "Registered patient" means a qualifying patient who is registered by the department pursuant to section 2425, ~~subsection 1~~ 2425-A.

**13. Registry identification card.** "Registry identification card" means a document issued by the department that identifies a person as a ~~registered primary caregiver, an employee of a registered primary caregiver or a principal officer, board member or employee of a dispensary or a marijuana testing facility~~ person who has registered with the department in accordance with this chapter.

**13-A. Tamper-resistant paper.** "Tamper-resistant paper" means paper that possesses an industry-recognized feature that prevents copying of the paper, erasure or modification of information on the paper and the use of counterfeit documentation.

**13-B. Resident of the State.** "Resident of the State" means a person who is domiciled in the State.

**13-C. Tamper-evident.** "Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.

**14. Prepared marijuana.** "~~Prepared marijuana~~" means ~~the dried leaves and flowers and the by-products of the dried leaves and flowers of the marijuana plant that require no further processing and any mixture or preparation of those dried leaves and flowers and by-products, including but not limited to tinctures, ointments and other preparations, but does not include the seeds, stalks, leaves that are disposed of and not dried for use and roots of the plant and does not include the ingredients, other than marijuana, in tinctures, ointments or other preparations that include marijuana as an ingredient or food or drink prepared with marijuana as an ingredient for human consumption.~~

**14-A. Sample.** "Sample" means ~~any~~ a marijuana plant or product containing marijuana regulated under this chapter harvested marijuana that is provided for testing or research purposes to a marijuana testing facility by a ~~qualifying patient, designated primary caregiver or dispensary.~~

**14-B. Seedling.** "Seedling" means a nonflowering marijuana plant or rooted cutting that measures 24 inches or less from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

**15. Visiting qualifying patient.** "Visiting qualifying patient" means a patient with a debilitating med-

ical condition who is authorized for the medical use of marijuana in this State in accordance with section 2423-D and who is not a resident of ~~this~~ the State or who has been a resident of ~~this~~ the State less than 30 days.

**16. Written certification.** "Written certification" means a document on tamper-resistant paper signed by a medical provider, that ~~expires within one year is valid for the term provided by the qualifying patient's medical provider, except that the term of a written certification may not exceed one year,~~ and that states that in the medical provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's ~~debilitating medical condition diagnosis or symptoms associated with the debilitating medical condition diagnosis.~~ A written certification may be made only in the course of a bona fide medical provider-patient relationship after the medical provider has completed a full assessment of the qualifying patient's medical history.

**Sec. 4. 22 MRSA §2423-A**, as amended by PL 2017, c. 271, §1, is further amended to read:

**§2423-A. Authorized conduct for the medical use of marijuana**

**1. Qualifying patient.** Except as provided in section 2426, a qualifying patient may:

A. Possess up to ~~2 1/2 ounces~~ 8 pounds of prepared harvested marijuana and ~~an incidental amount of marijuana as provided in subsection 5;~~

B. Cultivate, or designate a primary caregiver to operating under subsection 3, paragraph C to cultivate under paragraph ~~F~~ F-1, subparagraph (1), up to a total of 6 mature marijuana plants, 12 immature marijuana plants and unlimited seedlings for that qualifying patient. The total number of mature marijuana plants per qualifying patient, whether cultivated by the patient or by a primary caregiver operating under subsection 3, paragraph C, may not exceed 6. In addition to the 6 mature marijuana plants, the patient who is cultivating the patient's own marijuana may have harvested marijuana in varying stages of processing in order to ensure the patient is able to maintain supply and meet personal needs. The total number of immature marijuana plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 12. Two or more qualifying patients who are members of the same household and cultivating their own marijuana plants may share one ~~enclosed, locked facility for cultivation area;~~

C. Possess marijuana paraphernalia;

D. Furnish or offer to furnish to another qualifying patient for that patient's medical use of mari-

juana up to 2 1/2 ounces of prepared harvested marijuana if ~~nothing of value is offered or transferred in return for no remuneration;~~

E. ~~Designate one person, hospice provider or nursing facility as a primary caregiver to assist with the qualifying patient's medical use of marijuana in a standardized written document, developed by the department, signed and dated by the qualifying patient, including a one year expiration and the signed acknowledgment of the primary caregiver that the primary caregiver may be contacted to confirm the designation of the primary caregiver. A 2nd person or hospice provider or nursing facility may be designated as a 2nd primary caregiver if the patient is under 18 years of age. The primary caregivers for a patient are determined solely by the patient's preference except that a parent, guardian or person having legal custody shall serve as a primary caregiver for a minor child;~~

F. ~~Designate one primary caregiver or a registered dispensary to cultivate marijuana for the medical use of the patient, except that a hospice provider or a nursing facility that is designated as a primary caregiver by a patient and the staff of the provider or facility may not be designated to cultivate marijuana for the patient. The qualifying patient must designate the primary caregiver or registered dispensary to cultivate for the patient in a standardized written document, developed by the department, signed and dated by the qualifying patient, which must include a one year expiration, the total number of mature plants the primary caregiver is designated to cultivate and the signed acknowledgment of the primary caregiver that the primary caregiver may be contacted to confirm the designation of the primary caregiver to cultivate for the patient and the number of mature plants to be cultivated and being cultivated for the patient or the signed acknowledgment of a person on behalf of the registered dispensary that the registered dispensary may be contacted to confirm the designation of the dispensary to cultivate for the patient and the number of mature plants to be cultivated and being cultivated for the patient;~~

F-1. Obtain or receive harvested marijuana for the patient's medical use without designating a caregiver or a dispensary, except that a qualifying patient or the parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age or who is enrolled in a preschool or primary or secondary school must designate, as applicable:

(1) A caregiver operating under subsection 3, paragraph C in order to have that caregiver cultivate marijuana plants for the patient;

(2) A long-term care facility in order to have that facility assist with the qualifying patient's medical use of harvested marijuana. A long-term care facility that is designated by a patient may not be designated to cultivate marijuana plants for the patient;

(3) A person in order to have that person obtain harvested marijuana on behalf of the qualifying patient or transport the harvested marijuana to the qualifying patient. The person must possess the person's government-issued photographic identification that contains the person's address, the qualifying patient's written certification and the qualifying patient's designation in order to engage in this conduct; and

(4) A caregiver in order to have that caregiver possess and administer harvested marijuana for the patient's medical use pursuant to section 2426, subsection 1-A if the patient is enrolled in a preschool or primary or secondary school.

A designation pursuant to this paragraph must be in a standardized written document, developed by the department, that is signed and dated by the qualifying patient or the parent, legal guardian or person having legal custody of the qualifying patient and expires on a date not to exceed the expiration date of the qualifying patient's written certification. The document must include the signed acknowledgment of the person or facility that the person or facility may be contacted to confirm the designation of the person or facility to engage in the conduct authorized by the designation. The document must also include, if applicable, the total number of mature marijuana plants and immature marijuana plants the caregiver is cultivating for the patient;

F-2. Choose a caregiver based solely on the patient's preference, except that a parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age must serve as one caregiver for the patient;

G. Be in the presence or vicinity of the medical use of marijuana and assist any qualifying patient with using or administering marijuana;

H. ~~Accept excess prepared marijuana plants or harvested marijuana from a primary qualifying patient, caregiver in accordance with subsection 2, paragraph H or registered dispensary if nothing of value no remuneration is provided to the primary patient, caregiver or dispensary; and~~

I. Provide samples to a marijuana testing facility for testing and research purposes.;

J. Manufacture marijuana products and marijuana concentrate for medical use, except that a qualifying patient may not manufacture food, as defined in section 2152, subsection 4, unless the qualifying patient is licensed pursuant to section 2167 and except that a qualifying patient may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;

K. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the qualifying patient provided to the manufacturing facility;

L. Transport marijuana plants or harvested marijuana for a qualifying patient's medical use of marijuana in accordance with this chapter; and

M. Use harvested marijuana in any form, except as provided in subsection 4-A and except that qualifying patients who have not attained 18 years of age may not engage in smoking harvested marijuana. For the purposes of this paragraph, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer.

**2. Caregiver.** Except as provided in section 2426, a ~~primary~~ caregiver, for the purpose of assisting a qualifying patient who has designated the primary caregiver as provided in subsection 1 with the patient's medical use of marijuana, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense:

~~A. Possess up to 2 1/2 ounces of prepared marijuana and an incidental amount of marijuana as provided in subsection 5 for each qualifying patient who has designated the person as a primary caregiver all harvested marijuana produced by the caregiver's cultivation of marijuana plants under paragraph B;~~

A-1. Transfer up to 2 1/2 ounces of harvested marijuana to a qualifying patient in one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of harvested marijuana to a visiting qualifying patient during a 15-day period;

~~B. Cultivate up to 6 30 mature marijuana plants for each qualifying patient who has designated the primary caregiver to cultivate marijuana on the patient's behalf, subject to the limitation in subsection 1, paragraph B on the total number of plants authorized per qualifying patient. A primary caregiver may not cultivate marijuana for a patient unless the patient has designated the primary caregiver for that purpose and the patient has not~~

~~designated a registered dispensary to cultivate marijuana for the patient's medical use. In addition to the marijuana plants otherwise authorized under this paragraph, a primary caregiver may have harvested marijuana plants in varying stages of processing in order to ensure the primary caregiver is able to meet the needs of the primary caregiver's qualifying patients, 60 immature marijuana plants and unlimited seedlings;~~

~~C. Assist a maximum of 5 patients who have designated the primary caregiver to cultivate marijuana for their medical use;~~

~~C-1. Assist a qualifying patient with the patient's medical use of marijuana;~~

~~D. Receive reasonable monetary compensation for costs associated with assisting a qualifying patient who designated the primary caregiver;~~

~~E. Receive reasonable monetary compensation for costs associated with cultivating marijuana for a patient who designated the primary caregiver to cultivate plants or assisting a qualifying patient with that patient's medical use of marijuana;~~

~~F. Be in the presence or vicinity of the medical use of marijuana and assist any patient with the medical use, administration or preparation of marijuana;~~

~~G. Prepare food as defined in section 2152, subsection 4 containing marijuana, including tinctures of marijuana, for medical use by a qualifying patient pursuant to section 2152, subsection 4 A and section 2167 Manufacture marijuana products and marijuana concentrate for medical use, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that a caregiver may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;~~

~~H. For the purpose of disposing of excess prepared marijuana, transfer prepared marijuana to a registered dispensary, a qualifying patient or another primary caregiver if nothing of value is provided to the primary caregiver. A primary caregiver who transfers prepared marijuana pursuant to this paragraph does not by virtue of only that transfer qualify as a member of a collective;~~

~~I. Employ one person Hire any number of assistants to assist in performing the duties of the primary caregiver;~~

~~J. Use a pesticide in the cultivation of marijuana plants if the pesticide is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to~~

Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered primary caregiver may not in the cultivation of marijuana plants use a pesticide unless the registered primary caregiver or the registered primary caregiver's employee assistant is certified in the application of the pesticide pursuant to section 1471-D and any employee assistant who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. An employee assistant of the registered primary caregiver who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230;

~~K. For the purpose of disposing of excess prepared Transfer marijuana, transfer prepared marijuana plants and harvested marijuana to a qualifying patient, another caregiver or a registered dispensary for reasonable compensation. The transfer of prepared marijuana by a primary caregiver to one or more dispensaries under this paragraph is limited to a registered primary caregiver. A registered primary caregiver may not transfer more than 2 pounds of excess prepared marijuana for reasonable compensation under this paragraph in a calendar year. A primary caregiver who transfers prepared marijuana pursuant to this paragraph does not by virtue of only that transfer qualify as a member of a collective no remuneration;~~

~~K-1. Transfer to and accept from another registered caregiver or a dispensary marijuana plants and harvested marijuana in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration up to 30% of the mature marijuana plants grown by the caregiver over the course of a calendar year, including any marijuana products or marijuana concentrate manufactured from that 30% of the mature marijuana plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature marijuana plants and seedlings. A registered caregiver that acquires mature marijuana plants, marijuana products or marijuana concentrate in a wholesale transaction under this paragraph may not resell the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient;~~

~~L. If the primary caregiver is a registered primary caregiver, provide~~ Provide samples to a marijuana testing facility for testing and research purposes; and

~~M. If the primary caregiver is a registered primary caregiver, conduct~~ Conduct marijuana testing at the request of anyone authorized to possess marijuana under this chapter for research and development purposes only;

~~N. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the caregiver provided to the manufacturing facility;~~

~~O. Transport marijuana plants or harvested marijuana for authorized conduct in accordance with this chapter;~~

~~P. Operate one retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; and~~

~~Q. Be organized as any type of legal business entity recognized under the laws of the State.~~

**3. Cultivation of marijuana.** The following provisions apply to the cultivation of marijuana plants by a qualifying patient under subsection 1 and a primary caregiver under subsection 2.

A. A patient who elects to cultivate marijuana plants must keep the plants in ~~an enclosed, locked facility~~ a cultivation area unless the plants are being transported because the patient is moving or taking the plants to the patient's own property in order to cultivate them pursuant to subsection 1, paragraph L. Access to ~~the a cultivation facility area~~ is limited to the patient, except that emergency services personnel, an ~~employee assistant~~ of a marijuana testing facility or a person who needs to gain access to ~~the a cultivation facility area~~ in order to perform repairs or maintenance or to do construction may access ~~the a cultivation facility area~~ to provide those professional services while under the direct supervision of the patient.

B. A ~~primary caregiver who has been designated by a patient to cultivate~~ cultivating marijuana plants for ~~the a patient's medical use~~ must keep all plants in ~~an enclosed, locked facility~~ a cultivation area unless the plants are being transported because the primary caregiver is moving or taking the plants to the primary caregiver's own property in order to cultivate them pursuant to subsection 2, paragraph O. The primary caregiver shall use a numerical identification system to enable the primary caregiver to identify marijuana plants cultivated for a patient. Access to ~~the a cultivation facility area~~ is limited to the ~~primary~~ caregiver, ex-

cept that an elected official invited by the primary caregiver for the purpose of providing education to the elected official on cultivation by the primary caregiver, emergency services personnel, an ~~employee assistant~~ of a caregiver or a marijuana testing facility or a person who needs to gain access to ~~the a cultivation facility area~~ in order to perform repairs or maintenance or to do construction may access ~~the a cultivation facility area~~ to provide those professional services while under the direct supervision of the primary caregiver.

~~B-1. Except as provided in paragraph C, a caregiver is required to register with the department.~~

~~C. A primary caregiver designated to cultivate marijuana for a qualifying patient is required to register with the department, except that the~~ The following primary caregivers are not required to register with the department:

- (1) A primary caregiver designated to cultivate for a qualifying patient if that qualifying patient is a member of the household of that primary caregiver;
- (2) Two primary caregivers who are qualifying patients, if those primary caregivers are members of the same household and assist one another with cultivation; and
- (3) A primary caregiver who cultivates for a qualifying patient if that qualifying patient is a member of the family of that primary caregiver.

~~C-1. A caregiver operating under paragraph C may engage in the conduct authorized in subsection 2, except that a caregiver operating under paragraph C may not:~~

- (1) Cultivate marijuana plants for more than 2 members of the family or members of the same household;
- (2) Cultivate more than 6 mature marijuana plants and 12 immature marijuana plants for each qualifying patient who has designated the caregiver to cultivate marijuana plants on the patient's behalf;
- (3) Possess more than 8 pounds of harvested marijuana;
- (4) Sell marijuana plants or harvested marijuana at wholesale under subsection 2, paragraph K-1;
- (5) Use a pesticide under subsection 2, paragraph J;
- (6) Operate a retail store under subsection 2, paragraph P; or
- (7) Organize as a business entity under subsection 2, paragraph Q.

D. Two primary caregivers who are members of the same family or household may share the same enclosed, locked facility cultivation area.

E. A person who is authorized to cultivate marijuana plants under subsection 1 or 2 and who is employed by an assistant of a primary caregiver pursuant to subsection 2, paragraph 1 may not cultivate that person's own marijuana plants in the location used for cultivation area by the primary caregiver who employs that person.

**4. Long-term care facility.** A registered qualifying patient may name designate a hospice provider licensed under chapter 1681 or a nursing facility licensed under chapter 405 long-term care facility to serve as a registered primary caregiver assist with the qualifying patient's medical use of marijuana if that use is consistent with the facility's policy and is pursuant to subsection 1, paragraph F-1, subparagraph 2. If a hospice provider or nursing long-term care facility is named as a primary caregiver designated, the provider or facility shall complete the registration process with the department and obtain a primary caregiver registration card and the staff of the provider or facility shall obtain registry identification cards registration certificate for the facility. To For a long-term care facility to be issued a registry identification card registration certificate, a staff person persons of a hospice provider or nursing the facility that has been named as a primary caregiver who will be assisting a qualifying patient with the patient's medical use of marijuana in accordance with this chapter must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. The hospice provider or nursing long-term care facility and the staff of the provider or facility may not cultivate marijuana plants for the patient.

**4-A. Use and storage in inpatient long-term care facility permitted.** A qualifying patient who is a resident of a hospice provider long-term care facility licensed under chapter 1681 or nursing facility licensed under chapter 405, while in the hospice provider facility or nursing facility, may use forms of prepared harvested marijuana that are not smoked, including, but not limited to, vaporized marijuana, edible marijuana and tinctures and salves of marijuana consistent with the facility's policy. A qualifying patient who uses a form of prepared harvested marijuana pursuant to this subsection may store the prepared harvested marijuana in the qualifying patient's room and is not required to obtain a registry identification card or to designate the hospice provider or nursing long-term care facility as a primary caregiver under subsection 4 subsection 1, paragraph F-1, subparagraph (2). A hospice provider or nursing long-term care facility is not required to be named as a primary caregiver designated by a qualifying patient who uses prepared harvested marijuana pursuant to this subsection. This subsection does not limit the ability of a hospice pro-

vider or nursing long-term care facility to prohibit or restrict the use or storage of prepared harvested marijuana by a qualifying patient.

**5. Incidental amount of marijuana.** ~~For purposes of this section, any incidental amount of marijuana is lawful for a qualifying patient or a primary caregiver to possess and is not included in the amounts of prepared marijuana specified in this section.~~

**7. Excess marijuana; forfeiture.** ~~A person who possesses marijuana seedlings, marijuana plants or prepared marijuana in excess of the limits provided in this section and rules adopted under this section must forfeit the excess amounts to a law enforcement officer. The law enforcement officer is authorized to remove all excess marijuana seedlings, marijuana plants and prepared marijuana in order to catalog the amount of excess marijuana. Possession of marijuana in excess of the limits provided in this section and rules adopted under this section is a violation as follows:~~

~~A. Possession of marijuana in an excess amount up to 2 1/2 ounces is a violation of section 2383; and~~

~~B. Possession of marijuana in an excess amount over 2 1/2 ounces is a violation of Title 17-A, chapter 45.~~

**8. Repeat forfeiture.** ~~If a cardholder has previously forfeited excess marijuana pursuant to subsection 7 and a subsequent forfeiture occurs, the department shall revoke the registry identification card of the cardholder and the entire amount of marijuana seedlings, marijuana plants and prepared marijuana must be forfeited to a law enforcement officer. The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

**9. Collectives prohibited.** ~~Collectives are prohibited under this chapter. A person may not form or participate in a collective.~~

**10. Marijuana testing facility.** The following provisions apply to a marijuana testing facility.

A. A marijuana testing facility that meets the requirements of this subsection and any rules adopted under paragraph D may receive and possess samples from qualifying patients, designated primary caregivers and, dispensaries and manufacturing facilities to provide testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant regulators and illegal pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning as in Title 7, section 604, subsection 26.

B. An employee assistant of a marijuana testing facility may have access to cultivation facilities areas pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph I.

C. A marijuana testing facility shall:

- (1) ~~Properly dispose~~ Dispose of marijuana residue in compliance with department rules samples in a manner that prevents diversion of samples to persons not authorized to possess the samples tested by the facility;
- (2) House and store marijuana samples in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss;
- (3) Label marijuana samples being transported to and from the facility with the following statement: "For Testing Purposes Only";
- (4) Maintain testing results as part of the facility's business books and records; and
- (5) Operate in accordance with any rules adopted by the department.

D. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing marijuana testing facilities, including but not limited to:

- (1) Marijuana testing facility officer or director qualification requirements;
- (2) Required security for marijuana testing facilities; and
- (3) Requirements for the licensing, certifying or other approval of marijuana testing facilities.

The failure of the department to adopt rules under this paragraph does not prevent a marijuana testing facility from engaging in activities in compliance with this chapter.

E. A marijuana testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body. The department may inspect a marijuana testing facility during regular business hours and hours of apparent activity for compliance with this chapter.

~~**11. Immunity.** The immunity provisions in this subsection apply to a marijuana testing facility's principal officers, board members, agents and employees. Any immunity provision in this chapter in conflict with this subsection does not apply to a marijuana testing facility.~~

~~A. A marijuana testing facility is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this chapter.~~

~~B. A principal officer, board member, agent or employee of a marijuana testing facility is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a marijuana testing facility to test marijuana provided by a qualifying patient, registered primary caregiver or dispensary.~~

~~**12. Interest.** A principal officer, board member or employee caregiver or an officer or director of a registered dispensary or primary, registered caregiver or manufacturing facility may not have a financial or other interest in a marijuana testing facility providing services associated with product labeling for that dispensary or primary caregiver or manufacturing facility.~~

~~**13. Moratorium ordinance.** Notwithstanding any other provision of this chapter or any other provision of law to the contrary, a municipality may adopt and enforce an ordinance that establishes a moratorium on the location within 500 feet of the property line of a preexisting public or private school of new facilities or expansion of existing facilities where registered primary caregivers cultivate marijuana plants. This subsection does not affect any permit that has been granted to a registered primary caregiver prior to the effective date of this subsection.~~

~~This subsection is repealed July 1, 2018. Any ordinances adopted pursuant to this subsection are not authorized and are void after July 1, 2018.~~

**Sec. 5. 22 MRSA §2423-B**, as amended by PL 2017, c. 409, Pt. E, §4, is further amended to read:

**§2423-B. Authorized conduct by a medical provider**

A medical provider may provide a written certification in accordance with this section for the medical use of marijuana under this chapter and, after having done so, may otherwise state that in the medical provider's professional opinion a qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition diagnosis.

**1. Adult qualifying patient.** Prior to providing written certification for the medical use of marijuana under this section, a medical provider shall inform an

adult qualifying patient or the patient's legal guardian or representative of the risks and benefits of the medical use of marijuana and that the patient may benefit from the medical use of marijuana.

**2. Minor qualifying patient.** ~~Prior to providing written certification for the medical use of marijuana by a minor qualifying patient under this section, a medical provider, referred to in this subsection as "the treating medical provider," shall inform the minor qualifying patient and the parent or legal guardian of the patient of the risks and benefits of the medical use of marijuana and that the patient may benefit from the medical use of marijuana. Except with regard to a minor qualifying patient who is eligible for hospice care, prior to providing a written certification under this section, the treating medical provider shall consult with a qualified physician, referred to in this paragraph as "the consulting physician," from a list of physicians who may be willing to act as consulting physicians maintained by the department that is compiled by the department after consultation with the Department of Health and Human Services and statewide associations representing licensed medical professionals. The consultation between the treating medical provider and the consulting physician may consist of examination of the patient or review of the patient's medical file. The consulting physician shall provide an advisory opinion to the treating medical provider and the parent or legal guardian of the minor qualifying patient concerning whether the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition. If the department or the consulting physician does not respond to a request by the treating medical provider within 10 days of receipt of the request, the treating medical provider may provide written certification for treatment without consultation with a physician.~~

**2-A. Minor qualifying patient.** A medical provider who provides a written certification to a patient who has not attained 18 years of age:

A. Shall inform the qualifying patient and the parent, legal guardian or person having legal custody of the patient of the risks and benefits of the medical use of marijuana and that the patient may benefit from the medical use of marijuana;

B. May provide a written certification to a qualifying patient if the patient is eligible for hospice services and has a medical diagnosis that, in the medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of marijuana;

C. May provide a written certification to a qualifying patient if the patient has a medical diagnosis of epilepsy, cancer, a developmental disability or an intellectual disability that, in the medical provider's professional opinion, may be alleviated by

the therapeutic or palliative medical use of marijuana; and

D. If a patient does not satisfy the requirements of paragraphs B and C, may provide a written certification to a qualifying patient after consulting with a physician from a list of physicians who may be willing to consult with a medical provider maintained by the department that is compiled by the department after consultation with the Department of Health and Human Services and statewide associations representing licensed medical professionals. The consultation between the medical provider and the consulting physician may consist of examination of the patient or review of the patient's medical file. The consulting physician shall provide an advisory opinion to the medical provider and the parent, legal guardian or person having legal custody of the qualifying patient concerning whether the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's medical diagnosis. If the department or the consulting physician does not respond to a request by the medical provider within 10 days of receipt of the request, the medical provider may provide a written certification without consultation with a physician.

The parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age may submit a request to the department for reimbursement of the costs associated with obtaining a 2nd opinion required by this paragraph. Requests must be submitted on a form developed by the department. The department shall review the family's annual income and expenses in determining whether to reimburse the family from the Medical Use of Marijuana Fund under section 2430 for the cost of the required 2nd consultation.

The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement the reimbursement request under this paragraph.

**2-B. Adult and minor patients with substance use disorder.** Prior to providing written certification for the medical use of marijuana under this section for a medical diagnosis of substance use disorder that, in the medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of marijuana, the medical provider shall develop a recovery plan with the patient. For purposes of this subsection, "substance use disorder" means a diagnosis related to alcohol or drug abuse covered by Title 5, chapter 521.

**2-C. Bona fide provider-patient relationship.** A written certification may be made only in the course of a bona fide medical provider-patient relationship

after the medical provider has completed a full assessment of the patient's medical history. If a patient has not provided a medical provider who is not the patient's primary care provider with the name and contact information of the patient's primary care provider, a medical provider shall conduct an in-person consultation with the patient prior to providing a written certification.

**3. Expiration.** A written certification form for the medical use of marijuana under this section ~~expires within one year after issuance~~ is valid for the term provided by the qualifying patient's medical provider.

**4. Form; content.** A written certification under this section must be in the form required by rule adopted by the department and may not require a qualifying patient's medical provider to state the patient's specific medical ~~condition~~ diagnosis.

**5. Possible sanctions.** Nothing in this chapter prevents a professional licensing board from sanctioning a medical provider for failing to properly evaluate or treat a patient's medical ~~condition~~ diagnosis or otherwise violating the applicable standard of care for evaluating or treating medical ~~conditions~~ diagnoses.

**6. Certification issued based on medical diagnosis.** A medical provider may not condition the issuance of a written certification for the medical use of marijuana on any requirements other than that the patient's debilitating medical condition diagnosis may be alleviated by the therapeutic or palliative medical use of marijuana. Nothing in this section may be construed to prevent a medical provider from exercising professional judgment in declining to issue a certification for the medical use of marijuana.

**7. Patient referral disclosure of interest.** Prior to providing a referral to a qualifying patient for goods and services associated with a certification for the medical use of marijuana to an entity in which the medical provider has a direct or indirect financial interest, a medical provider shall provide written disclosure to the qualifying patient regarding any direct or indirect financial interest the medical provider has or may have in the resulting referral and shall maintain a copy of this disclosure in the qualifying patient's record.

**8. Continuing medical education.** A medical provider who has not previously provided a written certification to a qualifying patient for the medical use of marijuana shall, prior to providing a written certification to a qualifying patient, submit evidence, satisfactory to the department, of successful completion of a one-hour course of continuing medical education relating to medical marijuana within the preceding 24 months.

**Sec. 6. 22 MRSA §2423-C**, as amended by PL 2011, c. 407, Pt. B, §18, is further amended to read:

### **§2423-C. Authorized conduct**

A person may provide a qualifying patient or a ~~primary~~ caregiver with marijuana paraphernalia for purposes of the qualifying patient's medical use of marijuana in accordance with this chapter and be in the presence or vicinity of the medical use of marijuana as allowed under this chapter.

**Sec. 7. 22 MRSA §2423-D**, as amended by PL 2013, c. 516, §9, is further amended to read:

### **§2423-D. Authorized conduct by a visiting qualifying patient**

A visiting qualifying patient ~~who is visiting the State~~ from another jurisdiction that authorizes the medical use of marijuana pursuant to a law recognized by the department who possesses a valid written certification as described in section 2423-B from the visiting qualifying patient's ~~treating~~ medical provider and a valid medical marijuana certification from that other jurisdiction and photographic identification or a driver's license from that jurisdiction may engage in conduct authorized for a qualifying patient under this chapter, ~~except that a visiting qualifying patient may not:~~

- 1. Cultivate.** Cultivate marijuana plants;
- 2. Possess.** Possess more than 2 1/2 ounces of harvested marijuana in a 15-day period;
- 3. Transfer or furnish.** Transfer or furnish harvested marijuana to another person;
- 4. Obtain.** Obtain harvested marijuana from a registered caregiver or dispensary unless the visiting qualifying patient has designated the registered caregiver or dispensary in order to have that caregiver or dispensary provide harvested marijuana to the visiting qualifying patient. A designation pursuant to this subsection must be in a standardized written document, developed by the department, and signed and dated by the visiting qualifying patient. The designation is valid for the term provided by the visiting qualifying patient's medical provider pursuant to section 2423-B. The document must include the signed acknowledgment of the registered caregiver or dispensary that the caregiver or dispensary may be contacted to confirm the designation of the caregiver or dispensary to provide harvested marijuana to the visiting qualifying patient.

**Sec. 8. 22 MRSA §2423-E**, as amended by PL 2017, c. 252, §1, is repealed.

**Sec. 9. 22 MRSA §2423-F** is enacted to read:

### **§2423-F. Marijuana manufacturing facilities**

A person may not manufacture marijuana products or marijuana concentrate or engage in marijuana extraction except as provided in this chapter.

**1. Tier 1 manufacturing facility.** A tier 1 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 40 pounds of harvested marijuana.

**2. Tier 2 manufacturing facility.** A tier 2 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 200 pounds of harvested marijuana.

**3. Authorization for extraction using inherently hazardous substances.** This subsection governs the authority of a person to engage in marijuana extraction using inherently hazardous substances in accordance with subsection 5.

A. A qualifying patient, caregiver, registered dispensary or manufacturing facility may engage in marijuana extraction using inherently hazardous substances if the person can produce, upon demand of the department:

(1) Certification from a professional engineer licensed in this State of the safety of the equipment used for marijuana extraction and the location of the equipment and the professional engineer's approval of the standard operating procedures for the marijuana extraction;

(2) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that the equipment used for marijuana extraction and the location of the equipment comply with state law and all applicable local and state building codes, electrical codes and fire codes, including the chapters of the most recent National Fire Protection Association Fire Code relating to marijuana extraction facilities;

(3) Documentation from the manufacturer of the marijuana extraction system or a professional engineer licensed in this State showing that a professional grade, closed-loop extraction system that is capable of recovering the solvents used to produce marijuana concentrate is used by the person; and

(4) Evidence that the person has provided notice to the department of the person's intent to engage in marijuana extraction using inherently hazardous substances and the location where the marijuana extraction will occur prior to engaging in marijuana extraction using inherently hazardous substances.

A person who intends to engage in marijuana extraction using inherently hazardous substances shall notify the department of that intention prior to engaging in marijuana extraction using inherently hazardous substances. The department may deny an application of a person authorized under this paragraph to register pursuant to rules adopted under subsection 10 if the person did not notify the department in accordance with this paragraph.

B. A person who is not a qualifying patient, caregiver or dispensary and that meets the requirements of a person authorized under paragraph A, pays the fee required by section 2425-A, subsection 10 and meets the requirements of rules adopted under subsection 10 is authorized to engage in marijuana extraction using inherently hazardous substances and may possess up to 40 pounds of harvested marijuana in accordance with subsection 5.

**4. Authorized conduct; manufacturing facilities.** A registered manufacturing facility:

A. May manufacture marijuana products and marijuana concentrate for medical use using any method that does not involve an inherently hazardous substance, except that a registered manufacturing facility may manufacture marijuana concentrate using inherently hazardous substances if authorized under subsection 3;

B. May obtain harvested marijuana from a qualifying patient, a caregiver or a registered dispensary and may transfer marijuana products and marijuana concentrate to the person that provided the harvested marijuana used to manufacture the marijuana product or marijuana concentrate;

C. May transfer samples to a marijuana testing facility for testing;

D. May conduct testing of marijuana products or marijuana concentrate manufactured by the facility for research and development purposes;

E. May receive reasonable compensation for manufacturing marijuana products or marijuana concentrate;

F. Shall dispose of harvested marijuana used in the manufacturing process in a manner that prevents its diversion to persons not authorized to possess harvested marijuana possessed by the facility and in accordance with rules adopted by the department; and

G. May hire any number of assistants to assist in performing the duties of the manufacturing facility.

**5. Authorized conduct; extraction using inherently hazardous substances.** A person that is author-

ized to engage in marijuana extraction using inherently hazardous substances pursuant to subsection 3:

A. May engage in marijuana extraction to produce marijuana concentrate for medical use;

B. May obtain harvested marijuana from a qualifying patient, a caregiver or a dispensary and may transfer marijuana concentrate to the person that provided the harvested marijuana used to produce the marijuana concentrate;

C. May transfer samples to a marijuana testing facility for testing;

D. May conduct testing of marijuana concentrate produced by the person for research and development purposes;

E. May receive reasonable compensation for producing marijuana concentrate;

F. Shall dispose of harvested marijuana used in the extraction process in a manner that prevents its diversion to persons not authorized to possess harvested marijuana possessed by the person and in accordance with rules adopted by the department; and

G. May hire any number of assistants to assist in performing the activities authorized under this subsection, except that a qualifying patient authorized under subsection 3 may not hire an assistant.

Notwithstanding the authorizations established in this subsection, a person that is authorized to engage in marijuana extraction using inherently hazardous substances pursuant to subsection 3 shall comply with any rules adopted pursuant to subsection 10.

**6. Retail sale prohibited.** A registered manufacturing facility or a person authorized to engage in marijuana extraction using inherently hazardous substances under subsection 3 may not engage in retail sales of marijuana products or marijuana concentrate unless the person is authorized to engage in retail sales under this chapter.

**7. Food establishment license required to manufacture food products.** A registered manufacturing facility or a person authorized to produce marijuana concentrate using inherently hazardous substances may not manufacture edible marijuana products or marijuana tinctures unless licensed pursuant to section 2167.

**8. Registration requirements.** This subsection governs registration requirements of a manufacturing facility or a person authorized to engage in marijuana extraction using inherently hazardous substances under subsection 3 and the officer or director or assistant of the facility or person.

A. In accordance with rules adopted under subsection 10, the department shall register and issue

a registration certificate with a registry identification number to a manufacturing facility or a person authorized to engage in marijuana extraction within 30 days to the facility or person if the facility or person provides:

(1) The annual fee required pursuant to section 2425-A, subsection 10;

(2) The legal name of the facility or person and, if incorporated, evidence of incorporation and evidence that the corporation is in good standing with the Secretary of State;

(3) The physical address of the facility or person or the physical address where an applicant who is an individual will engage in the activities authorized under this section. If the facility or person changes its physical location, or if a person registered under this subsection changes the location at which the person engages in activities authorized under this section, the facility or person shall notify the department of the new location; and

(4) The name, address and date of birth of each officer or director of the facility or person.

B. In accordance with rules adopted under subsection 10, the department shall issue registry identification cards to the officer or director or assistant of a registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances within 5 business days of approving an application or renewal under this subsection. A registry identification card is required to be issued to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances. A registry identification card expires one year after the date of issuance. A registry identification card issued under this paragraph must contain:

(1) The name of the cardholder;

(2) The date of issuance and expiration date of the registry identification card; and

(3) A random identification number that is unique to the cardholder.

The department may not issue a registry identification card to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each person, officer or director or assistant subject to this subsection on an annual basis.

If the department determines not to issue a registry identification card for a person, officer or director or assistant, the department shall notify the registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances in writing of the reason for denying the registry identification card.

**9. Packaging and labeling requirements.** A manufacturing facility shall package and label its marijuana products and marijuana concentrate prior to transfer from the manufacturing facility in a form intended for use or consumption by a qualifying patient in tamper-evident packaging and with a label that includes the following information:

A. The registry identification number of the manufacturing facility;

B. Information that allows the provider of the marijuana to the manufacturing facility to confirm that the marijuana provided was used to manufacture the marijuana product or marijuana concentrate transferred back to that provider;

C. Ingredients other than material derived from marijuana plants contained in the marijuana product or marijuana concentrate; and

D. Any chemicals, solvents or other substances used to manufacture the marijuana product or marijuana concentrate.

**10. Rulemaking.** The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing manufacturing facilities, including but not limited to:

A. Requirements for the registration of a manufacturing facility and an officer or director or assistant of a registered manufacturing facility;

B. Requirements for engaging in marijuana extraction using inherently hazardous substances;

C. Manufacturing facility officer or director qualification requirements;

D. Required security for manufacturing facilities;

E. Requirements of a disposal plan for harvested marijuana used in the manufacturing process; and

F. Minimum record-keeping requirements, including an annual audit requirement.

The failure of the department to adopt rules under this subsection does not prevent a person authorized pursuant to subsection 3, paragraph A from engaging in conduct authorized under this section.

**11. Multiple authorizations.** A facility or person registered pursuant to subsection 8 may also be a qualifying patient, a caregiver or a registered dispensary. A facility or person authorized to possess marijuana under this chapter may possess the amount allowed

for that facility or person in addition to the possession amount allowed under this section if the facility or person is registered pursuant to this section. The marijuana possessed must be distinguishable with respect to the purposes for which it is authorized to be possessed.

**12. Record keeping.** A registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances under subsection 3 shall maintain records of all transactions in accordance with section 2430-G.

**13. Colocation of facilities.** A manufacturing facility that is also licensed as a retail marijuana products manufacturing facility under Title 28-B, chapter 1 may manufacture marijuana products and marijuana concentrate within the same facility in which the licensee also manufactures marijuana products or marijuana concentrate for medical use pursuant to this chapter. The following items or areas within the shared facility may be shared for both manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1:

A. Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1;

B. Manufacturing-related and nonmanufacturing-related supplies or products not containing harvested marijuana and the storage areas for those supplies or products; and

C. General office space, bathrooms, entryways and walkways.

**Sec. 10. 22 MRSA §2424**, as amended by PL 2017, c. 409, Pt. E, §§5 and 6, is further amended to read:

#### §2424. Rules

**1-A. Rulemaking.** The department may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Adding debilitating medical conditions.** The department in accordance with section 2422, subsection 2, paragraph D shall adopt rules regarding the consideration of petitions from the public to add medical conditions or treatments to the list of debilitating medical conditions set forth in section 2422, subsection 2. In considering those petitions, the department shall consult with the Department of Health and Human Services, Maine Center for Disease Control and Prevention and provide an opportunity for public hearing of, and an opportunity to comment on those petitions. After the hearing, the commissioner shall approve or deny a petition within 180 days of its submission. The approval or denial of such a petition consti-

tutes final agency action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Superior Court.

**3. Registration.** The department shall adopt rules governing the manner in which it considers applications for and renewals of registry identification cards or registration certificates for registered patients, registered primary caregivers, principal officers, board members and employees of dispensaries and staff of hospice providers and nursing facilities designated as primary caregivers a person required to obtain a registry identification card or registration certificate under this chapter. The department's rules must require the submission of an application, must require replacement of a registry identification card or registration certificate that has been lost, destroyed or stolen or that contains information that is no longer accurate and must establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this chapter and that are consistent with the provisions of section 2425 2425-A, subsection 42 10. The department may establish a sliding scale of application and renewal fees based upon a registered patient's family income and status as a veteran of the Armed Forces of the United States. The department may accept donations from private sources in order to reduce the application and renewal fees.

**4. Enforcement and compliance.** The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A regarding enforcement and compliance of authorized conduct under this chapter, including rules governing:

A. Minimum oversight requirements for dispensaries and registered caregivers and the one permitted additional location at which a dispensary cultivates marijuana plants for medical use by qualifying patients; and

B. Minimum security requirements for registered caregivers operating retail stores pursuant to section 242-A, subsection 2, paragraph P and registered dispensaries and any additional location at which a dispensary cultivates marijuana plants for medical use by qualifying patients.

**Sec. 11. 22 MRSA §2425**, as amended by PL 2017, c. 409, Pt. E, §§7 and 8, is repealed.

**Sec. 12. 22 MRSA §2425-A** is enacted to read:

**§2425-A. Registry identification cards and registration certificates**

This section governs registry identification cards and registration certificates, except that registration of manufacturing facilities and persons authorized to engage in marijuana extraction is governed by section

2423-F and registration of marijuana testing facilities is governed by section 2423-A, subsection 10.

**1. Voluntary registration.** Registration under this section is voluntary for a qualifying patient, for a visiting qualifying patient and for a caregiver who is operating under section 2423-A, subsection 3, paragraph C. If a qualifying patient or visiting qualifying patient or a caregiver who is operating under section 2423-A, subsection 3, paragraph C does not register with the department, the patient's or caregiver's ability to engage in authorized conduct in accordance with this chapter is not affected.

**2. Required registration.** A caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a dispensary or a caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, shall obtain a registry identification card in accordance with subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2) and a dispensary shall obtain a registration certificate in accordance with subsections 6, 7 and 8.

**3. Application for registry identification card; qualifications.** The department shall register and issue a registry identification card to an applicant who submits a complete application that meets the requirements of this subsection.

The department shall conduct a criminal history record check for any applicant for a registry identification card. Except as provided in subsection 3-A, the department may not issue a registry identification card to an applicant who is not permitted under this chapter to have a disqualifying drug offense.

An application must include, as applicable:

A. The annual fee required pursuant to subsection 10; and

B. A statement that the requirements of section 2423-B have been met if the qualifying patient applying for the registry identification card has not attained 18 years of age and the qualifying patient's parent, guardian or person having legal custody of the patient consents in writing to:

(1) The qualifying patient's medical use of marijuana;

(2) Serving as one of the qualifying patient's caregivers; and

(3) Controlling the acquisition of the marijuana plants or harvested marijuana and the dosage and the frequency of the medical use of marijuana by the qualifying patient.

**3-A. Criminal history record check for caregivers administering medical marijuana on school**

grounds. The department shall request a criminal history record check for a caregiver designated under section 2423-A, subsection 1, paragraph F-1, subparagraph (4), except for a caregiver who is a parent, a legal guardian or a person having legal custody of the qualifying patient. The department may not issue a registry identification card to an applicant who is not permitted to have a disqualifying drug offense or who would be denied an approval, credential, certification, authorization or renewal under Title 20-A, section 6103 or 13011 based on that criminal history record check.

The criminal history record check requested under this subsection must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. The following provisions apply.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

C. A person subject to a criminal history record check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and federal criminal history record information may be used by the department for the purpose of screening a child care provider or child care staff member in accordance with this chapter.

F. Information obtained pursuant to this subsection is confidential. The results of criminal history record checks received by the department are for official use only and may not be disseminated to any other person or entity.

G. If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal.

The department, with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Issuance or denial of registry identification cards.** The department shall verify the information contained in an application for a registry identification card or for renewal of a card submitted pursuant to subsection 3 and shall approve or deny an application for a card or for renewal of a card in accordance with this subsection within 30 days of receiving it.

A. Within 5 business days of approving a completed application, the department shall issue a registry identification card to the applicant.

B. The department may deny an application for a card or for renewal of a card only if:

- (1) The applicant did not provide the information required pursuant to subsection 3;
- (2) The department determines that the applicant does not qualify; or
- (3) The department determines that the information provided by the applicant was falsified.

C. The department shall notify the applicant and, if the applicant is an officer or director or assistant of a registered dispensary, the registered dispensary, in writing of the reason for denying the registry identification card.

An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

If the department fails to issue or deny a valid registry identification card in response to a valid application for a card or for renewal of a card submitted pursuant to subsection 3 within 45 days of its submission, the registry identification card is deemed granted and a copy of the application for a registry identification card or for renewal of the card is deemed a valid registry identification card.

**5. Requirements for issuance of registry identification cards.** The following provisions apply to the issuance of registry identification cards.

A. A registry identification card expires one year after the date of issuance. The card must contain:

- (1) The name of the cardholder;
- (2) The date of issuance and expiration date;
- (3) A random identification number that is unique to the cardholder; and
- (4) A clear designation showing whether the cardholder is allowed under this chapter to cultivate marijuana plants.

B. If a caregiver is organized as a legal business entity pursuant to section 2423-A, subsection 2, paragraph Q, the caregiver may obtain a registry identification card in the name of the business entity if the caregiver submits evidence of the business entity's registration with the Secretary of State and evidence that the business entity is in good standing with the Secretary of State.

C. Registry identification cards issued to an officer or director or assistant of a registered dispensary must also contain:

- (1) The legal name of the registered dispensary with which the officer or director or assistant is affiliated;
- (2) The address and date of birth of the officer or director or assistant; and
- (3) A photograph of the officer or director or assistant, if required by the department.

D. The registry identification card of an officer or director or assistant of a registered dispensary expires 10 days after notification is given to the department by the registered dispensary that the person has ceased to work at the dispensary.

**6. Application for registration certificate: qualifications.** The department shall register and issue a registration certificate to an applicant who submits a complete application that meets the requirements of this subsection. An application must include, as applicable:

- A. The annual fee required pursuant to subsection 10;
- B. Evidence of the applicant's registration with the Secretary of State and evidence that the applicant is in good standing with the Secretary of State; and
- C. The name, address and date of birth of each officer or director of the applicant.

**7. Issuance or denial of registration certificate.** The department shall verify the information contained

in an application for a registration certificate or for renewal of a certificate submitted pursuant to subsection 6 and shall approve or deny an application for a certificate or for renewal of a certificate in accordance with this subsection within 30 days of receiving it.

A. Within 10 days of approving a completed application, the department shall issue a registration certificate to the applicant.

B. The department may deny an application for a certificate or for renewal of a certificate only if:

- (1) The applicant did not provide the information required pursuant to subsection 6;
- (2) The department determines that the applicant does not qualify; or
- (3) The department determines that the information provided by the applicant was falsified.

C. The department shall notify the applicant in writing of the reason for denying the registration certificate.

An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

If the department fails to issue or deny a registration certificate in response to a valid application for a certificate or for renewal of a certificate submitted pursuant to subsection 6 within 45 days of its submission, the registration certificate is deemed granted and a copy of the application for a registration certificate or for renewal of the certificate is deemed a valid registration certificate.

**8. Requirements for issuance of registration certificates.** A registration certificate expires one year after the date of issuance. The certificate must contain:

- A. The name of the certificate holder;
- B. The date of issuance and expiration date of the registration certificate;
- C. A random identification number that is unique to the certificate holder;
- D. The physical address of the certificate holder and, if the certificate holder is a dispensary, the physical address of one additional location, if any, where marijuana will be cultivated; and
- E. A clear designation showing whether the certificate holder is allowed under this chapter to cultivate marijuana plants.

**9. Drug testing.** The department may not require an assistant of a caregiver, dispensary, manufacturing facility or marijuana testing facility who is an applicant for a registry identification card to submit to a drug test as a condition of receiving a registry identifi-

cation card. This subsection does not prevent a caregiver, dispensary, manufacturing facility or marijuana testing facility from requiring drug testing of its assistants as a condition of employment.

**10. Fees.** The department shall adopt rules to establish fees in accordance with this subsection. The fees must be credited to the Medical Use of Marijuana Fund pursuant to section 2430. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. There is no annual registration fee for a qualifying patient or visiting qualifying patient or a caregiver who is not required to register pursuant to section 2423-A, subsection 3, paragraph C. There is no annual registration fee for a caregiver who does not cultivate marijuana plants for a qualifying patient.

B. There is an annual registration fee for a caregiver who cultivates marijuana plants on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B. The fee may not be less than \$50 or more than \$240 for each group of up to 6 mature marijuana plants cultivated by the caregiver. The caregiver shall notify the department of the number of marijuana plants the caregiver cultivates.

C. There is an annual registration fee for a dispensary, which may not be less than \$5,000 or more than \$12,000. There is a fee to change the location of a registered dispensary or the location at which a registered dispensary cultivates marijuana plants, which may not be less than \$3,000 or more than \$4,000.

D. There is an annual registration fee for a tier 1 manufacturing facility, which may not be less than \$50 or more than \$150.

E. There is an annual registration fee for a tier 2 manufacturing facility, which may not be less than \$150 or more than \$250.

F. There is an annual registration fee to engage in marijuana extraction under section 2423-F, subsection 3, which may not be less than \$250 or more than \$350.

G. There is an annual registration fee for a marijuana testing facility, which may not be less than \$250 or more than \$1,000, except that there is no fee if the testing facility is licensed in accordance with Title 28-B, chapter 1.

H. There is an annual registration fee for an officer or director or assistant of a registered caregiver or registered dispensary, which may not be less than \$20 or more than \$50.

I. There is a fee to replace a registry identification card that has been lost, stolen or destroyed or a

card that contains information that is no longer accurate, which may not be less than \$10 or more than \$20. Replacement of a registry identification card does not extend the expiration date.

J. There is an annual fee for a criminal history record check for a caregiver or an officer or director or assistant of a registered dispensary, marijuana testing facility or manufacturing facility, which may not be less than \$31 or more than \$60. The fee must be paid by the caregiver or by the registered dispensary, marijuana testing facility or manufacturing facility for an officer or director or assistant of the registered dispensary, marijuana testing facility or manufacturing facility.

**11. Notification of change in status or loss of registry identification card or registration certificate.** This subsection governs notification of a change in status or the loss of a registry identification card or registration certificate.

A. If a cardholder loses the cardholder's registry identification card, the cardholder shall notify the department within 10 days of losing the card and submit the fee required by subsection 10, paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card.

B. If the information appearing on the cardholder's registry identification card is inaccurate or changes, the cardholder shall notify the department of the inaccuracy or change and submit the fee required by subsection 10, paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card. A cardholder who fails to notify the department as required under this paragraph commits a civil violation for which a fine of not more than \$150 may be adjudged.

C. A registered dispensary shall notify the department in writing of the name, address and date of birth of an officer or director or assistant who ceases to work at the dispensary or marijuana testing facility and of any new officer or director or assistant before the officer or director or assistant begins working at the dispensary or marijuana testing facility.

D. A registered dispensary shall notify the department in writing if the dispensary changes the physical location of the dispensary or the location at which the dispensary cultivates marijuana plants.

**12. Confidentiality.** This subsection governs confidentiality.

A. Applications and supporting information submitted by qualifying patients and registered patients under this chapter, including information

regarding their caregivers and medical providers, are confidential.

B. Applications and supporting information submitted by caregivers and medical providers operating in compliance with this chapter are confidential.

C. The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list are confidential, exempt from the freedom of access laws, Title 1, chapter 13, and not subject to disclosure except as provided in this subsection and to authorized employees of the department as necessary to perform official duties of the department.

D. The department shall verify to law enforcement personnel whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card.

E. Upon request of a code enforcement officer or, if a municipality does not employ a code enforcement officer, another municipal officer, the department shall verify whether a registry identification card is valid and whether the conduct is authorized without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. The department may disclose the location at which the conduct is authorized if necessary to verify the registry identification card to the code enforcement officer or other municipal officer. The department shall provide this information within 2 business days of the request. The code enforcement officer or other municipal officer shall keep the information received under this paragraph confidential except as necessary to verify whether the registry identification card is valid and whether the conduct is authorized.

F. Applications, supporting information and other information regarding a registered dispensary are not confidential, except that information that is contained within dispensary information that identifies a qualifying patient, a registered patient, a registered patient's medical provider or a caregiver of a qualifying patient or registered patient is confidential.

G. Records maintained by the department pursuant to this chapter that identify applicants for a registry identification card, registered patients, registered caregivers and registered patients' medical providers are confidential and may not be disclosed, except as provided in this subsection and as follows:

(1) To department employees who are responsible for carrying out this chapter;

(2) Pursuant to court order or subpoena issued by a court;

(3) With written permission of the registered patient or the patient's guardian, if the patient is under guardianship, or a parent, if the patient has not attained 18 years of age;

(4) As permitted or required for the disclosure of health care information pursuant to section 1711-C;

(5) To a law enforcement official for verification purposes. The records may not be disclosed further than necessary to achieve the limited goals of a specific investigation; and

(6) To a registered patient's treating medical provider and to a registered patient's registered caregiver for the purpose of carrying out this chapter.

H. This subsection does not prohibit a medical provider from notifying the department if the medical provider acquires information indicating that a registered patient or qualifying patient is no longer eligible to use marijuana for medical purposes or that a registered patient or qualifying patient falsified information that was the basis of the medical provider's certification of eligibility for use.

I. The department may disclose to an agency of State Government designated by the commissioner and employees of that agency any information necessary to produce registry identification cards or manage the identification card program and may disclose data for statistical or research purposes in such a manner that individuals cannot be identified.

J. A hearing concerning the suspension or revocation of a registry identification card under section 2430-E is confidential.

K. Except as otherwise provided in this subsection, a person who knowingly violates the confidentiality of information protected under this chapter commits a civil violation for which a fine of up to \$1,000 may be imposed. This paragraph does not apply to a medical provider or staff of a long-term care facility or any other person directly associated with a medical provider or long-term care facility that provides services to a registered patient.

L. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175. Information provided by the department pursuant to this paragraph may be used by the Department of Administrative and

Financial Services, Bureau of Revenue Services only for the administration and enforcement of taxes imposed under Title 36.

**13. Reporting requirements.** This subsection governs the reporting of patient access information by registered caregivers and dispensaries and the department's annual report to the Legislature.

A. A registered caregiver or a dispensary shall submit annually a report of the number of qualifying patients and visiting qualifying patients assisted by the caregiver or dispensary. A report may not directly or indirectly disclose patient identity. The department shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. The department shall submit to the joint standing committee of the Legislature having jurisdiction over health and human services matters an annual report by April 1st each year that does not disclose any identifying information about cardholders or medical providers, but that does contain, at a minimum:

(1) The number of applications and renewals filed for registry identification cards and registration certificates;

(2) The number of qualifying patients and registered caregivers approved in each county;

(3) The number of registry identification cards suspended or revoked;

(4) The number of medical providers providing written certifications for qualifying patients;

(5) The number of registered dispensaries, manufacturing facilities and marijuana testing facilities approved in each county;

(6) The number of officers or directors or assistants of registered caregivers, registered dispensaries, manufacturing facilities and marijuana testing facilities; and

(7) The revenue and expenses of the Medical Use of Marijuana Fund established in section 2430.

**Sec. 13. 22 MRSA §2426, sub-§1, ¶E**, as amended by PL 2011, c. 407, Pt. B, §30, is further amended to read:

E. Use or possess marijuana if that person is not a qualifying patient, primary caregiver, registered dispensary or other person authorized to use or possess marijuana under this chapter.

**Sec. 14. 22 MRSA §2426, sub-§1-A**, as enacted by PL 2015, c. 369, §3, is amended to read:

**1-A. School exceptions.** Notwithstanding subsection 1, paragraph B, a primary caregiver designated pursuant to section 2423-A, subsection 1, paragraph E F-1, subparagraph (4) or the parent, legal guardian or person having legal custody of a qualifying patient may, for the benefit of the qualifying patient, possess and administer harvested marijuana in a nonsmokeable form in a school bus and on the grounds of the preschool or primary or secondary school in which a minor the qualifying patient is enrolled only if:

A. A medical provider has provided the minor qualifying patient with a current written certification for the medical use of marijuana under this chapter; and

B. Possession of harvested marijuana in a nonsmokeable form is for the purpose of administering marijuana in a nonsmokeable form to the minor qualifying patient; and

C. The parent, legal guardian or person having legal custody of a qualifying patient enrolled in the preschool or primary or secondary school has notified the school that a caregiver has been designated on behalf of the qualifying patient to possess and administer harvested marijuana to the qualifying patient.

Harvested marijuana possessed or administered in accordance with this subsection may not be in a form that permits the qualifying patient to engage in smoking. For the purposes of this subsection, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer.

**Sec. 15. 22 MRSA §2426, sub-§3-A**, as enacted by PL 2011, c. 407, Pt. B, §31, is repealed.

**Sec. 16. 22 MRSA §2428**, as amended by PL 2017, c. 409, Pt. E, §9, is further amended to read:

**§2428. Registered dispensaries**

**1-A. Provisions pertaining to registered dispensary.** For the purpose of assisting a qualifying patient who has designated a registered dispensary to cultivate marijuana for the patient's medical use, a registered dispensary may in accordance with rules adopted by the department:

A. ~~Possess and dispense~~ Dispense up to 2 1/2 ounces of prepared harvested marijuana and ~~possess an incidental amount of marijuana for each to the~~ qualifying patient who has designated the dispensary. For the purposes of this chapter, any incidental amount of marijuana is lawful for a registered dispensary to possess and is not included in the amounts of prepared marijuana specified in this paragraph in one transaction, except that a dispensary may not dispense more than 2 1/2 ounces of harvested marijuana to a visiting qualifying patient during a 15-day period;

~~B. Cultivate up to 6 mature marijuana plants and possess all harvested marijuana from those marijuana plants for each patient who has designated the dispensary to cultivate the plants on the patient's behalf subject to the limit of 6 mature plants total for a patient who also cultivates marijuana;~~

~~C. Receive reasonable monetary compensation for costs associated with assisting or for cultivating marijuana plants for a the qualifying patient who designated the dispensary;~~

~~D. Assist any the qualifying patient who designated the dispensary to cultivate marijuana with the medical use or administration of marijuana; and~~

~~E. Obtain prepared harvested marijuana from a primary caregiver under section 2423-A, subsection 2, paragraph H or from another registered dispensary for the purposes of addressing an extended inventory supply interruption under subsection 6, paragraph G. K;~~

F. Except as provided in section 2426:

(1) Transfer marijuana plants and harvested marijuana to a qualifying patient and to a caregiver on behalf of a qualifying patient in a retail sale for reasonable compensation;

(2) Transfer marijuana plants and harvested marijuana to a qualifying patient, caregiver or dispensary for no remuneration;

(3) Acquire marijuana plants and harvested marijuana from another dispensary for no remuneration;

(4) Transfer to and accept from a registered caregiver or another dispensary marijuana plants and harvested marijuana in a wholesale transaction in accordance with this paragraph. A dispensary may transfer in wholesale transactions for reasonable compensation or for no remuneration up to 30% of the mature marijuana plants grown by the dispensary over the course of a calendar year, including any marijuana products or marijuana concentrate manufactured from that 30% of the mature marijuana plants grown by the dispensary. A dispensary may transfer to or accept from registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature marijuana plants and seedlings. A dispensary that acquires mature marijuana plants, marijuana products or marijuana concentrate in a wholesale transaction under this subparagraph may not resell the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying patient or

to a caregiver or dispensary to assist a qualifying patient;

(5) Transfer harvested marijuana to a manufacturing facility and accept marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the dispensary provided to the manufacturing facility; and

(6) Provide samples to a marijuana testing facility for testing and research purposes;

G. Conduct marijuana testing at the request of anyone authorized to possess marijuana under this chapter for research and development purposes only;

H. Manufacture marijuana products for medical use, except that a dispensary may not prepare food, as defined in section 2152, subsection 4, unless licensed pursuant to section 2167;

I. Manufacture marijuana concentrate for medical use, except that a dispensary may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;

J. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that is produced from the harvested marijuana the registered dispensary provided to the manufacturing facility;

K. Hire any number of assistants to assist in performing the duties of the dispensary; and

L. Transport marijuana plants and harvested marijuana as necessary to carry out the activities authorized under this section.

~~**2. Registration requirements.** Subject to limitations on the number and location of dispensaries in subsection 11 and rules adopted pursuant to this section, this subsection governs the registration of a dispensary.~~

~~A. The department shall register a dispensary and issue a registration certificate or renew a registration certificate within 30 days to any person or entity that provides:~~

~~(1) An annual fee paid to the department as set by rule pursuant to section 2425, subsection 12, paragraph C;~~

~~(2) The legal name of the dispensary, evidence of incorporation under Title 13-B and evidence that the corporation is in good standing with the Secretary of State;~~

~~(3) The physical address of the dispensary and the physical address of a maximum of one additional location, if any, where mari-~~

juana will be cultivated for patients who have designated the dispensary to cultivate for them. If a registered dispensary changes the physical location of the dispensary or the location at which it cultivates marijuana, the dispensary shall notify the department on a location change form provided by the department, pay a change fee as established in section 2425, subsection 12, paragraph C and obtain a new registration certificate from the department;

(4) The name, address and date of birth of each principal officer and board member of the dispensary; and

(5) The name, address and date of birth of any person who is employed by the dispensary.

B. The department shall track the number of registered patients who designate a dispensary to cultivate marijuana for them and issue to each dispensary a written statement of the number of patients who have designated the dispensary to cultivate marijuana for them. This statement must be updated each time a new registered patient designates the dispensary or ceases to designate the dispensary. The statement may be transmitted electronically if the department's rules so provide. The department may provide by rule that the updated written statements may not be issued more frequently than once each week.

C. The department shall issue each principal officer, board member and employee of a dispensary a registry identification card within 10 days of receipt of the person's name, address and date of birth under paragraph A and a fee in an amount established by the department. Each card must specify that the cardholder is a principal officer, board member or employee of a dispensary and must contain:

(1) The name, address and date of birth of the principal officer, board member or employee;

(2) The legal name of the dispensary with which the principal officer, board member or employee is affiliated;

(3) A random identification number that is unique to the cardholder;

(4) The date of issuance and expiration date of the registry identification card; and

(5) A photograph if required by the department.

D. The department may not issue a registry identification card to any principal officer, board member or employee of a dispensary who has

been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each principal officer, board member or employee on an annual basis in order to carry out this provision. If the department determines not to issue a registry identification card for a principal officer, board member or employee, the department shall notify the dispensary in writing of the reason for denying the registry identification card.

**3. Rules.** The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing the manner in which it considers applications for and renewals of registration certificates for dispensaries, including rules governing:

A. The form and content of registration and renewal applications;

B. Minimum oversight requirements for dispensaries and the one permitted additional location at which the dispensary cultivates marijuana for medical use by qualifying patients who have designated the dispensary to cultivate for them;

C. Minimum record keeping requirements for dispensaries, including recording the disposal of marijuana that is not distributed by the dispensary to qualifying patients who have designated the dispensary to cultivate for them;

D. Minimum security requirements for dispensaries and any additional location at which the dispensary cultivates marijuana for medical use by qualifying patients who have designated the dispensary to cultivate for them; and

E. Procedures for suspending or terminating the registration of dispensaries that violate the provisions of this section or the rules adopted pursuant to this subsection.

**4. Expiration.** A dispensary registration certificate and the registry identification card for each principal officer, board member or employee expire one year after the date of issuance. The department shall issue a renewal dispensary registration certificate and renewal registry identification cards within 10 days to any person who complies with the requirements contained in subsection 2. A registry identification card of a principal officer, board member or employee expires 10 days after notification by a dispensary that such person ceases to work at the dispensary.

**5. Inspection.** A dispensary and any additional location at which the dispensary cultivates marijuana for medical use by a qualifying patient who has designated the dispensary to cultivate for the patient are subject to reasonable inspection by the department. The department may enter the dispensary and the one permitted additional location at which the dispensary

cultivates marijuana at any time, without notice, to carry out an inspection under this subsection.

**6. Registered dispensary requirements.** This subsection governs the operations of registered dispensaries.

~~A. A dispensary must be operated on a not for profit basis for the mutual benefit of qualifying patients who have designated the dispensary to cultivate marijuana. The bylaws of a dispensary and its contracts with qualifying patients must contain such provisions relative to the disposition of revenues and receipts as may be necessary and appropriate to establish and maintain its not for profit status. A dispensary need not be recognized as a tax exempt organization under 26 United States Code, Section 501(c)(3) but is required to incorporate pursuant to Title 13-B and to maintain the corporation in good standing with the Secretary of State.~~

B. A dispensary may not be located within 500 feet of the property line of a preexisting public or private school.

~~C. A dispensary shall notify the department within 10 days of when a principal officer, board member or employee ceases to work at the dispensary.~~

~~D. A dispensary shall notify the department in writing of the name, address and date of birth of any new principal officer, board member or employee and shall submit a fee in an amount established by the department for a new registry identification card before the new principal officer, board member or employee begins working at the dispensary.~~

E. A dispensary shall implement appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the dispensary and the one permitted additional location at which the dispensary cultivates marijuana plants for medical use by qualifying patients ~~who have designated the dispensary to cultivate for them.~~

F. The operating documents of a dispensary must include procedures for the oversight of the dispensary and procedures to ensure accurate record keeping in accordance with section 2430-G.

~~G. A dispensary is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to assist qualifying patients who have designated the dispensary to cultivate marijuana for them for the medical use of marijuana directly or through the qualifying patients' primary caregivers, to obtain prepared marijuana as provided in subsection 1-A, para-~~

~~graph E or to provide prepared marijuana as provided in paragraph L and subsection 9, paragraph B.~~

~~H. All principal officers and board members of-  
ficers or directors~~ of a dispensary must be residents of this State.

I. All cultivation of marijuana plants must take place in an enclosed, locked facility a cultivation area unless the marijuana plants are being transported between the dispensary and a location at which the dispensary cultivates the marijuana plants, as disclosed to the department in subsection 2, paragraph A, subparagraph (3). The dispensary shall use a numerical identification system to enable the dispensary to track marijuana plants from cultivation to sale and to track prepared marijuana obtained pursuant to section 2423 A, subsection 2, paragraph H from acquisition to sale pursuant to subsection 1-A, paragraph L. Access to the cultivation facility area is limited to a cardholder who is a principal officer, board member or employee an officer or director or assistant of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by a principal officer, board member or employee an officer or director or assistant for the purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel, an employee assis-tant of a marijuana testing facility or a person who needs to gain access to the cultivation facility area in order to perform repairs or maintenance or to do construction may access the cultivation facility area to provide professional services while under the direct supervision of a cardholder who is a principal officer, board member or employee an officer or director or assistant of the dispensary.

~~J. A dispensary that is required to obtain a license for the preparation of food pursuant to section 2167 shall obtain the license prior to preparing goods containing marijuana, including tinctures of marijuana, for medical use by a qualifying patient.~~

K. A dispensary shall display the dispensary's registration certificate issued under subsection 2, paragraph A section 2425-A in a publicly visible location in the dispensary.

~~L. A dispensary may provide excess prepared marijuana to another dispensary that is experiencing an extended inventory supply interruption.~~

~~M. A dispensary may provide samples to a marijuana testing facility for testing and research purposes.~~

~~N. A dispensary may conduct marijuana testing at the request of anyone authorized to possess marijuana under this chapter for research and development purposes only.~~

**7. Maximum amount of marijuana to be dispensed.** A dispensary or a ~~principal officer, board member or employee~~ an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of ~~prepared~~ harvested marijuana in one transaction to a qualifying patient ~~who has designated the dispensary or to a primary caregiver on behalf of a qualifying patient who has designated the dispensary,~~ except that a dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested marijuana to a visiting qualifying patient during a 15-day period.

**8-A. Immunity.** The immunity provisions in this subsection apply to a ~~registered dispensary and officers, board members, agents and employees of the dispensary.~~

A. A registered dispensary is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a ~~business or an occupational or professional licensing board or entity,~~ and may not be denied any right or privilege solely for acting in accordance with this section to assist qualifying patients with the medical use of marijuana in accordance with this chapter.

B. A principal officer, board member, agent or employee of a registered dispensary is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a ~~business or an occupational or professional licensing board or entity,~~ and may not be denied any right or privilege solely for working for or with a registered dispensary to provide prepared marijuana to qualifying patients or to otherwise assist qualifying patients with the medical use of marijuana in accordance with this chapter.

**9. Prohibitions.** The prohibitions in this subsection apply to a registered dispensary.

A. A dispensary may not possess more than 6 mature marijuana plants for each qualifying patient ~~who has designated the dispensary to cultivate marijuana for the qualifying patient's medical use subject to a limit of 6 mature plants total for a patient who also cultivates marijuana.~~

B. A dispensary may not dispense, deliver or otherwise transfer marijuana ~~to a person other than a qualifying patient who has designated the dispensary to cultivate marijuana for the patient, to the patient's primary caregiver or to a dispensary as provided in subsection 6, paragraphs G and L~~ except as provided in this chapter.

C. The department shall immediately revoke the registry identification card of a ~~principal officer, board member or employee of a dispensary who is found to have violated paragraph B, and such a~~

~~person is disqualified from serving as a principal officer, board member or employee of a dispensary.~~

D. A person who has been convicted of a disqualifying drug offense may not be a ~~principal officer, board member or employee~~ an officer or director or assistant of a dispensary.

(1) A person who is ~~employed by or is a principal officer or board member~~ an officer or director or assistant of a dispensary in violation of this paragraph commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

(2) A person who is ~~employed by or is a principal officer or board member~~ an officer or director or assistant of a dispensary in violation of this paragraph and who at the time of the violation has been previously found to have violated this paragraph commits a Class D crime.

E. A dispensary may ~~acquire prepared marijuana only from a primary caregiver in accordance with section 2423 A, subsection 2, paragraph H or K, through the cultivation of marijuana by that dispensary either at the location of the dispensary or at the one permitted additional location at which the dispensary cultivates marijuana for medical use by qualifying patients who have designated the dispensary to cultivate for them or from a dispensary as provided in subsection 1 A, paragraph E.~~

F. A dispensary may not contract for the cultivation of seeds of a marijuana plant, seedlings or small plants or the cultivation, production or preparation of marijuana or food containing marijuana for medical use immature marijuana plants, except that a dispensary may engage in wholesale transactions in accordance with subsection 1-A, paragraph F, subparagraph (4).

G. A registered dispensary may not use a pesticide on marijuana plants except a pesticide that is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered dispensary may not in the cultivation of marijuana plants use a pesticide unless at least one registered dispensary employee assistant involved in the application of the pesticide is certified pursuant to section 1471-D and all other registered dispensary employees assistants who have direct contact with treated plants have completed safety training pursuant to 40 Code of Fed-

eral Regulations, Section 170.130. A registered dispensary ~~employee assistant~~ who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230.

**10. Local regulation.** ~~This chapter does not prohibit a political subdivision of this State from limiting the number of dispensaries that may operate in the political subdivision or from enacting reasonable regulations applicable to dispensaries. A local government may not adopt an ordinance that is duplicative of or more restrictive than the provisions of this Act. An ordinance that violates this subsection is void and of no effect.~~

**11. Limitation on number of dispensaries.** ~~The department shall adopt rules limiting the number and location of registered dispensaries. During the first year of operation of dispensaries the department may not issue more than one registration certificate for a dispensary in each of the 8 public health districts of the Department of Health and Human Services, as defined in section 411. After review of the first full year of operation of dispensaries and periodically thereafter, the department may amend the rules on the number and location of dispensaries; however, the number of dispensaries may not be less than 8.~~

**11-A. Limitation on number of dispensaries registered.** This subsection governs the limits on the number of dispensary registration certificates that may be issued by the department.

A. In addition to the 8 dispensary registration certificates issued as of April 1, 2018, the department shall issue 6 dispensary registration certificates to applicants that the department determines meet all criteria established in rule. Of the new registration certificates issued after April 1, 2018, the department may not issue more than one additional registration certificate to any dispensary operating in the State on April 1, 2018 or to its successor in interest and the department may not issue more than one dispensary registration certificate to any person that did not hold a dispensary registration certificate as of April 1, 2018. After January 1, 2021, the department may not limit the number of registration certificates it issues to a person to operate as a dispensary.

B. The department shall issue a registration certificate to a dispensary that operated as a nonprofit entity prior to April 1, 2018 if 2/3 of the officers or directors of the entity that is the successor in interest of that nonprofit entity were officers or directors of the nonprofit entity at the time the nonprofit entity ceased existing as a nonprofit entity. The registration certificate of a dispensary operating as a nonprofit entity prior to April 1, 2018 ex-

pires upon the cessation of existence of the nonprofit entity unless an entity that is the successor in interest to that nonprofit entity and that meets the requirements of this paragraph is capable of operating under the registration certificate at substantially the same time the nonprofit entity ceases existence. The registration certificate issued to the entity that is the successor in interest to the nonprofit entity under this paragraph expires on the date the registration certificate issued to the nonprofit entity would have expired.

**12. Labels.** ~~If a dispensary affixes a label on the packaging of any marijuana or product containing marijuana provided to a qualifying patient and that label includes information about contaminants, the cannabinoid profile or potency of the marijuana or product containing marijuana, the label must be verified by a marijuana testing facility that is not owned by the dispensary if there is a marijuana testing facility licensed, certified or approved in accordance with this chapter.~~

**Sec. 17. 22 MRSA §2429**, as amended by PL 2011, c. 407, Pt. B, §§33 and 34, is repealed.

**Sec. 18. 22 MRSA §§2429-A to 2429-D** are enacted to read:

**§2429-A. Packaging and labeling requirements**

**1. Packaging requirements.** As applicable based on the form of the item sold, harvested marijuana sold in a retail transaction under this chapter must be:

A. Prepackaged in child-resistant and tamper-evident packaging or placed in child-resistant and tamper-evident packaging with a signifier that the package contains harvested marijuana at the final point of sale to a qualifying patient;

B. Prepackaged in opaque packaging or an opaque container or placed in opaque packaging or an opaque container with a signifier that the package contains harvested marijuana at the final point of sale to a qualifying patient;

C. Packaged in a container with an integral measurement component and child-resistant cap if the marijuana product is a multiserving liquid; and

D. In conformity with all other applicable requirements and restrictions imposed by rule by the department.

Any package required under this subsection that contains edible marijuana products must include a signifier that the package contains harvested marijuana.

**2. Packaging prohibitions.** Harvested marijuana sold in a retail transaction under this chapter may not be:

A. Labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the harvested marijuana was a trademarked product;

B. Labeled or packaged in a manner that is specifically designed to appeal particularly to a person under 21 years of age;

C. Labeled or packaged in a manner that obscures identifying information on the label or uses a false or deceptive label;

D. Sold or offered for sale using a label or packaging that depicts a human, animal or fruit; or

E. Labeled or packaged in violation of any other labeling or packaging requirement or restriction imposed by rule by the department.

**3. Labels.** If a registered caregiver, dispensary or manufacturing facility affixes a label on the packaging of any harvested marijuana provided to a qualifying patient and that label includes information about contaminants, the cannabinoid profile or potency of the harvested marijuana, the label must be verified by a marijuana testing facility. This subsection does not apply if there is no marijuana testing facility operating in accordance with section 2423-A, subsection 10.

**4. Educational materials.** A person that provides harvested marijuana to a qualifying patient must make educational materials about medical marijuana available to the qualifying patient at the time of the transaction. The department shall develop the minimum content of the educational materials provided under this subsection and make that content available publicly.

#### **§2429-B. Signs, advertising and marketing**

**1. Prohibitions.** Signs, advertising and marketing used by or on behalf of a registered caregiver or dispensary may not:

A. Be misleading, deceptive or false;

B. Involve mass-market advertising or marketing campaigns that have a high likelihood of reaching persons under 21 years of age or that are specifically designed to appeal particularly to persons under 21 years of age;

C. Be placed or otherwise used within 1,000 feet of the property line of a preexisting public or private school, except that, if a municipality chooses to prohibit the placement or use of signs or advertising by or on behalf of a registered caregiver or dispensary at distances greater than or less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that greater or lesser distance applies;

D. Violate any other requirement or restriction on signs, advertising and marketing imposed by the department by rule pursuant to subsection 2; or

E. Market to any person authorized to possess marijuana under this chapter and specifically to any adult use or recreational marijuana market within the same sign, advertisement or marketing material.

#### **2. Rules on signs, advertising and marketing.**

The department shall adopt rules regarding the placement and use of signs, advertising and marketing by or on behalf of a registered caregiver or dispensary, which may include, but are not limited to:

A. A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to, health or physical benefit claims on the label or packaging of harvested marijuana;

B. A prohibition on unsolicited advertising or marketing on the Internet, including, but not limited to, banner advertisements on mass-market websites;

C. A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature; and

D. A prohibition on advertising or marketing directed toward location-based devices, including, but not limited to, cellular telephones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.

#### **§2429-C. Edible marijuana products health and safety requirements and restrictions**

In addition to all other applicable provisions of this chapter, edible marijuana products to be sold or offered for sale in a retail transaction in accordance with this chapter:

**1. Cannabinoid content.** Must be manufactured in a manner that results in the cannabinoid content within the product being homogeneous throughout the product or throughout each element of the product that has a cannabinoid content;

**2. Marijuana content.** Must be manufactured in a manner that results in the amount of marijuana concentrate within the product being homogeneous throughout the product or throughout each element of the product that contains marijuana concentrate;

**3. Shape.** May not be manufactured in the distinct shape of a human, animal or fruit;

**4. Additives.** May not contain additives that are:

A. Toxic or harmful to human beings; or

B. Specifically designed to make the product appeal particularly to a person under 21 years of age; and

**5. Addition to trademarked food or drink.** May not involve the addition of marijuana to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible marijuana product and the edible marijuana product is not advertised or described for sale as containing the trademarked product.

**§2429-D. Local regulation**

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, registered caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A municipality may not:

**1. Registered caregivers.** Prohibit or limit the number of registered caregivers;

**2. Stores, dispensaries, testing and manufacturing facilities.** Prohibit registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section; or

**3. Municipal authorization needed.** Authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.

**Sec. 19. 22 MRSA §2430, sub-§2, ¶A,** as enacted by PL 2009, c. 631, §45 and affected by §51, is amended to read:

A. All money received as a result of applications and reapplications for registration as a qualifying patient, ~~primary caregiver and~~ dispensary, manufacturing facility and marijuana testing facility;

**Sec. 20. 22 MRSA §2430, sub-§2, ¶B,** as amended by PL 2015, c. 475, §25, is further amended to read:

B. All money received as a result of applications and reapplications for registry identification cards for registered patients, ~~primary caregivers and~~ dispensaries and ~~board members, officers and employees~~ officers or directors or assistants of regis-

tered caregivers, dispensaries ~~or~~ manufacturing facilities and marijuana testing facilities;

**Sec. 21. 22 MRSA §2430, sub-§3,** as enacted by PL 2009, c. 631, §45 and affected by §51, is amended to read:

**3. Uses of the fund.** The fund may be used for expenses of the department to administer this chapter or for research in accordance with subsection 5, as allocated by the Legislature. To the extent that funds remain in the fund after the expenses of the department to administer this chapter and for research in accordance with subsection 5, any remaining funds must be used to fund:

A. The cost of the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund; and

B. The cost of the position in the Department of Administrative and Financial Services, Bureau of Revenue Services to administer the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the Commissioner of Administrative and Financial Services shall determine the cost of the position in the bureau to administer those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund.

**Sec. 22. 22 MRSA §2430, sub-§§4 and 5** are enacted to read:

**4. Review of fund balance.** Beginning January 2018 and every 2 years thereafter, the department shall review the balance in the fund. If the balance in the fund exceeds \$400,000, the department shall reduce the fees established under section 2425-A, subsection 10 for a 2-year period beginning with the calendar year following the review.

**5. Medical marijuana research grant program established.** The medical marijuana research grant program, referred to in this subsection as "the program," is established within the department to provide grant money to support objective scientific research, including observational and clinical trials and existing research, on the efficacy of marijuana as part of medical treatment and the health effects of marijuana used as part of medical treatment. The program must be funded from the fund. The department shall adopt rules necessary to implement the program, including, but not limited to, required qualifications of persons

conducting the research; determining the scientific merit and objectivity of a research proposal; criteria for determining the amount of program funds distributed; criteria for determining the duration of the research; procedures for soliciting research participants, including outreach to patients, and for obtaining the informed consent of participants; and reporting requirements for the results of the research and evaluation of the research results. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 23. 22 MRSA §2430-A**, as amended by PL 2015, c. 475, §26, is repealed.

**Sec. 24. 22 MRSA §§2430-C to 2430-H** are enacted to read:

**§2430-C. Protections for authorized activity**

**1. Rights of persons or entities acting pursuant to this chapter.** A person whose conduct is authorized under this chapter may not be denied any right or privilege or be subjected to arrest, prosecution, penalty or disciplinary action, including but not limited to a civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for lawfully engaging in conduct involving the medical use of marijuana authorized under this chapter.

**2. Legal protection for hospitals and long-term care facilities.** The immunity provisions in this subsection apply to a hospital licensed under chapter 405 and an officer or director, employee or agent of the hospital and a long-term care facility and an officer or director, employee or agent of the long-term care facility. Any immunity provision in this chapter in conflict with this subsection does not apply to a hospital or long-term care facility. The legal protection for hospitals and long-term care facilities applies in accordance with the following.

A. If the use of a form of harvested marijuana that is not smoked, including but not limited to edible marijuana products and tinctures and salves of marijuana, by an admitted patient who has been certified under section 2423-B occurs in a hospital, that hospital is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of marijuana authorized under this chapter.

B. If the use of a form of harvested marijuana consistent with a long-term facility's policy by an admitted patient who has been certified under section 2423-B occurs in the long-term care facility, that long-term care facility is not subject to prosecution, search, seizure or penalty in any manner,

including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of marijuana authorized under this chapter.

C. An officer or director, employee or agent of a hospital or long-term care facility where the use of a form of harvested marijuana that is not smoked or vaporized, including but not limited to edible marijuana products and tinctures and salves of marijuana, by an admitted patient who has been certified under section 2423-B occurs is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of marijuana authorized under this chapter.

**3. School, employer or landlord may not discriminate.** A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person solely for that person's status as a qualifying patient or a caregiver unless failing to do so would put the school, employer or landlord in violation of federal law or cause it to lose a federal contract or funding. This subsection does not prohibit a restriction on the administration or cultivation of marijuana on premises when that administration or cultivation would be inconsistent with the general use of the premises. A landlord or business owner may prohibit the smoking of marijuana for medical purposes on the premises of the landlord or business if the landlord or business owner prohibits all smoking on the premises and posts notice to that effect on the premises.

**4. Person may not be denied parental rights and responsibilities or contact with a minor child.** A person may not be denied parental rights and responsibilities with respect to or contact with a minor child as a result of acting in accordance with this chapter, unless the person's conduct is contrary to the best interests of the minor child as set out in Title 19-A, section 1653, subsection 3.

**5. Receiving an anatomical gift.** In reviewing a qualifying patient's suitability for receiving an anatomical gift, a transplant evaluator shall treat the qualifying patient's medical use of marijuana as the equivalent of the authorized use of any other medications used at the direction of a medical provider. A transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the qualifying patient's medical use of marijuana to the use of forms of har-

vested marijuana that are not smoked or vaporized, including but not limited to edible marijuana and tinctures and salves of marijuana. A transplant evaluator may require medical marijuana used by a qualifying patient to be tested for fungal contamination by a marijuana testing facility. For purposes of this subsection, "transplant evaluator" means a person responsible for determining another person's suitability for receiving an anatomical gift. For the purposes of this subsection, "anatomical gift" has the same meaning as in section 2942, subsection 2.

**6. Prohibition on seizure and retention.** Except when necessary for an ongoing criminal or civil investigation, a law enforcement officer may not seize marijuana that is in the possession of a qualifying patient, caregiver, marijuana testing facility, manufacturing facility or registered dispensary as authorized by this chapter. A law enforcement officer in possession of marijuana in violation of this subsection shall return the marijuana within 7 days after receiving a written request for return by the owner of the marijuana. Notwithstanding the provisions of Title 14, chapter 741, if the law enforcement officer fails to return marijuana possessed in violation of this subsection within 7 days of receiving a written request for return of the marijuana under this subsection, the owner of the marijuana may file a claim in the District Court in the district where the owner lives or where the law enforcement officer is employed.

**7. Requirements for protection.** To receive protection under this section for conduct authorized under this chapter, a person must:

A. If the person is a qualifying patient or visiting qualifying patient, present upon request of a law enforcement officer the original written certification for the patient and the patient's government-issued identification that includes a photo and proof of address; or

B. If the person is a caregiver, present upon request of a law enforcement officer the original written document designating the person as a caregiver by the qualifying patient under section 2423-A, subsection 1, paragraph F-1 and the caregiver's government-issued identification that includes a photo and proof of address.

**8. Evidence of lawful conduct.** A person who has been issued a registry identification card pursuant to section 2425-A must also possess a valid government-issued identification that includes a photo and proof of address in order to establish proof of authorized participation in the medical use of marijuana under this chapter. Possession of a registry identification card by a cardholder, the act of applying for such a registry identification card, possession of a written certification issued under section 2423-B or possession of a designation document executed under section 2423-A, subsection 1, paragraph F-1 is not evidence of

unlawful conduct and may not be used to support the search of that person or that person's property. The possession of or application for a registry identification card or possession of a written certification does not prevent the issuance of a warrant if probable cause exists on other grounds.

**9. Immunity.** The immunity provisions in this subsection apply to caregivers, marijuana testing facilities, manufacturing facilities and dispensaries and the officers or directors or assistants of caregivers, marijuana testing facilities, manufacturing facilities and dispensaries.

A. A caregiver, marijuana testing facility, manufacturing facility or dispensary is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this section to assist with the medical use of marijuana in accordance with this chapter.

B. An officer or director or assistant of a caregiver, marijuana testing facility, manufacturing facility or dispensary is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a caregiver, marijuana testing facility, manufacturing facility or dispensary to provide marijuana plants and marijuana products to qualifying patients, caregivers, dispensaries, manufacturing facilities or marijuana testing facilities or to otherwise assist with the medical use of marijuana in accordance with this chapter.

#### **§2430-D. Collectives prohibited**

Collectives are prohibited under this chapter. A person may not form or participate in a collective. The following relationships are not collectives and are not prohibited:

**1. Caregivers assisting for the benefit of a mutual qualifying patient.** Two caregivers to the extent the relationship is to:

A. Consult with each other to assist the same qualifying patient;

B. Refer a qualifying patient to a caregiver to obtain specialized marijuana plants or harvested marijuana;

C. Obtain specialized marijuana plants or harvested marijuana from another caregiver to assist the same qualifying patient; or

D. Transfer harvested marijuana pursuant to section 2423-A, subsection 2, paragraph K;

2. Employer and assistant relationship. Two caregivers to the extent the relationship is as employer and assistant; or

3. Caregivers sharing common areas. Any number of caregivers who are operating separately and occupying separate spaces within a common facility to engage in activities authorized under section 2423-A, subsection 2, even if they also share utilities or common areas, including but not limited to storage areas and building facilities, and who do not share marijuana plants or harvested marijuana resulting from the cultivation of those plants.

#### **§2430-E. Possession penalties; fraud penalty**

1. Excess marijuana; forfeiture. A person who possesses marijuana plants or harvested marijuana in excess of the limits provided in this section shall forfeit the excess amounts to a law enforcement officer. The law enforcement officer is authorized to remove all excess marijuana plants or harvested marijuana possessed by that person in order to catalog the amount of excess marijuana. Possession of marijuana in excess of the limits provided in this section is a violation as follows:

A. Possession of harvested marijuana by a qualifying patient or a caregiver operating under section 2423-A, subsection 3, paragraph C in an excess amount up to 1 1/4 ounces commits a civil violation for which a fine of not less than \$350 and not more than \$600 must be adjudged, none of which may be suspended;

B. Possession of harvested marijuana by a qualifying patient or a caregiver operating under section 2423-A, subsection 3, paragraph C in an excess amount over 1 1/4 ounces and up to 2 1/2 ounces commits a civil violation for which a fine of not less than \$700 and not more than \$1,000 must be adjudged, none of which may be suspended; and

C. Possession of harvested marijuana by a qualifying patient or a caregiver operating under section 2423-A, subsection 3, paragraph C in an excess amount over 2 1/2 ounces is a violation of Title 17-A, chapter 45.

2. Repeat forfeiture. If a cardholder has previously forfeited excess marijuana pursuant to subsection 1 and a subsequent forfeiture occurs, the department shall revoke the registry identification card of the cardholder and the entire amount of marijuana plants or harvested marijuana possessed by that cardholder must be forfeited to a law enforcement officer. The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are

routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Defense for possession of excess marijuana. Except as provided in section 2426, a qualifying patient may assert the medical purpose for using marijuana as a defense to any prosecution involving marijuana possession and may present evidence in court that the patient's necessary medical use or cultivation circumstances warranted exceeding the amount of marijuana allowed under section 2423-A and was reasonably necessary to ensure the uninterrupted availability of marijuana for the purpose of treating or alleviating the patient's medical diagnosis or symptoms associated with the patient's medical diagnosis that, in a medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of marijuana.

4. Calculation of marijuana weight. The amount of marijuana possessed under this chapter must be calculated by the weight of dried harvested marijuana. A calculation of the weight of marijuana that is not dried must reduce the weight by at least 75% to account for moisture content. A calculation of the weight of marijuana in a marijuana product may not include ingredients in the product other than marijuana, except that the weight of marijuana concentrate must be included whether the marijuana concentrate is possessed by itself or within a marijuana product.

5. Penalty for fraud. Fraudulent misrepresentation regarding lawful possession or medical use of marijuana and fraudulent procurement under this chapter are governed by this subsection. A person who misrepresents to a law enforcement official any fact or circumstance relating to the possession or medical use of marijuana under this chapter to avoid arrest or prosecution commits a civil violation for which a fine of \$200 must be adjudged.

#### **§2430-F. Registration suspension or revocation**

1. Department suspension or revocation. The department may suspend or revoke a registry identification card for violation of this chapter and the rules adopted under this chapter. Revocation in accordance with section 2430-E, subsection 2 is considered a final agency action, subject to judicial review under Title 5, chapter 375, subchapter 7. Unless otherwise specified as final agency action, a person who has had authorization for conduct under this chapter revoked due to failure to comply with this chapter and rules adopted by the department may request an informal hearing. The department shall adopt rules to specify the period of time, which may not exceed one year, that the person whose registry identification card was revoked is ineligible for reauthorization under this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The department shall immediately revoke the registry identification card of an officer or director or assistant of a dispensary who is found to have violated section 2428, subsection 9, paragraph B, and that person is disqualified from serving as an officer or director or assistant of a dispensary.

**2. Suspension or revocation of registry identification card.** The department shall revoke the registry identification card of a cardholder who sells, furnishes or gives marijuana to a person who is not authorized to possess marijuana for medical purposes under this chapter. A cardholder who sells, furnishes or gives marijuana to a person who is not authorized to possess marijuana for medical purposes under this chapter is liable for any other penalties for selling, furnishing or giving marijuana to a person. The department may suspend or revoke the registry identification card of any cardholder who violates this chapter, and the cardholder is liable for any other penalties for the violation.

**§2430-G. Record keeping; inspections; reporting requirements**

**1. Tracking; record keeping.** This subsection governs the tracking, record-keeping and disclosure requirements of registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A. A registered caregiver, a registered dispensary, a marijuana testing facility and a manufacturing facility shall:

- (1) Keep a record of all transfers of marijuana plants and harvested marijuana;
- (2) Keep the books and records maintained by the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility for a period of 7 years;
- (3) Complete an annual audit of business transactions of the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility by an independent 3rd party; and
- (4) Make the books and records maintained under this subsection available to inspection by the department upon the department's demand.

Records kept under this paragraph must avoid identifying qualifying patients.

B. The department shall develop and implement a statewide electronic portal through which registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities may submit to the department the records required under paragraph A and in accordance with rules adopted by the department. The department shall

adopt rules regarding the process and content of records to be submitted, the frequency with which the records must be submitted and any other requirements necessary to implement this paragraph.

C. A registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility shall accompany all marijuana plants and harvested marijuana being transported pursuant to this chapter with a label that identifies:

- (1) The person transferring the marijuana plants or harvested marijuana, including the person's registry identification number;
- (2) The person receiving the marijuana plants or harvested marijuana, including the person's registry identification number or, if the person is not required to register under this chapter, a unique identifier assigned to the person;
- (3) A description of the marijuana plants or harvested marijuana being transferred, including the amount and form;
- (4) The time and date of the transfer; and
- (5) The destination of the marijuana plants or harvested marijuana.

The department may adopt rules to implement this subsection.

**2. Inspections.** This subsection governs inspections of registered caregivers, registered dispensaries, including the additional location where cultivation of marijuana plants may occur, marijuana testing facilities and manufacturing facilities.

A. Notwithstanding section 2423-A, subsection 3, paragraph B and section 2428, subsection 6, paragraph I, to ensure compliance with this chapter or in response to a complaint, the department may inspect the premises where a registered caregiver conducts activity authorized under this chapter, a registered dispensary including the additional location where cultivation may occur, a marijuana testing facility and a manufacturing facility without notice during regular business hours or during hours of apparent activity, except that the department:

- (1) May not enter the dwelling unit of a registered caregiver if the registered caregiver is not present; and
- (2) May inspect only the area of a dwelling unit where activity authorized under this chapter occurs.

The department shall specify in writing to the registered caregiver or an officer or director or assistant of a registered caregiver, registered dispensary, marijuana testing facility or manufacturing fa-

cility the grounds contained in the complaint when conducting an inspection in response to a complaint.

B. The department shall adopt rules:

(1) Establishing standards for compliance with this chapter that are available publicly;

(2) Establishing inspection procedures that prevent contamination of any operations undertaken by the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility in compliance with this chapter; and

(3) Requiring a registered caregiver to report on the location within the registered caregiver's home where activity authorized under this chapter is occurring.

Rules adopted by the department pursuant to this paragraph may require that an annual compliance inspection is a condition of eligibility for renewal of a registration under this chapter.

C. The department may suspend, revoke or refuse to renew the registration identification card or registration certificate of a registered caregiver, a registered dispensary, a marijuana testing facility or a manufacturing facility that refuses or willfully avoids 2 or more inspections under this subsection. A person whose registry identification card or registration certificate has been suspended, revoked or not renewed under this subsection may request a hearing in accordance with Title 5, chapter 375, subchapter 4.

D. The department may not conduct inspections of a qualifying patient or caregiver operating under section 2423-A, subsection 2, paragraph C.

**3. Incident and illegal activity reporting.** A registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility shall report:

A. Any violation of this chapter or rule adopted under this chapter governing the operations of the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility to the department within one business day of discovering the violation; and

B. Any suspected illegal activity involving the operations of the registered caregiver, registered dispensary, marijuana testing facility or manufacturing facility to the department and law enforcement within 24 hours of discovering the suspected illegal activity.

**4. Procedures for suspending or terminating registration.** The department shall adopt rules establishing procedures for suspending or terminating the registration of a registered dispensary or a registered

caregiver that violates the provisions of this section or the rules adopted pursuant to this subsection.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### **§2430-H. Fines collected**

Fines collected pursuant to this chapter and rules adopted by the department must be credited to the Medical Use of Marijuana Fund pursuant to section 2430.

**Sec. 25. 25 MRSA §1542-A, sub-§1, ¶P** is enacted to read:

P. Who is required to have a criminal history record check under Title 22, section 2425-A, subsection 3-A.

**Sec. 26. 25 MRSA §1542-A, sub-§3, ¶O** is enacted to read:

O. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph P at the request of that person or the Department of Administrative and Financial Services under Title 22, section 2425-A, subsection 3-A.

**Sec. 27. 25 MRSA §1542-A, sub-§4**, as repealed and replaced by PL 2017, c. 409, Pt. B, §13, is amended to read:

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

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

**Sec. 28. 28-B MRSA §102, sub-§46**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**46. Registered dispensary.** "Registered dispensary" ~~means a nonprofit dispensary that is registered pursuant to~~ has the same meaning as in Title 22, section ~~2428~~ 2422, subsection 6.

**Sec. 29. 36 MRSA §191, sub-§3-B**, as enacted by PL 2013, c. 595, Pt. J, §2 and affected by §4, is amended to read:

**3-B. Additional restrictions for certain information provided by the Department of Administrative and Financial Services.** Information provided to the assessor by the Department of ~~Health and Human Administrative and Financial~~ Administrative and Financial Services pursuant to section 175 and Title 22, section ~~2425, subsection 8~~ 2425-A, subsection 12, paragraph L may be used by the bureau only for the administration and enforcement of taxes imposed under this Title. These restrictions are in addition to those imposed by subsection 1.

**Sec. 30. 36 MRSA §1817, sub-§5**, as enacted by IB 2015, c. 5, §3, is amended to read:

**5. Exemption.** The tax on marijuana imposed pursuant to this section may not be levied on marijuana sold by a registered ~~nonprofit~~ dispensary or registered caregiver to a qualifying patient or ~~primary~~ caregiver pursuant to Title 22, chapter 558-C.

**Sec. 31. 36 MRSA §5122, sub-§2, ¶PP** is enacted to read:

PP. For taxable years beginning on or after January 1, 2018, for business expenses related to carrying on a trade or business as a registered care-

giver or a registered dispensary, as defined in Title 22, section 2422, an amount equal to the deduction that would otherwise be allowable under this Part to the extent that the deduction is disallowed under the Code, Section 280E.

**Sec. 32. 36 MRSA §5200-A, sub-§2, ¶BB** is enacted to read:

BB. For taxable years beginning on or after January 1, 2018, for business expenses related to carrying on a trade or business as a registered caregiver or a registered dispensary, as defined in Title 22, section 2422, an amount equal to the deduction that would otherwise be allowable under this chapter to the extent that the deduction is disallowed under the Code, Section 280E.

**Sec. 33. Tax forms.** The Department of Administrative and Financial Services, Bureau of Revenue Services shall amend as necessary any form on which retail sales of medical marijuana under the Maine Revised Statutes, Title 22, chapter 558-C may be reported to the department to clearly indicate that those sales are subject to the sales tax imposed under Title 36, section 1811.

**Sec. 34. Rulemaking; medical marijuana research grant program.** No later than March 1, 2019, the Department of Administrative and Financial Services shall adopt rules to implement the medical marijuana research grant program established in the Maine Revised Statutes, Title 22, section 2430, subsection 5.

**Sec. 35. Report on statewide electronic tracking portal.** The Department of Administrative and Financial Services shall report in writing to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2019 on the progress of the department in adopting rules and otherwise implementing the statewide electronic tracking portal established in the Maine Revised Statutes, Title 22, section 2430-G, subsection 1, paragraph B.

**Sec. 36. Outreach to medical providers.** The Department of Administrative and Financial Services, in consultation with the Department of Health and Human Services, shall consult with statewide associations representing licensed medical professionals to develop and provide educational materials related to medical marijuana to medical providers, as defined in the Maine Revised Statutes, Title 22, section 2422, who provide written certifications for the medical use of marijuana in accordance with Title 22, section 2423-B.

**Sec. 37. Maine Revised Statutes, Title 28-B amended; revision clause.** Wherever in the Maine Revised Statutes, Title 28-B the words "primary caregiver" appear, or reference is made to that entity or those words, those words are amended to read or

mean, as appropriate, "caregiver" and wherever the words "registered primary caregiver" appear, or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "registered caregiver." The Revisor of Statutes shall implement these revisions when updating, publishing or republishing the statutes.

**Sec. 38. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Medical Use of Marijuana Fund N280**

Initiative: Provides funding for increased legal services.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$110,976
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$110,976

**Medical Use of Marijuana Fund N280**

Initiative: Provides allocations to establish 2 Field Investigator positions and one Office Specialist I position for an increased number of investigations.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	3.000
Personal Services	\$0	\$216,969
All Other	\$0	\$18,858
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$235,827

**Revenue Services, Bureau of 0002**

Initiative: Provides funding for one Tax Examiner position and related costs to review and process income tax returns.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$61,865
All Other	\$0	\$49,429
<hr/>		
GENERAL FUND TOTAL	\$0	\$111,294

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$111,294
OTHER SPECIAL REVENUE FUNDS	\$0	\$346,803
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$458,097

**ATTORNEY GENERAL, DEPARTMENT OF THE**

**Human Services Division 0696**

Initiative: Allocates funds for the costs of one full-time Assistant Attorney General position to advise the Department of Administrative and Financial Services on the interpretation of new medical marijuana program provisions and to assist with enforcement thereof and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$99,306
All Other	\$0	\$11,670
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$110,976

**ATTORNEY GENERAL, DEPARTMENT OF THE**

DEPARTMENT TOTALS	2017-18	2018-19
OTHER SPECIAL REVENUE FUNDS	\$0	\$110,976
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$110,976

SECTION TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$111,294
OTHER SPECIAL REVENUE FUNDS	\$0	\$457,779

SECTION TOTAL -	\$0	\$569,073
ALL FUNDS		

See title page for effective date.

**CHAPTER 453**

**H.P. 491 - L.D. 700**

**An Act To Give Flexibility to  
Employees and Employers for  
Temporary Layoffs**

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

**Whereas,** the number of individuals about to enter temporary unemployment in the State is due to increase dramatically, based on cyclical data from the Department of Labor; and

**Whereas,** the provisions in this legislation provide additional relief for individuals entering temporary unemployment with a definite recall date from their employer; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 26 MRSA §1192, sub-§3,** as amended by PL 2007, c. 352, Pt. C, §1, is further amended to read:

**3. Is able and available for work.** The individual is able to work and is available for full-time work at the individual's usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business for which the individual's prior training or experience shows the individual to be fitted or qualified, as long as the geographic region in which the work will take place is not greater than 35 miles from the individual's primary residence; and in addition to having complied with subsection 2 is actively seeking work in accordance with the regulations of the commission; provided that no ineligibility may be found solely because the claimant is unable to accept employment on a shift, the greater part of which falls between the hours of midnight to 5 a.m., and is unavailable for that employment because of parental obligation, the need to care for an immediate family member; or the unavailability of a personal care attendant required to assist the unemployed individual

who is a handicapped person; and provided that an unemployed individual who is neither able nor available for work due to good cause as determined by the deputy is eligible to receive prorated benefits for that portion of the week during which the individual was able and available.

A. Notwithstanding this subsection, beginning January 1, 2004, an individual who is not available for full-time work as required in this subsection is not disqualified from receiving benefits if:

(1) The individual worked less than full time for a majority of the weeks during that individual's base period and the individual is able and available for and actively seeking part-time work for at least the number of hours in a week comparable to those customarily worked in part-time employment during that individual's base period; or

(2) The individual worked full time for a majority of the weeks during that individual's base period, but is able and available for and actively seeking only part-time work because of the illness or disability of an immediate family member or because of limitations necessary for the safety or protection of the individual or individual's immediate family member.

**Sec. 2. 26 MRSA §1192, sub-§12,** as amended by PL 2011, c. 645, §3, is further amended to read:

**12. Participation in reemployment services.** The individual who has been referred to reemployment services, pursuant to a profiling system established by the commissioner, participates in those services or similar services unless it is determined that the individual has completed those services or there is good cause for the individual's failure to participate; ~~and~~

**Sec. 3. 26 MRSA §1192, sub-§13,** as amended by PL 2017, c. 117, §5, is further amended to read:

**13. Reemployment services and eligibility assessment; participation.** In the case that the individual has been referred to reemployment services and eligibility assessment by the Department of Labor, the individual participates in those services, unless the department determines there is good cause for the individual's failure to participate. Failure to participate in reemployment services and eligibility assessment without good cause results in a denial of benefits until the individual participates; ~~and~~

**Sec. 4. 26 MRSA §1192, sub-§14** is enacted to read:

**14. Temporary unemployment; work search.** Notwithstanding any other provisions of this chapter to the contrary, any otherwise eligible individual who is temporarily laid off by an employer that has given that individual a definite recall date may not be denied

benefits for any week based on the individual's failure to meet the requirements of subsection 2 or 3 for a period of 6 weeks during that temporary layoff, so long as the individual remains in contact with and able and available to work for that employer.

An individual may not receive more than 6 weeks of benefits in a benefit year pursuant to this subsection unless approved by the Department of Labor.

**Sec. 5. 26 MRSA §1192, last ¶**, as enacted by PL 2011, c. 645, §5, is amended to read:

For purposes of subsections 2, 3, 12 and 13, "good cause" means the unemployed individual is ill; the presence of the unemployed individual is required due to an illness of the unemployed individual's spouse, children, parents, stepparents, brothers or sisters, or relatives who have been acting in the capacity of a parent of either the unemployed individual or the unemployed individual's spouse; the unemployed individual is in attendance at the funeral of such a relative; the unemployed individual is observing a religious holiday as required by religious conviction; the unemployed individual is performing either a military or civil duty as required by law; or other cause of a necessitous and compelling nature, including child care emergencies and transportation emergencies. If an unemployed individual has completed reemployment services and eligibility assessment with the Department of Labor within the prior 5 years, that individual is considered to have good cause for not participating in reemployment services and eligibility assessment under subsections 12 and 13. "Good cause" does not include incarceration as a result of a conviction for a felony or misdemeanor.

**Sec. 6. Report by Department of Labor regarding effects of changes to work search requirements.** The Department of Labor shall examine the effect on the State's account in the federal Unemployment Trust Fund established pursuant to the federal Social Security Act, Section 904 as a result of the enactment of the Maine Revised Statutes, Title 26, section 1192, subsection 14 creating an exemption from work search requirements for temporarily laid off employees, referred to in this section as "the exemption."

The department shall compile the results of its examination under this section, including aggregate data regarding:

1. The number of employees who were eligible for the exemption and the number of employers of those employees;
2. The number of employees who were paid benefits due to the exemption, the number of employers of those employees and the dollar amount of those benefits paid from the Unemployment Trust Fund; and

3. The number of employees who were approved by the department to receive more than 6 weeks of paid benefits in a benefit year pursuant to the exemption, the number of employers of those employees and the dollar amount of those benefits paid from the Unemployment Trust Fund.

The department shall report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than January 15, 2021 with the results of the examination under this section, including the aggregate data under subsections 1, 2 and 3. The joint standing committee may report out a bill related to the report to the First Regular Session of the 130th Legislature.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Employment Security Services 0245**

Initiative: Allocates one-time funds for the cost of making computer programming updates to implement changes to the eligibility requirements for unemployment benefits.

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$71,200
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$71,200

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 9, 2018.

**CHAPTER 454**

**H.P. 292 - L.D. 401**

**An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities**

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

**Sec. 1. 22 MRSA §3174-AAA** is enacted to read:

**§3174-AAA. Reimbursement for days awaiting placement; reimbursement for hospitals other than critical access hospitals**

Beginning January 1, 2019, the department shall provide reimbursement to hospitals other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility. The department shall reimburse hospitals prospectively at the statewide average rate per MaineCare member day for nursing facility services. The department shall compute the statewide average rate per MaineCare member day based on the simple average of the nursing facility rate per MaineCare member day for the applicable state fiscal year or years prorated for the hospital's fiscal year. Reimbursement for days awaiting placement pursuant to this section is limited to a maximum of \$500,000 of combined General Fund funds and federal funds for each year. For purposes of this section, "critical access hospital" has the same meaning as in section 7932, subsection 10.

This section is repealed December 31, 2023.

**Sec. 2. MaineCare Benefits Manual.** The Department of Health and Human Services shall amend the rules under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45, Hospital Services to implement the Maine Revised Statutes, Title 22, section 3174-AAA. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funds to provide reimbursement to hospitals other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$17,690
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$17,690</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$31,932

FEDERAL EXPENDITURES	\$0	\$31,932
FUND TOTAL		

See title page for effective date.

**CHAPTER 455**

**H.P. 1235 - L.D. 1788**

**An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse**

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

**Sec. 1. 5 MRSA §4651, sub-§2, ¶C,** as repealed and replaced by PL 2017, c. 288, Pt. A, §4, is amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, section 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 254, 255-A, 256, 258, 259-A, 259-B, 260, 261, 282, 283, 301, 302, 303, 506, 506-A, 511, 511-A, 556, 802, 805, 806, 852 or 853.

**Sec. 2. 5 MRSA §4653, sub-§1, ¶B,** as enacted by PL 2011, c. 559, Pt. C, §3, is amended to read:

B. If the alleged harassment does not meet the definition in section 4651, subsection 2, paragraph C or is not related to an allegation of domestic violence, violence against a dating partner, sexual assault ~~or~~ stalking or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a) or a statement of good cause why such a notice was not sought or obtained.

**Sec. 3. 14 MRSA §6001, sub-§6, ¶H,** as enacted by PL 2015, c. 293, §5, is amended to read:

H. When a victim asserts any of the provisions contained within this chapter specifically available to a victim, except for changing locks according to section 6025, subsection 1, a victim shall provide to the landlord documentation of the alleged conduct by the perpetrator, including the perpetrator's name. Acceptable documentation includes, but is not limited to:

(1) A statement signed by a Maine-based sexual assault counselor as defined in Title 16, section 53-A, subsection 1, paragraph B,

an advocate as defined in Title 16, section 53-B, subsection 1, paragraph A or a victim witness advocate as defined in Title 16, section 53-C, subsection 1, paragraph C;

(2) A statement signed by a health care provider, mental health care provider or law enforcement officer, including the license number of the health care provider, mental health care provider or law enforcement officer if licensed;

(3) A copy of a protection from abuse complaint or a temporary order or final order of protection;

(4) A copy of a protection from harassment complaint or a temporary order or final order of protection from harassment;

(5) A copy of a police report prepared in response to an investigation of an incident of domestic violence, sexual assault or stalking; and

(6) A copy of a criminal complaint, indictment or conviction for a domestic violence, sexual assault or stalking charge.

**Sec. 4. 19-A MRSA §4005, sub-§1**, as amended by PL 2015, c. 443, §11, is further amended to read:

**1. Filing.** An adult who has been abused by a family or household member or a dating partner may seek relief by filing a complaint alleging that abuse.

When a minor child in the care or custody of a family or household member or a dating partner has been abused by a family or household member or a dating partner, a person responsible for the child, as defined in Title 22, section 4002, subsection 9, or a representative of the department may seek relief by filing a petition alleging that abuse.

An adult who has been a victim of conduct defined as stalking in Title 17-A, section 210-A or described as sexual assault in Title 17-A, chapter 11 or described as unauthorized dissemination of certain private images in Title 17-A, section 511-A or described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively, whether or not the conduct was perpetrated by a family or household member or dating partner, may seek relief by filing a complaint alleging that conduct without regard to whether criminal prosecution has occurred. When a minor has been a victim of such conduct or conduct described in Title 17-A, section 282 or 283 or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, the minor's parent, other person responsible for the child or a representative of the department may seek relief by filing a petition alleging that conduct.

When an adult who is 60 years of age or older or a dependent adult, as defined in Title 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care provider, the adult victim, the adult victim's legal guardian or a representative of the department may seek relief by filing a complaint alleging the abusive conduct. For the purposes of this subsection, "extended family member" includes, but is not limited to: a person who is related to the victim by blood, marriage or adoption, whether or not the person resides or has ever resided with the victim. "Unpaid care provider" includes, but is not limited to, a caretaker who voluntarily provides full, intermittent or occasional personal care to the adult victim in the victim's home similar to the way a family member would provide personal care.

See title page for effective date.

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## CHAPTER 456

### H.P. 9 - L.D. 8

#### An Act To Provide Training for Forest Rangers To Carry Firearms

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

**Sec. 1. 12 MRSA §8901, sub-§1, ¶A**, as amended by PL 2017, c. 284, Pt. SS, §1, is further amended to read:

A. The forest protection unit of the Bureau of Forestry shall employ no fewer than 45 and no more than 50 forest rangers classified as Forest Ranger II to serve as wildfire control specialists and forestry law enforcement officers, and no fewer than 16 forest rangers classified as follows: 3 Regional Rangers, 8 District Rangers, one Forest Fire Prevention Specialist, one Ranger Pilot Supervisor and 3 Ranger Pilots. Each forest ranger and the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry must, at a minimum, be a graduate of the Maine Criminal Justice Academy's law enforcement pre-service program or equivalent meet the training requirements of Title 25, section 2804-L.

**Sec. 2. 25 MRSA §2801-B, sub-§1, ¶C**, as amended by PL 2015, c. 267, Pt. CC, §1, is further amended to read:

C. ~~An agent or a representative of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry whose law enforcement powers are~~

limited to those specified by The state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry or a forest ranger appointed under Title 12, section 8901, subsection 3 and who does not carry a firearm;

**Sec. 3. 25 MRSA §2803-A, sub-§8-D** is enacted to read:

**8-D. Training of forest rangers.** To establish certification standards and a training program for the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and forest rangers appointed under Title 12, section 8901. This program must include:

A. Preservice law enforcement training under section 2804-B;

B. An additional basic forest ranger training program developed by the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and approved by the board that is specific to the duties of a forest ranger;

C. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E; and

D. A firearms training program equivalent to a firearms training program of a full-time law enforcement officer trained at the Maine Criminal Justice Academy that is developed and approved by the board.

Forest rangers are exempt from section 2804-C, but completion of basic training under section 2804-C exempts a person from the preservice training requirement under paragraph A;

**Sec. 4. 25 MRSA §2804-L** is enacted to read:

**§2804-L. Law enforcement training for forest rangers**

Beginning July 1, 2019, all forest rangers and the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry must successfully complete the training requirements established under section 2803-A, subsection 8-D.

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

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Division of Forest Protection Z232**

Initiative: Provides appropriations for the purchase of firearms, ammunition, holsters and lockboxes, and for

training and overtime staffing costs associated with a firearms training program for forest rangers.

GENERAL FUND	2017-18	2018-19
Personal Services	\$0	\$25,065
All Other	\$0	\$71,872

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GENERAL FUND TOTAL	\$0	\$96,937
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**Forest Health and Monitoring Z233**

Initiative: Provides appropriations for the purchase of firearms, ammunition, holsters and lockboxes, and for training and overtime staffing costs associated with a firearms training program for forest rangers.

GENERAL FUND	2017-18	2018-19
Personal Services	\$0	\$10,238
All Other	\$0	\$29,356

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GENERAL FUND TOTAL	\$0	\$39,594
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**AGRICULTURE,  
CONSERVATION AND  
FORESTRY, DEPARTMENT  
OF**

DEPARTMENT TOTALS	2017-18	2018-19
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GENERAL FUND	\$0	\$136,531
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$136,531
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See title page for effective date.

**CHAPTER 457**

**H.P. 207 - L.D. 274**

**An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers**

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

**Sec. 1. 22 MRSA §8302-A, sub-§1, ¶G,** as amended by PL 2001, c. 645, §7, is repealed.

**Sec. 2. 22 MRSA §8302-A, sub-§1, ¶J,** as enacted by PL 2015, c. 497, §2, is repealed and the following enacted in its place:

J. Requiring a criminal background check that meets the requirements of 42 United States Code, Section 9858f(b) for each child care staff member.

For the purposes of this paragraph, "child care staff member" means an individual:

- (1) Who is employed by a child care facility for compensation, including a contract employee or self-employed individual; or
- (2) Whose activities involve the care or supervision of children for a child care facility or unsupervised access to children who are cared for or supervised by a child care facility.

"Child care staff member" does not include an individual who is related to all children for whom child care services are provided or a contractor performing maintenance and repairs at the child care facility who does not have unsupervised access to children who are cared for or supervised by the child care facility.

**Sec. 3. 22 MRSA §8302-A, sub-§2, ¶I,** as amended by PL 2015, c. 497, §3, is further amended to read:

I. Procedures for waivers of rules and for suspension and revocation of certification; and

**Sec. 4. 22 MRSA §8302-A, sub-§2, ¶J,** as amended by PL 2015, c. 497, §3, is repealed.

**Sec. 5. 22 MRSA §8302-A, sub-§2, ¶K,** as enacted by PL 2015, c. 497, §3, is repealed and the following enacted in its place:

K. Requiring a criminal background check that meets the requirements of 42 United States Code, Section 9858f(b) for a family child care provider and each child care staff member. For the purposes of this paragraph, "child care staff member" means an individual:

- (1) Who is employed by a family child care provider for compensation, including a contract employee or self-employed individual;
- (2) Whose activities involve the care or supervision of children for a family child care provider or unsupervised access to children who are cared for or supervised by a family child care provider; or
- (3) Who is 18 years of age or older and who resides in the home of a family child care provider.

"Child care staff member" does not include an individual who is related to all children for whom child care services are provided or a contractor performing maintenance and repairs at the home of a family child care provider who does not have unsupervised access to children who are cared for or supervised by the family child care provider.

**Sec. 6. 22 MRSA §8302-A, sub-§3** is enacted to read:

**3. Payment for criminal background checks.**

Fees for the criminal background checks required for a child care staff member pursuant to subsection 1, paragraph J and subsection 2, paragraph K must be paid by the department from the funds available under the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. The fees for the criminal background checks reimbursed under this subsection may not exceed the actual costs for processing and administration.

**Sec. 7. 22 MRSA §8302-B, sub-§1,** as enacted by PL 1997, c. 494, §11 and affected by §15, is repealed and the following enacted in its place:

**1. Investigation.** A person who provides day care in that person's home for one or 2 children whose care is paid for by state or federal funds and a child care staff member, as defined in section 8302-A, subsection 2, paragraph K, of the person must pass a criminal background check pursuant to section 8302-C that meets the requirements of 42 United States Code, Section 9858f(b).

**Sec. 8. 22 MRSA §8302-B, sub-§1-A** is enacted to read:

**1-A. Payment for criminal background checks.**

Fees for and costs related to processing and administering criminal background checks required for a child care staff member pursuant to subsection 1 must be paid by the department from the funds available under the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. The fees for and costs related to processing and administering criminal background checks reimbursed under this subsection may not exceed the actual costs for processing and administration. A transfer of payment by the department to the Department of Public Safety from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 must be made pursuant to a schedule agreed upon by the department and the Department of Public Safety, in consultation with the State Controller, and based on documentation of fees and processing and administration costs incurred.

**Sec. 9. 22 MRSA §8302-C** is enacted to read:

**§8302-C. Investigation**

A child care provider and any child care staff member subject to a criminal background check pursuant to sections 8302-A and 8302-B must pass a background check conducted in accordance with this section and rules adopted by the department under section 8302-A. As used in this section, "child care

provider" means a person who provides child care in a child care facility, a family child care provider and a person who provides day care in that person's home for one or 2 children whose care is paid for by state or federal funds. As used in this section, "child care staff member" has the same meaning as described in section 8302-A, subsection 1, paragraph J and section 8302-A, subsection 2, paragraph K.

**1. Investigation.** In accordance with the rules adopted by the department, the department shall request a criminal background check for a child care provider and child care staff members of the child care provider. The criminal background check must include criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation. The following provisions apply.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

C. A person subject to a criminal background check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and federal criminal history record information may be used by the department for the purpose of screening a child care provider or child care staff member in accordance with this chapter.

F. Information obtained pursuant to this subsection is confidential. The results of criminal back-

ground checks received by the department are for official use only and may not be disseminated to any other person or entity.

G. If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal.

The department, with the State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 10. 25 MRSA §1542-A, sub-§1, ¶L**, as amended by PL 2017, c. 204, §3; c. 253, §1; and c. 258, Pt. B, §1, is further amended to read:

L. Who is assigned to provide services to the Department of Administrative and Financial Services, Bureau of Revenue Services pursuant to a contract or subcontract for services to the bureau and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-C; ~~or~~

**Sec. 11. 25 MRSA §1542-A, sub-§1, ¶M**, as enacted by PL 2017, c. 204, §4; c. 253, §2; and c. 258, Pt. B, §2, is repealed and the following enacted in its place:

M. Who has applied for a guide license under Title 12, section 12853;

**Sec. 12. 25 MRSA §1542-A, sub-§1, ¶N**, as enacted by PL 2017, c. 253, §2, is amended to read:

N. Who is licensed under Title 32, chapter 48 and has applied for an expedited license under Title 32, section 18506;

**Sec. 13. 25 MRSA §1542-A, sub-§1, ¶¶P to R** are enacted to read:

P. Who is licensed under Title 32, chapter 36 and has applied for an expedited license under Title 32, section 18506;

Q. Who is an applicant for licensure with the State Board of Nursing as required under Title 32, section 2111, subsection 1; or

R. Who is required to have a criminal background check under Title 22, section 8302-A or 8302-B.

**Sec. 14. 25 MRSA §1542-A, sub-§3, ¶L**, as enacted by PL 2017, c. 204, §5; c. 253, §3; and c. 258, Pt. B, §3, is repealed and the following enacted in its place:

L. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph M at the request of that person and upon payment of the expenses by that person as required by Title 12, section 12853, subsection 4-A, paragraph B.

**Sec. 15. 25 MRSA §1542-A, sub-§3, ¶¶O to Q** are enacted to read:

O. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph P at the request of that person and upon payment of the expenses by that person as required by Title 32, section 2571-A.

P. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph Q at the request of that person and upon payment by the person of the fee established in Title 32, section 2111, subsection 1.

Q. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph R at the request of that person or the Department of Health and Human Services under Title 22, section 8302-A or 8302-B.

**Sec. 16. 25 MRSA §1542-A, sub-§4**, as repealed and replaced by PL 2017, c. 409, Pt. B, §13, is amended to read:

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

Services, Bureau of Revenue Services. Fingerprints taken pursuant to subsection 1, paragraph ~~M~~ P must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph ~~M~~ Q must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Health and Human Services.

**Sec. 17. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Child Care Services 0563**

Initiative: Provides an allocation to pay background check fees for child care providers.

FEDERAL BLOCK GRANT FUND	2017-18	2018-19
All Other	\$0	\$540,000
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$540,000

**Child Care Services 0563**

Initiative: Provides an allocation to pay background check processing and administration for child care providers.

FEDERAL BLOCK GRANT FUND	2017-18	2018-19
All Other	\$0	\$124,786
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$124,786

**Division of Licensing and Regulatory Services Z036**

Initiative: Provides allocations for 2 Identification Specialist II positions to handle additional work from the increase in background checks.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$121,078
All Other	\$0	\$17,033
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$138,111</b>

**Office of Child and Family Services - District 0452**

Initiative: Provides allocations for one Office Associate II Supervisor position to handle additional work from the increase in background checks.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$62,365
All Other	\$0	\$6,711
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$69,076</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

	2017-18	2018-19
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$207,187</b>
<b>FEDERAL BLOCK GRANT FUND</b>	<b>\$0</b>	<b>\$664,786</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$871,973</b>

**PUBLIC SAFETY, DEPARTMENT OF State Police 0291**

Initiative: Provides funding for one Identification Specialist II position and related costs to process additional fingerprint checks.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	1.000

Personal Services	\$0	\$42,135
All Other	\$0	\$2,107

<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$44,242</b>
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HIGHWAY FUND	2017-18	2018-19
Personal Services	\$0	\$22,688
All Other	\$0	\$1,562

<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$24,250</b>
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OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$188,313

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$188,313</b>
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**PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS**

	2017-18	2018-19
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$44,242</b>
<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$24,250</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$188,313</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$256,805</b>
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**SECTION TOTALS**

	2017-18	2018-19
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$44,242</b>
<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$24,250</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$395,500</b>
<b>FEDERAL BLOCK GRANT FUND</b>	<b>\$0</b>	<b>\$664,786</b>

<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$1,128,778</b>
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See title page for effective date.

**CHAPTER 458  
H.P. 592 - L.D. 843**

**An Act To Adjust the Formula  
for Calculating the Allocation  
of Moose Permits for Hunting  
Lodges**

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

**Sec. 1. 12 MRSA §11154, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**2. Issuance of moose hunting permits.** In accordance with section 11552, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the commissioner by rule open to moose hunting. No more than ~~40%~~ 8% of the moose hunting permits may be issued to nonresident and alien hunters. No more than 2% of the moose hunting permits may be issued to hunting outfitters in accordance with subsection 14.

**Sec. 2. 12 MRSA §11154, sub-§14**, as enacted by PL 2013, c. 538, §24, is amended to read:

**14. Permits for hunting lodges.** ~~In any year in which the total number of moose permits available as determined by the commissioner under subsection 2 for the public chance drawing under subsection 9 exceeds 3,140, 10% of the permits exceeding 3,140 Moose hunting permits issued to hunting outfitters must be allocated through a chance drawing separate from the chance drawing under subsection 9 to hunting outfitters in accordance with this subsection.~~ The fee for a moose hunting permit under this subsection is \$1,500.

A. For the purposes of this subsection, "hunting outfitter" means a person who operates a sporting camp as defined under Title 22, section 2491, subsection 11 that is licensed under Title 22, chapter 562 and who provides package deals that include food, lodging and the services of a guide licensed under chapter 927 for the purpose of hunting.

B. A hunting outfitter may sell or transfer a permit allocated under this subsection only once, only to a hunter who is eligible under paragraph F and only under the following conditions:

- (1) The sale or transfer must be part of a package deal that includes the food and lodging to be provided by the hunting outfitter to the person receiving the permit;
- (2) The person receiving the permit from the hunting outfitter must be accompanied during

the hunt by a guide licensed under chapter 927;

(3) The hunting outfitter must notify the department of the identity of the person receiving the permit; and

(4) The hunting permit may not be sold or transferred by the hunter.

C. A hunting outfitter may be allocated more than one permit.

D. A permit allocated under this subsection may be used only for the year, season, sex and wildlife management district for which the permit is issued.

E. Permits allocated under this subsection may not exceed 10% of the total permits issued per year for each season, sex and wildlife management district permit type.

F. An individual may hunt with a permit sold or transferred under this subsection only if that individual is otherwise eligible to obtain and hunt with a permit under subsection 5.

G. If proceeds in any year from the auction authorized under subsection 11 are less than \$107,000, proceeds from the ~~chance drawing conducted sale of moose permits to hunting outfitters~~ pursuant to this subsection must be used to fund youth conservation education programs as provided under subsection 11 up to \$107,000. The remainder must be deposited in the Moose Research and Management Fund under section 10263.

See title page for effective date.

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**CHAPTER 459  
H.P. 652 - L.D. 924**

**An Act Making Certain  
Supplemental Appropriations  
and Allocations and Changing  
Certain Provisions of the Law  
Necessary to the Proper  
Operations of State  
Government**

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

**Whereas**, this Act repeals Public Law 2017, chapter 284, Part V, section 2, which requires the State Controller to take action on or immediately after July 1, 2018; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

### PART A

**Sec. A-1. 22 MRSA §3195** is enacted to read:

**§3195. Compensation for care provided to persons with intellectual disabilities or autism**

**1. Reimbursement.** The department shall reimburse services provided to MaineCare member adults with intellectual disabilities or autism under a waiver granted by the federal Centers for Medicare and Medicaid Services for home-based and community-based care on the basis of rates and a methodology established by major substantive rulemaking. The department shall, at least every 2 years, conduct a substantive review of the rates set under this section. The review must provide for public comment. This section applies to all funds, including federal funds, paid by any agency of the State to a provider for care covered by the waiver.

**2. Rulemaking.** The department shall adopt rules providing reimbursement rates under this section that take into account the costs of providing care and services in conformity with applicable state and federal laws, rules, regulations and quality and safety standards and local competitive wage markets.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. A-2. Immediate rate increases.** The Department of Health and Human Services shall increase reimbursement rates in accordance with this section, effective July 1, 2018.

**1. Section 21 rules.** The Department of Health and Human Services shall amend its rules to increase reimbursement rates above the rates in effect on the effective date of this Part for the following procedure codes provided in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21:

- A. T2017 home support;
- B. T2017 SC home support with medical add-on;
- C. T2017 GT home support - remote support;
- D. T2016 agency home support;
- E. T2016 agency home support over 168 hours;
- F. T2016 SC agency home support with medical add-on;

G. S5140 shared living foster care, adult, one member;

H. S5140 TG shared living foster care, adult, one member, increased level of support;

I. S5140 UN shared living foster care, adult, 2 members;

J. S5140 UN TG shared living foster care, adult, 2 members, increased level of support;

K. T2021 community support;

L. T2021 SC community support with medical add-on;

M. T2015 career planning;

N. T2019 employment specialist services;

O. T2019 SC employment specialist services with medical add-on;

P. H2023 work support, individual;

Q. H2023 SC work support with medical add-on;

R. H2023 UN work support, group, 2 members;

S. H2023 UP work support, group, 3 members;

T. H2023 UQ work support, group, 4 members;

U. H2023 UR work support, group, 5 members;

V. H2023 US work support, group, 6 members;

W. T2034 crisis intervention services;

X. T2016 U5 home support, family-centered support, one member;

Y. T2016 TG U5 home support, family-centered support, one member, increased level of support;

Z. T2016 UN U5 home support, family-centered support, 2 members;

AA. T2016 UN TG U5 home support, family-centered support, 2 members, increased level of support;

BB. T2016 UP U5 home support, family-centered support, 3 members;

CC. T2016 UP TG U5 home support, family-centered support, 3 members, increased level of support;

DD. T2016 UQ U5 home support, family-centered support, 4 members;

EE. T2016 UQ TG U5 home support, family-centered support, 4 members, increased level of support;

FF. T2016 UR U5 home support, family-centered support, 5 or more members; and

GG. T2016 UR TG U5 home support, family-centered support, 5 or more members, increased level of support.

**2. Section 29 rules.** The Department of Health and Human Services shall amend its rules to increase reimbursement rates above the rates in effect on the effective date of this Part for the following procedure codes provided in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29:

- A. T2017 home support, 1/4 hour;
- B. T2017 GT home support, remote support;
- C. T2021 community support;
- D. T2021 SC community support with medical add-on;
- E. T2019 employment specialist services;
- F. T2019 SC employment specialist services with medical add-on;
- G. H2023 work support, individual;
- H. H2023 SC work support - supported employment with medical add-on;
- I. H2023 UN work support, group, 2 members;
- J. H2023 UP work support, group, 3 members;
- K. H2023 UQ work support, group, 4 members;
- L. H2023 UR work support, group, 5 members;
- M. H2023 US work support, group, 6 members;
- N. T2015 career planning;
- O. S5150 respite, 1/4 hour;
- P. S5151 respite, per diem;
- Q. S5140 shared living foster care, adult, one member; and
- R. S5140 UN shared living foster care, adult, 2 members.

**3. Proportional increase.** The increase in rates for the procedure codes specified in subsection 1 and subsection 2 must be accomplished in equal proportion using the funding provided for that purpose in this Part.

**4. Major substantive rules.** Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. A-3. Savings efforts.** The Department of Health and Human Services and representatives of organizations of providers of community support services for individuals with intellectual disabilities and autism shall examine current reimbursement rates, costs of providing services, labor costs and administrative overhead costs to determine opportunities for effi-

ciencies and savings. The department and providers shall present a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with findings no later than January 1, 2019.

**Sec. A-4. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Developmental Services Waiver - MaineCare Z211**

Initiative: Provides appropriations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$20,100,152
GENERAL FUND TOTAL	\$0	\$20,100,152

**Developmental Services Waiver - Supports Z212**

Initiative: Provides appropriations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,718,540
GENERAL FUND TOTAL	\$0	\$2,718,540

**Medicaid Services - Developmental Services Z210**

Initiative: Provides allocations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$4,644,239
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,644,239

**Medical Care - Payments to Providers 0147**

Initiative: Provides allocations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$49,941,047

FEDERAL EXPENDITURES	\$0	\$49,941,047
FUND TOTAL		
<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
GENERAL FUND	\$0	\$22,818,692
FEDERAL EXPENDITURES FUND	\$0	\$49,941,047
OTHER SPECIAL REVENUE FUNDS	\$0	\$4,644,239
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$77,403,978</b>

**PART B**

**Sec. B-1. Reimbursement for personal care and related services.** The Department of Health and Human Services shall amend its rules for reimbursement rates for personal care and related services provided under Chapter 101: MaineCare Benefits Manual, Sections 12, 19 and 96 and Chapter 5, Office of Elder Services Policy Manual, Section 63 to reflect the final rates modeled in the February 1, 2016 report "Rate Review for Personal Care and Related Services: Final Rate Models" prepared for the department by Burns & Associates, Inc. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. B-2. Deadline for increase established.** The Department of Health and Human Services shall increase the reimbursement rates in accordance with section 1 of this Part, effective July 1, 2018.

**Sec. B-3. Adjustment of monetary caps.** The Department of Health and Human Services shall ensure that caps and limitations on home-based and community-based services are increased to reflect increases in reimbursement rates that result from this Part. A recipient of services may not experience a reduction in hours solely as a result of increased reimbursement.

**Sec. B-4. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**  
**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: Provides funding to increase rates for certain services effective July 1, 2018.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$884,176
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$884,176</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding to increase rates for certain services effective July 1, 2018.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$2,775,557
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$2,775,557</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$5,007,833

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$5,007,833
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<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>

GENERAL FUND	\$0	\$3,659,733
FEDERAL EXPENDITURES FUND	\$0	\$5,007,833

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$8,667,566</b>
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**PART C**

**Sec. C-1. PL 2017, c. 284, Pt. V, §2** is repealed.

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

**CORRECTIONS, DEPARTMENT OF**  
**County Jails Operation Fund Z227**

Initiative: Appropriates funds for the County Jails Operation Fund program.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$12,202,104

GENERAL FUND TOTAL	\$0	\$12,202,104
<b>Reserve for County Jail Operations N266</b>		
Initiative: Deallocates funds for county jail operations.		
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
Unallocated	\$0	(\$12,202,104)
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$12,202,104)
<b>CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
GENERAL FUND	\$0	\$12,202,104
OTHER SPECIAL REVENUE FUNDS	\$0	(\$12,202,104)
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 9, 2018.

**CHAPTER 460  
H.P. 653 - L.D. 925**

**An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

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

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of

the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Developmental Services - Community Z208**

Initiative: Provides funding for one Social Services Program Specialist II position to handle additional work required by an increase in members under a MaineCare Benefits Manual, Chapters II and III, Section 21 waiver.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$83,853
All Other	\$0	\$6,191

GENERAL FUND TOTAL	\$0	\$90,044
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**Developmental Services Waiver - MaineCare Z211**

Initiative: Provides funding for the Department of Health and Human Services, beginning October 1, 2018, to add 50 members a month from the waiting list for community-based services provided under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$5,068,738

GENERAL FUND TOTAL	\$0	\$5,068,738
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**Medicaid Services - Developmental Services Z210**

Initiative: Provides an allocation for the Department of Health and Human Services, beginning October 1, 2018, to add 50 members a month from the waiting list for community-based services provided under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$1,025,369
	\$0	\$1,025,369
OTHER SPECIAL REVENUE FUNDS TOTAL		

**Medical Care - Payments to Providers 0147**

Initiative: Provides an allocation for the Department of Health and Human Services, beginning October 1, 2018, to add 50 members a month from the waiting list for community-based services provided under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added.

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$10,995,368
	\$0	\$10,995,368
FEDERAL EXPENDITURES FUND TOTAL		

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$5,158,782
FEDERAL EXPENDITURES FUND	\$0	\$10,995,368
OTHER SPECIAL REVENUE FUNDS	\$0	\$1,025,369
	\$0	\$17,179,519
DEPARTMENT TOTAL - ALL FUNDS		

**PART B**

**Sec. B-1. 22 MRSA §1708, sub-§3, ¶F**, as enacted by PL 2013, c. 594, §1, is amended to read:

F. Establish a nursing facility's base year every 2 years and increase the rate of reimbursement beginning July 1, 2014 and every year thereafter until June 30, 2018. For the state fiscal year beginning July 1, 2018, the base year for each facility is its fiscal year that ended in the calendar year 2016. For state fiscal years beginning on or after July 1, 2019, subsequent rebasing must be based on the most recent cost report filings available. The department may provide a mechanism for subsequent adjustments to base year costs to re-

flect any material difference between as-filed cost reports used in rebasing and subsequent determinations of audited, allowable costs for the same fiscal period. The department's rules must provide that, beginning in the state fiscal year beginning July 1, 2018, the rates set for each rebasing year must include an inflation adjustment for a cost-of-living percentage change in nursing facility reimbursement each year in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

Any rebasing done pursuant to this paragraph may not result in a nursing facility receiving a reimbursement rate that is lower than the rate in effect on June 30, 2018.

**Sec. B-2. Rate increases for adult family care services, adult day services and homemaker services.** The Department of Health and Human Services shall provide for rate increases for adult family care services, adult day services and homemaker services pursuant to rule as provided in this section.

**1. Services provided pursuant to rules; rate increases for fiscal year 2018-19.** The department shall amend its rules in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 2, Adult Family Care Services and Section 26, Day Health Services; and in 10-149, Chapter 5: Office of Aging and Disability Services Policy Manual, Section 61, Adult Day Services and Section 69, Independent Support Services Program so that for the state fiscal year ending June 30, 2019 the MaineCare payment rates attributable to wages and salaries for personal care and related services provided pursuant to each of the rules are increased by 10%.

**2. Rate increases for fiscal year 2019-20 and thereafter until completion of rate study.** For the state fiscal year ending June 30, 2020 and each year thereafter until the completion of the rate study under subsection 3, the MaineCare payment rates attributable to wages and salaries for personal care and related services under subsection 1 must be increased by an inflation adjustment cost-of-living percentage change in reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

**3. Rate study.** Cost-of-living increases as described in subsection 2 must continue on an annual basis until the Department of Health and Human Services has completed a rate study conducted by a 3rd party, including participation of providers, for adult family care services, adult day services or homemaker services and the rates in the rate study have been implemented.

**Sec. B-3. Rate increases for nursing facilities.** The Department of Health and Human Services shall amend its rule in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities to provide for the following.

**1. Special wage allowance for fiscal year 2018-19.** For the state fiscal year ending June 30, 2019, a special supplemental allowance must be made to provide for increases in wages and wage-related benefits in both the direct care cost component and routine care cost component as follows. An amount equal to 10% of allowable wages and associated benefits and taxes as reported on each facility's as-filed cost report for its fiscal year ending in calendar year 2016 must be added to the cost per resident day in calculating each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement. This supplemental allowance must also be allowed and paid at final audit to the full extent that it does not cause reimbursement to exceed the facility's allowable costs in that fiscal year.

**2. Changes in occupancy penalty.** For the state fiscal years ending June 30, 2019, June 30, 2020 and June 30, 2021, the reduction in allowable cost per day in the fixed costs component based on minimum occupancy standards applies only for an annual level of occupancy less than 70%. For fiscal years ending June 30, 2022 and thereafter, the reduction in allowable cost applies only for an annual level of occupancy less than 85% for facilities with 61 or more beds and 80% for facilities with 60 or fewer beds.

**3. Low-cost, high Medicaid nursing facilities.** Beginning July 1, 2019, the supplemental payment established by Public Law 2013, chapter 594, section 3, subsection 5 must be revised to provide that the supplemental payment increases to 60¢ per resident day, is not subject to cost settlement and must be retained by the facility in its entirety for any nursing facility whose MaineCare residents constitute more than 80% of the nursing facility's total number of residents and whose base year direct and routine aggregate costs per day are less than the median aggregate direct and routine allowable costs for the facility's peer group. The supplemental payment must continue to apply as provided in Public Law 2013, chapter 594, section 3, subsection 5 for facilities that do not meet the standard set forth in this subsection.

**4. Hold harmless.** The rate of reimbursement for nursing facilities for direct care and routine costs that results from amending the law or the rules to reflect the revised method of rebasing the nursing facility's base year pursuant to this section may not result for any nursing facility in a rate of reimbursement that is lower than the rate in effect on June 30, 2018.

**Sec. B-4. Rate increases for residential care facilities.** The Department of Health and Hu-

man Services shall amend its rules in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Appendix C, Principles of Reimbursement for Medical and Remedial Service Facilities; and 10-144, Chapter 115: Principles of Reimbursement for Residential Care Facilities - Room and Board Costs to provide for the following rate changes.

**1. Special wage allowance for fiscal year 2018-19.** For the state fiscal year ending June 30, 2019, a special supplemental allowance must be made to provide for increases in wages and wage-related benefits in the direct care, personal care services and routine care components as follows. An amount equal to 10% of wages and associated benefits and taxes as reported on each facility's as-filed cost report for its fiscal year ending in calendar year 2016 must be added to the cost per resident day in calculating each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement. This supplemental allowance must also be allowed and paid at final audit to the full extent that it does not cause reimbursement to exceed the facility's allowable costs in each component that is cost settled in that fiscal year.

**2. Adjustment for inflation for rates for fiscal year 2019-20 and thereafter.** For the state fiscal year ending June 30, 2020 and each year thereafter, the MaineCare payment rates attributable to wages and salaries in each cost component specified in subsection 1 must be increased by an inflation factor in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

**Sec. B-5. Commission To Study Long-term Care Workforce Issues.** Notwithstanding Joint Rule 353, the Commission To Study Long-term Care Workforce Issues, referred to in this section as "the commission," is established.

**1. Members.** The commission consists of up to 18 members as follows:

A. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

B. Three members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature; and

C. Up to 13 members who possess expertise in the subject matter of the study as follows:

(1) A direct care worker appointed by the President of the Senate;

(2) A provider of home-based long-term care who is a member of a statewide association rep-

representing home-based long-term care providers appointed by the President of the Senate;

(3) A representative of a statewide association representing nonprofit housing and senior service programming appointed by the President of the Senate;

(4) A representative of an organization providing services to individuals with intellectual disabilities and autism including employment services and long-term home supports appointed by the President of the Senate;

(5) A provider of facility-based long-term care who is a member of a statewide association representing facility-based long-term care providers appointed by the Speaker of the House;

(6) A representative of an organization providing statewide homemaker services through the state-funded independent support services program within the Department of Health and Human Services appointed by the Speaker of the House;

(7) A representative of an institution of higher education engaged in workforce development appointed by the Speaker of the House;

(8) A representative of a service coordination agency providing service coordination to people receiving home-based and community-based long-term care appointed by the Speaker of the House;

(9) A representative of an organization promoting independent living for individuals with disabilities appointed by the Speaker of the House;

(10) A representative of a business that acts as a labor intermediary helping unemployed and underemployed people obtain employment appointed by the Speaker of the House;

(11) The executive director of the long-term care ombudsman program described under the Maine Revised Statutes, Title 22, section 5106, subsection 11-C;

(12) The Commissioner of Health and Human Services, or the commissioner's designee, who may be invited to participate; and

(13) The Commissioner of Labor, or the commissioner's designee, who may be invited to participate.

**2. Chairs and subcommittees.** The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission. The chairs of the commission are authorized to establish subcommittees to work on the duties listed in subsection 4 and to assist the commission. The subcommittees must be composed of mem-

bers of the commission and interested persons who are not members of the commission and who volunteer to serve on the subcommittees without reimbursement.

**3. Appointments.** All appointments must be made no later than 30 days following the effective date of this Part. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members and after adjournment of the Second Special Session of the 128th Legislature, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this Part a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

**4. Directive of commission.** The commission shall study and make policy recommendations in each of the following areas:

A. Measuring current demand for direct care workers and projecting future needs;

B. Developing a campaign and statewide recruitment strategies to encourage more people to work in facility-based and home-based long-term care;

C. Supporting career ladders throughout various long-term care settings;

D. Identifying education needs and methods to fill education needs for direct care workers;

E. Identifying barriers to hiring and methods to overcome barriers to hiring;

F. Developing strategies to improve the quality of long-term care jobs; and

G. Increasing opportunities for shared staffing among long-term care providers.

The commission shall make policy recommendations for public and private funding mechanisms to implement the commission's recommendations.

**5. Program.** The commission shall make recommendations for the establishment of a program that will contribute to long-term care direct care workers' postsecondary education in related fields.

**6. Pilot program.** The commission shall make recommendations for the establishment of a pilot program to pool part-time home care workers' hours for purposes of providing greater employment opportunity and obtaining employee benefits.

**7. Staffing.** The Legislative Council shall provide necessary staffing services to the commission.

**8. Administration.** The Commissioner of Health and Human Services, the State Auditor and the State Budget Officer shall provide necessary information

and assistance to the commission as required for the commission's duties.

**9. Report.** No later than November 7, 2018, the commission shall submit a report that includes its findings and recommendations pursuant to subsections 4 to 6, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out a bill regarding the subject matter of the report to the First Regular Session of the 129th Legislature.

**Sec. B-6. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Developmental Services - Community Z208**

Initiative: Provides appropriations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$44,678
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$44,678</b>

**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: Provides appropriations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$620,032
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$620,032</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides appropriations and allocations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$4,271,956
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$4,271,956</b>

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$20,525,109
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$20,525,109</b>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$516,023
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$516,023</b>

**Nursing Facilities 0148**

Initiative: Provides appropriations and allocations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$5,475,685
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$5,475,685</b>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$1,108,680
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$1,108,680</b>

**PNMI Room and Board Z009**

Initiative: Provides appropriations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$687,649
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$687,649</b>

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

DEPARTMENT TOTALS	2017-18	2018-19
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$11,100,000</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$20,525,109</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$1,624,703</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$33,249,812</b>

**PART C**

**Sec. C-1. Department of Health and Human Services to establish and increase MaineCare rates.** Notwithstanding any other pro-

vision of law, no later than the effective date of this Part, the Department of Health and Human Services shall amend rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28 to establish new reimbursement rates and increase existing reimbursement rates for children's habilitative services and specialized children's habilitative services in accordance with the April 24, 2017 report "Rate Study for Behavioral Health and Targeted Case Management Services: Final Proposed Rates for Formal Rulemaking" prepared for the department by Burns & Associates, Inc. Rules adopted pursuant to this section are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. C-2. Appropriations and allocations.**

The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding for the additional costs associated with the establishment of reimbursement rates and the increase of existing reimbursement rates in the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28 for children's habilitative services and specialized children's habilitative services in accordance with the April 24, 2017 report "Rate Study for Behavioral Health and Targeted Case Management Services: Final Proposed Rates for Formal Rulemaking" prepared for the department by Burns & Associates, Inc.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$568,421
	<hr/>	<hr/>
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$568,421</b>

**EDUCATION,  
DEPARTMENT OF**

**DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$568,421</b>
	<hr/>	<hr/>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$568,421</b>

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding to establish reimbursement rates and increase existing reimbursement rates in the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28 for children's habilitative services and specialized children's habilitative services in accordance with

the April 24, 2017 report "Rate Study for Behavioral Health and Targeted Case Management Services: Final Proposed Rates for Formal Rulemaking" prepared for the department by Burns & Associates, Inc.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$2,273,686
	<hr/>	<hr/>
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$2,273,686</b>

**FEDERAL  
EXPENDITURES FUND**

All Other	\$0	\$6,206,430
	<hr/>	<hr/>
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$6,206,430</b>

**Mental Health Services - Community Medicaid Z201**

Initiative: Provides funding to establish reimbursement rates and increase existing reimbursement rates in the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28 for children's habilitative services and specialized children's habilitative services in accordance with the April 24, 2017 report "Rate Study for Behavioral Health and Targeted Case Management Services: Final Proposed Rates for Formal Rulemaking" prepared for the department by Burns & Associates, Inc.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$577,566
	<hr/>	<hr/>
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$577,566</b>

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$2,273,686</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$6,206,430</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$577,566</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$9,057,682</b>
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<b>SECTION TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
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GENERAL FUND	\$0	\$2,842,107
FEDERAL EXPENDITURES FUND	\$0	\$6,206,430
OTHER SPECIAL REVENUE FUNDS	\$0	\$577,566
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$9,626,103</b>

All Other	\$0	\$6,036,063
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$6,036,063</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$11,974,266
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$11,974,266</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$600,591
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$600,591</b>

**PART D**

**Sec. D-1. Department of Health and Human Services to increase MaineCare rates.** The Department of Health and Human Services shall amend the rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 13, Targeted Case Management Services; Section 17, Allowances for Community Support Services; Section 23, Developmental and Behavioral Clinic Services; Section 28, Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations; Section 65, Behavioral Health Services; and Section 97, Private Non-Medical Institution Services, Appendix B and Appendix E to increase reimbursement rates, effective July 1, 2018, to ensure a net increase in funding from fiscal year 2008-09 to fiscal year 2018-19 of 2% as long as no rate for a service is lower than the rate reimbursed as of January 1, 2018. The rules must specify that the increase in reimbursement rates must be applied to wages and benefits for employees who provide direct services and not to administrators or managers.

**Sec. D-2. Increase to employee wages.** To qualify for the rate increase pursuant to section 1 of this Part, an agency providing services must demonstrate, to the satisfaction of the Department of Health and Human Services, that an increase in wages and benefits for employees providing direct services has been granted that equals the amount of increase received as a result of the increased reimbursement. The increase must be granted or paid out retroactively from the date the department begins reimbursing at the increased rates.

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

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides appropriations and allocations to increase certain reimbursement rates by July 1, 2018 to reflect a 2% increase over rates in fiscal year 2008-09.

GENERAL FUND	2017-18	2018-19
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**PNMI Room and Board Z009**

Initiative: Provides appropriations to increase certain reimbursement rates, by July 1, 2018, to reflect a 2% increase from rates in fiscal year 2008-09.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$17,135
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$17,135</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$6,053,198</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$11,974,266</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$600,591</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$18,628,055</b>

**PART E**

**Sec. E-1. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for a 15% rate increase for the medication management services provided under rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65: Behavioral Health Services, by July 1, 2018.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$552,527
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$552,527</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$1,003,012
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$1,003,012</b>

**State-funded Foster Care/Adoption Assistance 0139**

Initiative: Provides funding for a 15% rate increase for the medication management services provided under rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65: Behavioral Health Services, by July 1, 2018.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$15,477
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$15,477</b>
<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF</b>	<b>2017-18</b>	<b>2018-19</b>
<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
GENERAL FUND	\$0	\$568,004
FEDERAL EXPENDITURES FUND	\$0	\$1,003,012
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$1,571,016</b>

**PART F**

**Sec. F-1. 15 MRSA §5826, sub-§6**, as amended by PL 1999, c. 408, §3, is further amended to read:

**6. Final order of disposition of property; public education campaign.** Following the entry of a verdict of forfeiture of property pursuant to this section or the entry of a guilty plea in open court on the record and following the court's disposition of all petitions for hearing timely filed by 3rd parties, the State has clear title to property that is the subject of the indictment, information or complaint. The final order

must provide for the deposit of the property or the proceeds from the disposition of the property, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, in the General Fund, except that, to the extent that the court finds it reasonable, the court may order forfeiture of as much of the property as is appropriate, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, to a municipality, county or state agency that has made a substantial contribution to the investigation or prosecution of a related criminal case or, upon request of the investigating agency or the prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders.

**Sec. F-2. 17-A MRSA §1105-A, sub-§1, ¶¶K and L**, as enacted by PL 2003, c. 476, §2, are amended to read:

K. Death of another person is in fact caused by the use of that scheduled drug one or more scheduled drugs, the scheduled drug trafficked by the defendant is a contributing factor to the death of the other person and the that drug is a schedule W drug. A violation of this paragraph is a Class A crime; or

L. Serious bodily injury of another person is in fact caused by the use of that scheduled drug one or more scheduled drugs, the scheduled drug trafficked by the defendant is a contributing factor to the serious bodily injury of the other person and the that drug is a schedule W drug. A violation of this paragraph is a Class B crime; or

**Sec. F-3. 17-A MRSA §1105-A, sub-§1, ¶M** is enacted to read:

M. At the time of the offense, the person trafficks in fentanyl powder in a quantity of 6 grams or more or 270 or more individual bags, folds, packages, envelopes or containers of any kind containing fentanyl powder. A violation of this paragraph is a Class A crime.

**Sec. F-4. 17-A MRSA §1105-B, sub-§1, ¶D**, as enacted by PL 2003, c. 476, §5, is amended to read:

D. Death or serious bodily injury of another person is in fact caused by the use of that counterfeit drug one or more drugs and the drug furnished by the defendant is a contributing factor to the death or serious bodily injury of the other person.

**Sec. F-5. 17-A MRSA §1105-C, sub-§1, ¶K**, as enacted by PL 2003, c. 476, §7, is amended to read:

K. Death of another person is in fact caused by the use of that scheduled drug one or more drugs and the drug is a schedule W drug furnished by

the defendant is a contributing factor to the death of the other person. A violation of this paragraph is a Class B crime. It is an affirmative defense to prosecution under this paragraph that the drug furnished was lawfully possessed by the defendant prior to furnishing and that the death was not a reasonably foreseeable consequence of the use of that scheduled drug. In determining whether the death was reasonably foreseeable, the jury shall consider:

- (1) The factual circumstances surrounding the furnishing of the drug;
- (2) The total quantity of the drug furnished;
- (3) The dosage of the units furnished;
- (4) The nature of the drug;
- (5) The overdose risk presented by use of the drug; and
- (6) Any safety warnings provided to the defendant at the time of dispensing the drug; or

Sec. F-6. 22 MRSA §7250, sub-§8 is enacted to read:

**8. Report regarding program.** The department shall provide to the joint standing committee of the Legislature having jurisdiction over health and human services matters on or before January 15th of each year, and at such other times as the committee requests, data pertaining to the aggregate number of prescriptions of each drug required to be included in the program, the number of prescribers participating in the program categorized by specialty, any historical trends or patterns in prescribing practices within the State, any progress in the implementation of information sharing agreements authorized by subsection 4-A and any other information pertaining to the work of the program as requested by the committee that is reasonably available to the department, as long as all information reasonably likely to reveal the patient or the prescriber or other person who is the subject of the information has been removed.

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

**INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**

**Maine Commission on Indigent Legal Services Z112**

Initiative: Provides funds for an anticipated increase in indigent legal services costs resulting from additional prosecutions involving death or serious bodily injury to a person.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$11,000

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GENERAL FUND TOTAL	\$0	\$11,000
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**PART G**

Sec. G-1. 5 MRSA §20003, sub-§13-A is enacted to read:

**13-A. Hub.** "Hub" means an organization licensed by the department that provides timely access to comprehensive, integrated assessment, treatment and recovery support for individuals with substance use disorder, including but not limited to opioid use disorders. Hub services may be provided by licensed behavioral health organizations, community mental health centers, methadone clinics, hospitals and federally qualified health centers.

Sec. G-2. 5 MRSA §20003, sub-§15-A is enacted to read:

**15-A. Integrated medication-assisted treatment.** "Integrated medication-assisted treatment" means a treatment method that combines medication approved by the federal Food and Drug Administration for the treatment of substance use disorder with counseling, urine drug screening and behavioral therapy that has proven effective in treating substance use disorder.

Sec. G-3. 5 MRSA §20003, sub-§16-A is enacted to read:

**16-A. Levels of care.** "Levels of care" means the continuum of recovery-oriented services that reflect an individual's risks, needs, strengths, resources and skills as determined by an assessment with standardized placement criteria conducted by a qualified clinician.

Sec. G-4. 5 MRSA §20003, sub-§19-A is enacted to read:

**19-A. Recovery support services.** "Recovery support services" means services that recognize recovery is a process of change through which individuals improve their health and wellness, live self-directed lives and strive to reach their full potential, including, but not limited to, safe housing, transportation, peer mentoring and coaching and assistance with and access to employment services. "Recovery support services" may include services provided in an integrated medication-assisted treatment setting or in a separate facility that is staffed by individuals in recovery and that provides services such as mentoring, education and resource provision.

Sec. G-5. 5 MRSA §20003, sub-§19-B is enacted to read:

**19-B. Spoke.** "Spoke" means a community-based provider, including, but not limited to, a primary care provider, that provides integrated medication-assisted treatment and behavioral health treatment and

recovery support services to patients with substance use disorder, including, but not limited to, opioid use disorder, or refers those patients to such treatments or services.

Sec. G-6. 5 MRSA §20055 is enacted to read:

**§20055. Hub-and-spoke model**

No later than October 1, 2018, the department shall ensure that a continuum of evidence-based treatment and recovery support services for opioid use disorder is accessible to all people in this State through contracts with hubs and spokes. Hub providers may refer patients to spokes when clinically appropriate, and spokes may refer patients to hubs when clinically appropriate. The department shall provide funds to hubs and spokes to support the development of treatment capacity. The department shall also provide funds to hubs and spokes for treatment, including medication, for individuals who lack insurance or the ability to pay for treatment. The department shall provide funds to support recovery support services for individuals receiving treatment from hubs and spokes. The department shall ensure that individuals have access to the appropriate levels of care that meet the individuals' need, as determined by an assessment by a treating clinician. A hub is eligible to receive funding under this section only if the hub has the capacity to assess and treat or refer patients with multiple behavioral health diagnoses. A hub shall provide or contract for comprehensive services including intensive outpatient programs and integrated medication assisted treatment for individuals with acute needs. A hub shall provide or coordinate with recovery support services.

**Sec. G-7. Department of Health and Human Services; services for opioid and substance use disorder.** The Department of Health and Human Services, referred to in this section as "the department," shall assess federal funding opportunities to support integrated medication-assisted treatment and a hub-and-spoke model of delivery of services for opioid and substance use disorder as described in the Maine Revised Statutes, Title 5, section 20055 and distribute resources to hubs and spokes based on identified needs.

**1. Development of grant funding for education.** The department shall provide grant funding, when available, to hubs or other qualified entities to provide assistance with the development of hub-and-spoke infrastructure, as well as initial training and ongoing education to hub-and-spoke providers across the State. Qualified entities may include providers that deliver health care services to meet the health needs of target populations.

**2. Provide treatment to uninsured individuals seeking treatment.** The department shall provide

funds to support treatment for uninsured individuals seeking integrated medication-assisted treatment.

**3. Evaluation and assessment.** The department shall develop assessment measures for performance evaluation of the hub-and-spoke model. Assessment measures must include statistics regarding referrals of individuals seeking substance use disorder treatment; treatment for substance use disorder; success rates, including recovery engagement, adherence to medication-assisted treatment protocols, stability and workplace participation; wait time for services; and any other relevant measures.

**4. 211 Maine information.** The department shall support the development of a plan to create a statewide resource and referral center for substance use disorder treatment and recovery resources that uses the existing 211 Maine service and links it with comprehensive, statewide information on available treatment and recovery resources. The department shall work collaboratively with the United Ways of Maine to develop this plan, as well as with substance use disorder treatment providers and individuals from the substance use disorder recovery community.

**5. Report.** No later than February 1, 2019, the department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the progress and implementation of the hub-and-spoke model, federal funding, grants dispersed, evaluation and assessment measures and improvement of the 211 Maine service. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to report out legislation to the First Regular Session of the 129th Legislature related to the report.

**Sec. G-8. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Office of Substance Abuse and Mental Health Services Z199**

Initiative: Provides funding beginning in fiscal year 2018-19 to hubs and spokes, as defined in the Maine Revised Statutes, Title 5, section 20003, to cover costs of intensive, intermediate and long-term treatment, including, but not limited to, the cost of medication, screening, behavioral health treatment, urine drug screens, office visits and recovery support services for individuals with opioid use disorder, including those who are uninsured. The department may use a portion of the funds to support training and education of hub-and-spoke providers.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$6,663,000

GENERAL FUND TOTAL	\$0	\$6,663,000
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**PART H**

**Sec. H-1. Sustainable funding review.** The Department of Health and Human Services shall conduct a review of possible ways to provide adequate sustainable funding for affordable assisted living facilities that hold a valid contract with the office of aging and disability services within the Department of Health and Human Services, including providing permanent increases to existing funding levels, paying the medical costs of certain residents until they are eligible for MaineCare coverage, a practice known as Rate Code 53 spending, and designating facilities as private nonmedical institutions. The department shall report back with its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 11, 2019.

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

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Office of Aging and Disability Services Central Office 0140**

Initiative: Provides one-time additional funding for the provision of assisted living services.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$500,000
GENERAL FUND TOTAL	\$0	\$500,000

**PART I**

**Sec. I-1. Department of Health and Human Services to increase MaineCare reimbursement for outpatient psychosocial treatments for children.** The Department of Health and Human Services shall increase reimbursement rates under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 65 for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by 20% for the period from the effective date of this Part to June 30, 2019.

**Sec. I-2. Rate study.** The Department of Health and Human Services shall contract with a 3rd party to conduct a rate study of reimbursement rates under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 65 for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy. The rate

study must develop a rate that is set on a per case per week basis. The rate study must also take into account the costs to providers of delivering the services, including additional training, and maintenance of fidelity to the treatment models. The rate study must be completed no later than December 1, 2018.

**Sec. I-3. Report.** The Department of Health and Human Services shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with the findings of the rate study conducted pursuant to section 2 of this Part no later than January 30, 2019.

**Sec. I-4. Rulemaking.** The Department of Health and Human Services is authorized to adopt rules to implement new rates developed pursuant to the rate study in section 2 of this Part as long as those rates are no lower than the rates of reimbursement that exist on April 1, 2018 and the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services approves the reimbursement rates. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. I-5. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for a one-time increase to certain rates under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 65 by 20% until June 30, 2019.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$212,306

GENERAL FUND TOTAL	\$0	\$212,306
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FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$385,318

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$385,318
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**Office of MaineCare Services 0129**

Initiative: Provides funding to contract with a 3rd party to conduct a rate study of certain rates under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 65 to be completed no later than December 1, 2018.

GENERAL FUND	2017-18	2018-19
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All Other	\$0	\$50,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$50,000</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$50,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$50,000</b>
<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF</b>	<b>2017-18</b>	<b>2018-19</b>
<b>DEPARTMENT TOTALS</b>	<b>\$0</b>	<b>\$262,306</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$435,318</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$697,624</b>

**PART J**

**Sec. J-1. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Office of Substance Abuse and Mental Health Services Z199**

Initiative: Provides funds for case management and other ancillary services provided by the office for drug courts established by the Judicial Department. These funds must be used to provide services for up to 30 new participants either at a new drug court in the State or in existing drug courts in the State.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$150,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$150,000</b>
<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF</b>	<b>2017-18</b>	<b>2018-19</b>
<b>DEPARTMENT TOTALS</b>	<b>\$0</b>	<b>\$150,000</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$150,000</b>
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**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funds for active retired judges to cover other court time of full-time sitting judges assigned either to a new drug court in the State or to existing drug courts in the State to allow for up to 30 new participants.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$10,800
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$10,800</b>

**JUDICIAL DEPARTMENT**

**DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$10,800</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$10,800</b>
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<b>SECTION TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
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<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$160,800</b>
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<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$160,800</b>
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**PART K**

**Sec. K-1. 5 MRSA §17852-A** is enacted to read:

**§17852-A. Computation of benefit for certain correctional facility employees**

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

A. "Client" has the same meaning as in Title 34-A, section 1001, subsection 1-A.

B. "Closure" means the removal of all clients from a correctional facility pursuant to legislation enacted into law approving the removal of all clients.

C. "Correctional facility" has the same meaning as in Title 34-A, section 1001, subsection 6.

**2. Correctional facility employees.** Notwithstanding section 17852 and any other provision of law,

the service retirement benefit for a member for whom funding has been received under subsection 6 is computed as provided in subsection 3 if the member:

- A. Has creditable service of 25 years or more;
- B. Has not reached what would be the member's normal retirement age absent this section;
- C. Was employed in a correctional facility at the time legislation approving the closure of that correctional facility was enacted and that correctional facility is located more than 100 miles from the nearest correctional facility; and
- D. Retires as a direct result of the closure of the correctional facility described in paragraph C.

3. Benefit. The amount of the service retirement benefit for a member qualified under subsection 2 is 1/50 of the member's average final compensation multiplied by the number of years of creditable service.

4. Certification and calculation of required funding. Within 5 days of a closure of a correctional facility, the Commissioner of Corrections shall provide certification of the closure and the date of enactment and the chapter of the law approving the closure to the retirement system. The retirement system shall determine the required funding for service retirement benefits under subsection 3 for all members who meet the conditions of subsection 2 and shall provide the determined amount to the Commissioner of Administrative and Financial Services, the Commissioner of Corrections and the joint standing committee of the Legislature having jurisdiction over retirement matters.

5. Increase in employer contribution. Upon receipt of the determined required funding from the retirement system pursuant to subsection 4, the Department of Administrative and Financial Services shall assess a one-time increase in the Department of Corrections' employer contribution rate provided for in section 17253 to fully fund the determined amount.

6. Receipt of funding. The service retirement benefit for a member who meets the conditions of subsection 2 is paid under subsection 3 only if the retirement system has received the funding from the additional assessment provided for in subsection 5 or received an appropriation from the Legislature for the required funding under subsection 4.

## PART L

**Sec. L-1. Task force established.** The Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services, referred to in this Part as "the task force," is established to study and plan for the implementation of Maine's early childhood special education programs and services provided for young children from 3 years of age to 5 years of age.

**Sec. L-2. Task force membership.** Notwithstanding Joint Rule 353, the task force consists of 20 members appointed as follows:

1. One member of the Senate appointed by the President of the Senate;
2. One member of the House of Representatives appointed by the Speaker of the House;
3. Sixteen members appointed as follows:
  - A. Two members who are parents of children with a disability between 3 years of age and 5 years of age, one from an urban community and one from a rural community, appointed by the President of the Senate. The 2 members must have knowledge of or experience with programs for children with disabilities;
  - B. One member who is a contracted service provider of early intervention and free, appropriate public education services, representing the Maine Association for Community Service Providers, appointed by the Speaker of the House;
  - C. Two members who are Child Development Services System staff members who provide direct services, appointed by the Speaker of the House;
  - D. One member who is a representative of a Head Start agency or program in the State, representing Head Start programs in Maine, appointed by the President of the Senate;
  - E. One member who is a representative of a child care program, appointed by the Speaker of the House;
  - F. One member who is a teacher in an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children within a public elementary school from a large school administrative unit, representing the Maine Education Association, appointed by the President of the Senate;
  - G. One member who is a special education director from a small school administrative unit, representing the Maine Administrators of Services for Children with Disabilities, appointed by the President of the Senate;
  - H. One member who is a principal of a public elementary school of a small school administrative unit that has implemented an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children, representing the Maine Principals' Association, appointed by the Speaker of the House;
  - I. One member who serves as a superintendent of a large school administrative unit that has imple-

mented an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children, representing the Maine School Superintendents Association, appointed by the Speaker of the House;

J. One member who serves as a school board member of a school administrative unit that has implemented an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children, appointed by the President of the Senate;

K. One member representing the Maine Developmental Disabilities Council, appointed by the Speaker of the House;

L. One member representing pediatricians, appointed by the President of the Senate;

M. One member representing a statewide association of occupational therapists, appointed by the President of the Senate; and

N. One member representing a statewide association of speech, language and hearing therapists, appointed by the Speaker of the House;

4. The Commissioner of Education or the commissioner's designee; and

5. The Commissioner of Health and Human Services or the commissioner's designee.

**Sec. L-3. Chairs.** The President of the Senate and the Speaker of the House shall each appoint one member of the task force to serve as cochair, except that, notwithstanding Joint Rule 353, the President of the Senate and the Speaker of the House may not appoint a Legislator to serve as a chair of the task force. Notwithstanding Joint Rule 353, the chairs may appoint, as nonvoting members of the task force, individuals with expertise in areas relevant to early childhood development services and systems.

**Sec. L-4. Appointments; convening of task force.** All the appointments must be made no later than 30 days following the effective date of this Part. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after enactment of this legislation a majority of but not all of the appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

**Sec. L-5. Duties.** The task force shall examine:

1. National trends and relevant models of governing and delivering early childhood special education systems in other states and jurisdictions that hold the

potential for enhancing the effectiveness, efficiency or accountability of the early childhood special education system in the State;

2. The short-term and long-term costs and benefits of the Department of Education's proposed plan to restructure the Child Development Services System as presented by the Commissioner of Education to the Legislature in Legislative Document 1870 in the Second Regular Session of the 128th Legislature;

3. The findings and recommendations of the Subcommittee To Study Early Childhood Special Education in its January 2007 report;

4. The findings and recommendations of the Office of Program Evaluation and Government Accountability in its July 2012 report on child development services; and

5. Any other issues the task force determines to be useful or necessary concerning early childhood special education systems matters.

**Sec. L-6. Development of recommendations; plan.** The task force shall develop recommendations for an early childhood special education services program plan, which must include, but is not limited to:

1. Models of best practices;
2. Fiscally sound budget forecasting, including all possible revenue streams and updated costs;
3. Transportation services;
4. Data systems, including a billing system, a system that allows coordination with the MaineCare program and a case management documentation system;
5. A timeline for the implementation of the plan under this section;
6. A procedure for data collection and analysis conducted by the Maine Education Policy Research Institute;
7. A method for assessing a school administrative unit's capacity for implementing early childhood special education programs;
8. Training requirements for service providers and leaders;
9. Public information communication strategy for implementation of the plan; and
10. Identification of potential revisions to the Department of Health and Human Services' rule Chapter 101: MaineCare Benefits Manual.

**Sec. L-7. Authorized meetings.** The task force may hold no more than 6 meetings.

**Sec. L-8. Staff assistance.** Notwithstanding Joint Rule 353, the Legislative Council shall contract for a facilitator for the task force using a request for

proposals process. The Office of Policy and Legal Analysis shall provide drafting assistance to the task force.

**Sec. L-9. Compensation.** Legislative members of the task force are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Other members of the task force may not receive compensation for their participation on the task force.

**Sec. L-10. Report.** No later than December 5, 2018, the task force shall submit a report containing its findings, recommendations and plan, including suggested legislation, for presentation to the Joint Standing Committee on Education and Cultural Affairs. The joint standing committee of the Legislature having jurisdiction over education matters may submit a bill to the First Regular Session of the 129th Legislature.

**Sec. L-11. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**Child Development Services 0449**

Initiative: Provides one-time funds to address the Child Development Services System budgetary shortfall.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$3,700,000
GENERAL FUND TOTAL	\$0	\$3,700,000

**PART M**

**Sec. M-1. 30-A MRSA c. 201, sub-c. 12-A** is enacted to read:

**SUBCHAPTER 12-A**

**LEAD ABATEMENT**

**§4981. Lead abatement program**

**1. Program.** The Maine State Housing Authority shall establish and administer a program that provides assistance, including grants, for the abatement of lead paint hazards in residential housing, referred to in this subchapter as "the program." Program funds may be used to match federal funds available for lead abatement. The program is subject to the following conditions.

A. The Maine State Housing Authority shall establish eligibility standards for participation in the program, including, but not limited to, the following.

- (1) Housing units or housing projects consisting of households with incomes up to

100% of the area median income as established by the United States Department of Housing and Urban Development, whether the housing is owned by an individual or a for-profit or nonprofit entity, are eligible.

(2) Annual rent for a housing unit or housing project receiving project funds may not exceed 30% of the area median income as established by the United States Department of Housing and Urban Development for 4 years after completion of the abatement work.

(3) Housing that serves as a child care location for children under 6 years of age is eligible as long as the owner has an annual income at or below 100% of the area median income as established by the United States Department of Housing and Urban Development.

The Maine State Housing Authority may adopt the eligibility standards pursuant to this paragraph by routine technical rule as described in Title 5, chapter 375, subchapter 2-A.

B. All lead abatement performed pursuant to the program must comply with industry standards for lead abatement, including pre-abatement inspection and post-abatement inspection of the housing and other standards established by the Department of Environmental Protection. If the pre-abatement inspection identifies the presence of lead in or on the windows, replacement of those windows must be recommended.

C. An owner of housing that receives lead abatement assistance under the program shall pay a portion of the abatement costs as follows:

- (1) At least 10% of the costs of abatement; or
- (2) At least 25% of the costs of abatement if a child who is a resident of, or who receives child care services in, the housing has been determined to have lead poisoning, as defined in Title 22, section 1315, subsection 5-C.

Priority for program funds must be given to abatement projects for housing in which a child who has been determined to have lead poisoning, as defined in Title 22, section 1315, subsection 5-C, resides.

**2. Lead Abatement Fund.** The Lead Abatement Fund, referred to in this subchapter as "the fund," is established under the jurisdiction and control of the Maine State Housing Authority. The fund is nonlapsing and must be used to fund the program. The fund consists of funds appropriated or allocated by the Legislature for the purpose of this section and other funds acquired by the Maine State Housing Authority to accomplish the purpose of the program.

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

**HOUSING AUTHORITY, MAINE STATE**

**Lead Abatement Fund N261**

Initiative: Allocates one-time funds to provide grants for the abatement of lead paint hazards in residential housing and for the cost of establishing and administering the lead abatement program.

FUND FOR A HEALTHY MAINE	2017-18	2018-19
All Other	\$0	\$4,000,000
	\$0	\$4,000,000
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$4,000,000

**PART N**

**Sec. N-1. Ongoing funding.** During the First Regular Session of the 129th Legislature, the joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation to provide ongoing funding for school-based health centers.

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

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Maine Center for Disease Control and Prevention 0143**

Initiative: Restores funding on a one-time basis to the State's school-based health centers to the level of funding provided in fiscal year 2016-17.

FUND FOR A HEALTHY MAINE	2017-18	2018-19
All Other	\$0	\$600,000
	\$0	\$600,000
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$600,000

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 9, 2018.

**CHAPTER 461  
H.P. 796 - L.D. 1133**

**An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization**

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

**Sec. 1. 34-B MRSA §1226** is enacted to read:

**§1226. Resources available for patients entering residential care facilities**

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

A. "Hospital" means a hospital licensed under Title 22, chapter 405 or a nonstate mental health institution as defined in section 3801, subsection 6.

B. "Patient" means a person who is 18 years of age or older, who is receiving inpatient services in a hospital for a severe and persistent mental illness as defined in section 3801, subsection 8-A and who the hospital has determined to be ready for discharge from the hospital.

C. "Residential service provider" means a facility licensed under Title 22, section 7801, subsection 1, paragraph A or A-1.

**2. Application for additional services.** A residential service provider may apply to the department for services in order to temporarily meet a patient's needs when the patient requires reasonable accommodations or a higher level of care for admission or re-admission to the residential service provider.

If the services necessary to meet a patient's needs under this subsection are reimbursable by the MaineCare program, the department shall direct the residential service provider to first seek reimbursement from the MaineCare program. The department shall provide technical support to the residential service provider in order to determine whether MaineCare reimbursement is available.

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Repeal.** This section is repealed July 1, 2020.

**Sec. 2. Rulemaking.** The Department of Health and Human Services shall adopt rules to implement the Maine Revised Statutes, Title 34-B, section 1226 no later than January 1, 2019.

**Sec. 3. Report.** The Department of Health and Human Services shall report in writing by January 15, 2020 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the implementation of the Maine Revised Statutes, Title 34-B, section 1226, including, but not limited to, the number of applications received; the number of patients served; the costs of patient services provided, including whether the services were reimbursable by the MaineCare program; and the types of services received by patients.

See title page for effective date.

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## CHAPTER 462

### H.P. 827 - L.D. 1190

#### An Act Regarding Driver's License Suspensions for Nondriving-related Violations

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

**Sec. 1. 14 MRSA §3141, sub-§7**, as amended by PL 1999, c. 587, §9, is further amended to read:

**7. Remedies.** Failure to pay by the date fixed by the court's order or an amended order subjects the defendant to the contempt procedures provided in section 3142, ~~suspensions a restricted license~~ under Title 29-A, section ~~2605~~, 2605-A and all procedures for collections provided for in sections 3127-A, 3127-B, 3131, 3132, 3134, 3135 and 3136. An installment agreement under this section must be considered an agreement under section 3125; and a court order to pay under section 3126-A. In addition to other penalties provided by law, the court may impose on the defendant reasonable costs for any failure to appear.

This subsection is repealed October 1, 2021.

**Sec. 2. 14 MRSA §3141, sub-§8** is enacted to read:

**8. Remedies.** Failure to pay by the date fixed by the court's order or an amended order subjects the defendant to the contempt procedures provided in section 3142, suspensions under Title 29-A, section 2605 and all procedures for collections provided for in sections 3127-A, 3127-B, 3131, 3132, 3134, 3135 and 3136. An installment agreement under this section must be considered an agreement under section 3125 and a court order to pay under section 3126-A. In addition to other penalties provided by law, the court may impose on the defendant reasonable costs for any failure to appear.

This subsection takes effect October 1, 2021.

**Sec. 3. 14 MRSA §3142, sub-§1, ¶C**, as amended by PL 2003, c. 414, Pt. B, §26 and affected

by c. 614, §9 and PL 2005, c. 397, Pt. A, §§51 and 52, is further amended to read:

C. The suspension of any license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry, not including a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B or, except as provided in paragraph D, a motor vehicle license or permit issued by the Secretary of State, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, as provided in Title 29-A. Licenses and registration subject to suspension include, but are not limited to:

(1) Licenses issued by the Commissioner of Marine Resources, as provided in Title 12, section 6409;

(2) Licenses issued by the Commissioner of Inland Fisheries and Wildlife, as provided in Title 12, section 10902, subsection 3; and

(3) Watercraft, snowmobile and all-terrain vehicle registrations, as provided in Title 12, section 10902, subsection 3; and

~~(4) Motor vehicle licenses or permits issued by the Secretary of State, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, as provided in Title 29-A, section 2605.~~

This paragraph is repealed October 1, 2021;

**Sec. 4. 14 MRSA §3142, sub-§1, ¶D** is enacted to read:

D. A restricted license as provided in Title 29-A, section 2605-A.

This paragraph is repealed October 1, 2021; or

**Sec. 5. 14 MRSA §3142, sub-§1, ¶E** is enacted to read:

E. The suspension of any license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry, not including a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B. Licenses and registration subject to suspension include, but are not limited to:

(1) Licenses issued by the Commissioner of Marine Resources, as provided in Title 12, section 6409;

(2) Licenses issued by the Commissioner of Inland Fisheries and Wildlife, as provided in Title 12, section 10902, subsection 3;

(3) Watercraft, snowmobile and all-terrain vehicle registrations, as provided in Title 12, section 10902, subsection 3; and

(4) Motor vehicle licenses or permits issued by the Secretary of State, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, as provided in Title 29-A, section 2605.

This paragraph takes effect October 1, 2021.

**Sec. 6. 14 MRSA §3146**, as enacted by PL 1987, c. 414, §2, is repealed.

**Sec. 7. 14 MRSA §3146-A** is enacted to read:

**§3146-A. Exemptions**

Beginning October 1, 2021, the exemptions from attachment and execution specified in sections 4421 to 4426 do not apply to the collection of fines covered by this chapter.

**Sec. 8. 29-A MRSA §2605, sub-§1**, as amended by PL 2013, c. 482, §8, is further amended to read:

**1. Suspension by clerk.** If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil violation under Title 28-A, section 2052; a civil violation under this Title; or any criminal provision of this Title, ~~or for any further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel,~~ or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. The court shall immediately notify that person of the suspension by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.

If a person who is not an individual fails to appear or pay a fine in a civil violation under this Title or a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State.

This subsection is repealed October 1, 2021.

**Sec. 9. 29-A MRSA §2605, sub-§1-A** is enacted to read:

**1-A. Suspension by clerk.** If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil

violation under Title 28-A, section 2052; a civil violation under this Title; or any criminal provision of this Title, or for any further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. The court shall immediately notify that person of the suspension by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.

If a person who is not an individual fails to appear or pay a fine in a civil violation under this Title or a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State.

This subsection takes effect October 1, 2021.

**Sec. 10. 29-A MRSA §2605-A** is enacted to read:

**§2605-A. Restricted license on nonappearance or nonpayment of fine**

**1. Restricted license.** If a person fails to appear in court on the date and time specified by the court for the payment of a fine, either in person or by counsel, upon order of the court, the clerk shall restrict the person's license or permit and the right to operate a motor vehicle in this State to authorize the person to operate a motor vehicle:

A. Between the residence and a place of employment or in the scope of employment, or both;

B. If the person is not employed and is seeking employment, between the residence and an employment office or a site of an employment interview; or

C. Between the residence and an educational facility attended by the person.

**2. Notification by Secretary of State.** On receipt of a copy of an order of a restriction under this section, the Secretary of State shall immediately notify the person of the restriction by regular mail or personal service.

**3. Effect of restriction.** A court-ordered restriction under this section has the same force and effect as if issued by the Secretary of State. The restriction remains in effect until the person appears, either in person or by counsel, or pays the fine.

**4. Repeal.** This section is repealed October 1, 2021.

See title page for effective date.

**CHAPTER 463  
H.P. 1176 - L.D. 1696**

**An Act To Provide Funding for  
the Maine Bicentennial  
Commission**

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

**Sec. 1. Appropriations and allocations.**  
The following appropriations and allocations are  
made.

**CULTURAL AFFAIRS COUNCIL, MAINE  
STATE**

**State of Maine Bicentennial Celebration N257**

Initiative: Provides one-time funds for staff support  
and other expenses associated with the planning of the  
State of Maine bicentennial celebration. Funds appro-  
priated for this purpose do not lapse but must be car-  
ried forward into the next fiscal year to be used only to  
support the expenses of planning the bicentennial cel-  
ebration.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$75,000
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<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$75,000</b>

See title page for effective date.

**CHAPTER 464  
H.P. 1187 - L.D. 1707**

**An Act To Reduce the Cost of  
Care Resulting from  
Blood-borne Infectious  
Diseases**

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

**Sec. 1. Appropriations and allocations.**  
The following appropriations and allocations are  
made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Provides funds to support hypodermic appa-  
ratus exchange programs pursuant to the Maine Re-  
vised Statutes, Title 22, section 1341, subsection 4.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$75,000

<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$75,000</b>
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See title page for effective date.

**CHAPTER 465  
H.P. 585 - L.D. 836**

**An Act To Authorize a General  
Fund Bond Issue To Build  
Maine's Workforce  
Development Capacity by  
Modernizing and Improving  
the Facilities and  
Infrastructure of Maine's  
Public Universities and  
Community Colleges**

**Preamble.** Two thirds of both Houses of the  
Legislature deeming it necessary in accordance with  
the Constitution of Maine, Article IX, Section 14 to  
authorize the issuance of bonds on behalf of the State  
of Maine to provide funds as described in this Act,

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

**PART A**

**Sec. A-1. Authorization of bonds.** The  
Treasurer of State is authorized, under the direction of  
the Governor, to issue bonds in the name and on be-  
half of the State in an amount not exceeding  
\$49,000,000 for the purposes described in section 5 of  
this Part. The bonds are a pledge of the full faith and  
credit of the State. The bonds may not run for a period  
longer than 10 years from the date of the original issue  
of the bonds.

**Sec. A-2. Records of bonds issued; Treas-  
urer of State.** The Treasurer of State shall ensure  
that an account of each bond is kept showing the num-  
ber of the bond, the name of the successful bidder to  
whom sold, the amount received for the bond, the date  
of sale and the date when payable.

**Sec. A-3. Sale; how negotiated; proceeds  
appropriated.** The Treasurer of State may negotiate  
the sale of the bonds by direction of the Governor, but  
no bond may be loaned, pledged or hypothecated on  
behalf of the State. The proceeds of the sale of the  
bonds, which must be held by the Treasurer of State  
and paid by the Treasurer of State upon warrants  
drawn by the State Controller, are appropriated solely  
for the purposes set forth in this Part. Any unencum-  
bered balances remaining at the completion of the  
project in this Part lapse to the Office of the Treasurer  
of State to be used for the retirement of general obliga-  
tion bonds.

**Sec. A-4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

**Sec. A-5. Disbursement of bond proceeds from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

**UNIVERSITY OF MAINE SYSTEM**

Provides funds for the construction, reconstruction and remodeling of existing or new facilities and other infrastructure within the University of Maine System as approved by the Board of Trustees in order to expand workforce development capacity and attract and retain students. Bond funds must be matched by other public and private funds.

Total \$49,000,000

**Sec. A-6. Contingent upon ratification of bond issue.** Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

**Sec. A-7. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. A-8. Bonds authorized but not issued.** Any bonds authorized but not issued within 5 years of ratification of this Part are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

**Sec. A-9. Referendum for ratification; submission at election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$49,000,000 bond issue to be matched by at least \$49,000,000 in private and public funds to modernize and improve the

facilities and infrastructure of Maine's public universities in order to expand workforce development capacity and to attract and retain students to strengthen Maine's economy and future workforce?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

**PART B**

**Sec. B-1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$15,000,000 for the purposes described in section 5 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

**Sec. B-2. Records of bonds issued; Treasurer of State.** The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. B-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. B-4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

**Sec. B-5. Disbursement of bond proceeds from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

**MAINE COMMUNITY COLLEGE SYSTEM**

Provides funds to renovate and expand instructional laboratories and to upgrade information technology infrastructure and heating and ventilating systems for improved energy efficiency and long-term savings at Central Maine Community College.

Total \$2,503,755

Provides funds for information technology system upgrades, to convert heating systems to natural gas and for additional campus-wide energy efficiencies at Eastern Maine Community College.

Total \$2,233,082

Provides funds for capital equipment to support a new program in millwrighting and industrial mechanics, for upgrades to information technology infrastructure and instructional and library technologies and to replace and insulate aging windows and facades at Kennebec Valley Community College.

Total \$2,190,731

Provides funds to expand the diesel hydraulics program laboratory, upgrade information technology infrastructure and heating and ventilation systems, invest in energy efficiencies and renovate classrooms at Northern Maine Community College.

Total \$1,165,119

Provides funds for facility repairs and improvements, energy efficiencies, renovations to expand space for student support and remediation, information technology system upgrades and instructional and library services at Southern Maine Community College.

Total \$4,275,100

Provides funds to renovate and expand instructional laboratories, for information technology system upgrades and for investments in instructional technologies at Washington County Community College.

Total \$885,853

Provides funds for information technology system upgrades to and the development of York County Community College's Industrial Trades Center in Sanford.

Total \$1,746,360

**Sec. B-6. Contingent upon ratification of bond issue.** Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

**Sec. B-7. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. B-8. Bonds authorized but not issued.** Any bonds authorized but not issued within 5 years of ratification of this Part are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

**Sec. B-9. Referendum for ratification; submission at election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$15,000,000 bond issue to improve educational programs by upgrading facilities at all 7 of Maine's community colleges in order to provide Maine people with access to high-skill, low-cost technical and career education?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part

becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

**PART C**

**Sec. C-1. Report on University of Maine System facility conditions and infrastructure investments.** By January 7, 2019 and every 2 years thereafter, the University of Maine System shall submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, to the joint standing committee of the Legislature having jurisdiction over state and local government matters and to the Governor on the system's capital expenditure plan. The report must include the status of facility conditions and related system-wide needs and priorities and a detailed budget of funding sources for infrastructure investment, including general obligation and other bond funding and other private and public sources of funding.

See title page for effective date, unless otherwise indicated.

**CHAPTER 466**

**H.P. 1152 - L.D. 1666**

**An Act To Ensure the Successful Implementation of Proficiency-based Diplomas**

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

**Sec. 1. 20-A MRSA §253, sub-§9,** as enacted by PL 2011, c. 669, §1, is repealed.

**Sec. 2. 20-A MRSA §2412, sub-§5, ¶J,** as enacted by PL 2015, c. 40, §1, is amended to read:

J. Public charter schools are subject to the same ~~proficiency-based~~ diploma standards set forth in section 4722-A and are eligible for the same ~~transition grants as applicable to noncharter public schools in the State pursuant to section 4722-A, subsection 4 4722.~~

**Sec. 3. 20-A MRSA §2651, sub-§3, ¶B-1,** as enacted by PL 2015, c. 251, §5, is amended to read:

B-1. Facilitate the transformation of the public education system to one in which standards are used to guide curriculum and instruction and in which student advancement and graduation are based on student demonstration of proficiency achievement in meeting educational standards;

**Sec. 4. 20-A MRSA §2902, sub-§3,** as amended by PL 2015, c. 40, §3, is further amended to read:

**3. Courses required by law.** Provide instruction in elementary schools as specified in sections 4701, 4704, 4706 and 4711 and in secondary schools as specified in sections 4701, 4704, 4706, 4722, ~~4722-A,~~ 4723 and 4724.

**Sec. 5. 20-A MRSA §4502, sub-§1,** as amended by PL 2011, c. 669, §3, is further amended to read:

**1. General requirements.** Elementary and secondary schools and school administrative units, including an educational program or school located in or operated by a juvenile correctional facility, shall meet all requirements of the system of learning results as established in section 6209 as well as other requirements of this Title and other statutory requirements applicable to the public schools and basic school approval standards. Each school administrative unit shall prepare and implement a comprehensive education plan that is aligned with the system of learning results, focused on the learning of all students and oriented to continuous improvement. The comprehensive education plan must include a plan for ~~transitioning to proficiency-based the graduation in accordance with requirements of section 4722-A 4722.~~ This plan must also address all other plans required by the department.

**Sec. 6. 20-A MRSA §4502, sub-§8, ¶¶B and C,** as enacted by PL 2011, c. 669, §5, are repealed.

**Sec. 7. 20-A MRSA §4511, sub-§3, ¶J,** as enacted by PL 2015, c. 489, §1, is repealed.

**Sec. 8. 20-A MRSA §4722, sub-§7,** as enacted by PL 2011, c. 669, §6, is amended to read:

**7. Applicability of requirements.** ~~Except as provided in section 4722-A, this~~ This section applies to the granting of diplomas to secondary school students ~~before beginning~~ beginning January 1, ~~2017~~ 2019.

**Sec. 9. 20-A MRSA §4722, sub-§8,** as enacted by PL 2011, c. 669, §6, is repealed.

**Sec. 10. 20-A MRSA §4722-A,** as amended by PL 2017, c. 284, Pt. C, §7, is further amended to read:

**§4722-A. Proficiency-based diploma standards and transcripts**

~~Beginning January 1, 2017, a~~ A diploma indicating graduation from a secondary school ~~must~~ may be based on student demonstration of proficiency as described in this section. ~~The commissioner may permit a school administrative unit to award diplomas under this section prior to January 1, 2017 if the commissioner finds that the unit's plan for awarding diplomas~~

~~meets the criteria for proficiency-based graduation under this section.~~

**1. Requirements for award of diploma.** ~~In order~~ If a school subject to the system of learning results established under section 6209 chooses to award to a student a diploma indicating graduation from secondary school, a school subject to the system of learning results established under section 6209 must based on demonstration of proficiency as described in this section, the school shall:

A-1. Certify that the student has met all requirements specified by the governing body of the school administrative unit attended by the student;

B. Certify that the student has demonstrated proficiency in meeting state standards in all content areas of the system of learning results established under section 6209;

B-1. Phase in the following diploma requirements from the 2020-2021 school year to the 2024-2025 school year:

(1) For a student graduating in the graduating class of 2020-2021, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology and social studies;

(2) For a student graduating in the graduating class of 2021-2022, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology, social studies and at least one additional content area of the student's choice;

(3) For a student graduating in the graduating class of 2022-2023, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology, social studies and at least 2 additional content areas of the student's choice;

(4) For a student graduating in the graduating class of 2023-2024, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology, social studies and at least 3 additional content areas of the student's choice; and

(5) For a student graduating in the graduating class of 2024-2025 and for each subsequent graduating class, certify that the student has demonstrated proficiency in meeting the state standards in all content areas.

For the purposes of this paragraph, "content areas" refers to the content areas of the system of learning results established under section 6209;

C. Certify that the student has demonstrated proficiency in each of the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209; and

E. Certify that the student has engaged in educational experiences relating to English language arts, mathematics and science and technology in each year of the student's secondary schooling.

**2. Method of gaining and demonstrating proficiency.** Students must be allowed to gain proficiency through multiple pathways, as described in section 4703, and must be allowed to demonstrate proficiency by presenting multiple types of evidence, including but not limited to teacher-designed or student-designed assessments, portfolios, performance, exhibitions, projects and community service.

**3. Exceptions.** Notwithstanding subsection 1, if a school subject to the system of learning results established under section 6209 chooses to award student diplomas indicating graduation from secondary school based on demonstration of proficiency as described in this section, a student may be awarded a diploma indicating graduation from a ~~secondary~~ that school in the following circumstances.

A. A student who is a child with a disability, as defined in section 7001, subsection 1-B, may meet the requirements of subsection 1 and become eligible for a diploma by demonstrating proficiency in state standards established in the system of learning results through performance tasks and accommodations that maintain the integrity of the standards as specified in the student's individualized education program by the student's individualized education program team pursuant to the requirements of chapter 301.

B. A student who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education is eligible to receive a high school diploma from the secondary school the student last attended.

B-2. For the graduating class of 2020-2021 and each subsequent graduating class, a student who has satisfactorily completed a state-approved career and technical education program of study and either met 3rd-party-verified national or state industry standards set forth in department rules established pursuant to section 8306-B or earned 6 credits in a dual enrollment career and technical education program formed pursuant to chapter 229 from a regionally accredited institution of higher education and who has successfully demonstrated proficiency in meeting state stand-

ards in the content areas and the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209, is eligible to receive a high school diploma from the secondary school the student last attended. A student may be awarded a high school diploma from the secondary school the student last attended in accordance with the phase-in of the following diploma requirements for the graduating class of 2020-2021 to the graduating class of 2023-2024:

- (1) For a student graduating in the graduating class of 2020-2021, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics and social studies;
- (2) For a student graduating in the graduating class of 2021-2022, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, social studies and at least one additional content area of the student's choosing;
- (3) For a student graduating in the graduating class of 2022-2023, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, social studies and at least 2 additional content areas of the student's choosing; and
- (4) For a student graduating in the graduating class of 2023-2024 and in each subsequent graduating class, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, social studies and at least 3 additional content areas of the student's choosing.

For the purposes of this paragraph, "content areas" refers to the content areas of the system of learning results established under section 6209.

D. A school administrative unit may award a high school diploma to a student who has met the standards set forth in a waiver request that was approved by the commissioner pursuant to section 4502, subsection 8.

E. A person may be awarded a high school diploma, including a posthumous award, if the person or a family member of the person applies to a secondary school and:

- (1) The person:
  - (a) Attended a secondary school in the geographic area now served by the secondary school from which a diploma is requested; or

- (b) Resides at the time of application for a diploma in the geographic area served by the secondary school from which a diploma is requested;
- (2) The person did not graduate or receive a diploma from a secondary school because the person left secondary school to serve in the Armed Forces and served during the following periods:
  - (a) World War II, from December 7, 1941 to August 16, 1945;
  - (b) The Korean Conflict;
  - (c) The Vietnam War era, from February 28, 1961 to May 7, 1975; or
  - (d) The period of wartime or peacetime after a period of wartime described in division (a), (b) or (c); and
- (3) The person received an honorable discharge or a certificate of honorable service from the Armed Forces.

For the purposes of this paragraph, "Armed Forces" means the United States Army, Navy, Air Force, Marine Corps and Coast Guard and the merchant marine.

**5. Transcripts and certification of content area proficiency.** ~~If a school subject to the system of learning results established under section 6209 chooses to award student diplomas indicating graduation from secondary school based on demonstration of proficiency as described in this section, the school shall, in addition to maintaining a high school transcript for each student, a school administrative unit shall certify each student's content area proficiency and may award a certificate of content area proficiency to a student for each content area in the system of learning results established under section 6209 in which the student has demonstrated proficiency.~~ Certification of content area proficiency must be included with the student's permanent academic transcript, and a student may use certification of content area proficiency as an official credential of academic achievement for the purposes of employment and postsecondary education. When a school administrative unit certifies content area proficiency, it shall report these certifications of content area proficiency to the department, and the department shall collect and aggregate these data as evidence of progress towards high school graduation goals.

**6. Implementation of proficiency-based diplomas and transcripts.** ~~Beginning in the 2016-2017 school year, the~~ The department shall ~~may~~ annually collect and report data on ~~the progress of~~ public schools and public charter schools ~~towards the implementation of that have chosen to implement~~ proficiency-based diplomas and transcripts ~~in relation to the ongoing transition plan required pursuant to~~

~~section 4502, subsection 1,~~ including the number of students graduating with proficiency-based diplomas, the number of students concluding their high school careers proficient in each of the content areas of the system of learning results established under section 6209 and in each of the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209 and the number of students certified as ready for college and careers. ~~By January 15, 2017, and annually thereafter, the~~ The department ~~shall~~ may provide an annual report of ~~the any~~ data collected for the prior school year to the joint standing committee of the Legislature having jurisdiction over education matters, and the department shall post the annual report on its publicly accessible website.

**7. Rulemaking.** The commissioner shall develop rules to accomplish the purposes of this section. Rules adopted by the commissioner under this section must:

A. Allow local flexibility and innovation in developing consistent graduation standards, enable school administrative units that choose to award student diplomas indicating graduation from secondary school based on demonstration of proficiency as described in this section to continue current progress aligned with the phase-in of the standards and proficiency requirements in subsection 1, paragraph B-1 and subsection 3, paragraph B-2 and describe standard criteria for ensuring equal educational opportunities for students;

B. Allow the commissioner to identify the manner in which the opportunities for learning in multiple pathways of career and technical education programs may be used to satisfy certain components of the system of learning results established under section 6209; and

C. Address the appropriate placement of students in career and technical education programs while ensuring that all students be exposed to all the content areas of the system of learning results established under section 6209 through the 10th year of their studies.

Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 11. 20-A MRSA §6209, sub-§2,** as amended by PL 2015, c. 489, §4, is further amended to read:

**2. Parameters for essential instruction and graduation requirements.** Each school subject to the provisions of this section shall ensure sufficient opportunity and capacity through multiple pathways for all students to study ~~and achieve proficiency~~ in the areas of:

A. Career and education development;

B. English language arts;

C. World languages;

D. Health, physical education and wellness;

E. Mathematics;

F. Science and technology;

G. Social studies; and

H. Visual and performing arts.

**Sec. 12. 20-A MRSA §6209, sub-§3-A,** as enacted by PL 2015, c. 489, §5, is further amended to read:

**3-A. Transcripts.** A school subject to this section shall:

~~A. Maintain student transcripts containing certification of proficiency for each content area and guiding principle in the system of learning results pursuant to this section in which the student has demonstrated proficiency;~~

B. Certify on the basis of objective measures in the transcript a student's postsecondary readiness; and

C. Establish a transcript that meets the requirements of ~~paragraphs A and~~ paragraph B as an officially sanctioned credential of student learning for admission to a postsecondary education institution and employment in a business, trade or industry.

**Sec. 13. 20-A MRSA §6214,** as enacted by PL 2015, c. 500, §1, is amended to read:

**§6214. School accountability system; annual reports**

Beginning with the 2018-2019 school year, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60% publicly funded students, the commissioner shall implement a school accountability system to measure school performance ~~and student proficiency~~ in facilitating students' achieving the knowledge and skills described in the parameters for essential instruction and graduation requirements established under section 6209, subsection 2 and that meets the reporting requirements of the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h) and related regulations.

**1. Performance measures.** The measures of school performance ~~and student proficiency~~ for the school accountability system implemented under this section must include multiple measures of student achievement and:

A. Align with the components of the state accountability system required to ensure equity in educational opportunity by the federal Every Stu-

dent Succeeds Act of 2015, 20 United States Code, Section 6311(c) and related regulations;

~~B. Use measures of student proficiency in all content areas of the learning results and the guiding principles using data gathered under section 4722-A, subsection 5;~~

C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates;

D. As available, use measures of postsecondary readiness, persistence and completion;

E. Establish a school administrative unit's eligibility and priority for targeted state funding for school improvement and support under section 15688-A, subsection 5 and other applicable targeted funds authorized under section 15688-A; and

F. May include, but are not limited to, the use of:

(1) Summative assessments aligned with the grade-level expectations of the parameters for essential instruction and graduation requirements established under section 6209, subsection 2;

(2) Interim assessments that measure student growth over time; and

(3) Information from the state assessment program under section 6204 on student achievement reported by the department in compliance with applicable federal statutes and regulations regarding student assessment.

**2. Annual reports.** As provided in the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h), the commissioner shall annually report the statewide and school-level results of the school accountability system implemented under this section with regard to the performance of schools ~~and the proficiency of students~~ in each of the State's elementary and secondary schools.

~~A. The commissioner shall provide each school with a profile of school performance and student proficiency based upon data from the school accountability system.~~

B. When a report is made under this subsection for purposes of comparative analysis of elementary and secondary schools, the reporting mechanisms and the categories reported must be uniform for each school compared at the elementary level or the secondary level.

C. Notwithstanding any other provision of this section, the commissioner may not provide a report of the statewide or school-level results of the school accountability system until the final adoption of rules in accordance with subsection 3.

**3. Rules.** The department shall adopt rules to implement the school accountability system established pursuant to this section. The rules adopted by the department must specify the methods to be used as part of the annual assessment of the performance of elementary and secondary schools ~~and the proficiency of elementary and secondary school students~~. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Nothing in this section may be construed to prevent or inhibit the department from providing annual reports of the results of the state assessment program required by section 6204 to comply with the federal statutes and regulations pertaining to student assessment.

**Sec. 14. 20-A MRS §15686-A, sub-§1,** as amended by PL 2017, c. 284, Pt. C, §44, is further amended to read:

**1. Components to be reviewed beginning in fiscal year 2017-18.** Beginning in fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services student-to-staff ratios, salary and benefits matrices, small schools adjustments, labor markets and gifted and talented components and components related to implementation of ~~proficiency-based~~ reporting and graduation requirements under this chapter and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended changes for legislative action.

**Sec. 15. 20-A MRS §19301, sub-§2,** as enacted by PL 2015, c. 372, §1, is amended to read:

**2. Content.** Content included in the digital content library established pursuant to subsection 1 must further the State's educational initiatives, including learning through technology, ~~proficiency-based~~ diploma standards based on achievement, college and career readiness and student achievement in the system of standards and assessment established under chapter 222.

See title page for effective date.

CHAPTER 467  
S.P. 682 - L.D. 1815

**An Act To Authorize a General Fund Bond Issue To Improve Multimodal Facilities, Highways and Bridges and Municipal Culverts**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

**Sec. 1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$106,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

**Sec. 2. Records of bonds issued; Treasurer of State.** The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. 4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

**Sec. 5. Disbursement of bond proceeds from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

**TRANSPORTATION,  
DEPARTMENT OF**

Provides funds to construct or reconstruct Priority 1, Priority 2 and Priority 3 corridors under the Maine Revised Statutes, Title 23, section 73, subsection 7 and associated improvements, for the department's municipal partnership initiative and to replace and rehabilitate bridges.

Total \$80,000,000

Provides funds for facilities and equipment related to ports, harbors, marine transportation, aviation, freight and passenger railroads, transit and bicycle and pedestrian trails that preserve public safety or otherwise have demonstrated high economic value, including property acquisition.

Total \$20,000,000

**MAINE MARITIME  
ACADEMY**

Provides funds for improvements to, and remediation of, the Maine Maritime Academy's waterfront pier in Castine.

Total \$1,000,000

**ENVIRONMENTAL  
PROTECTION,  
DEPARTMENT OF**

Provides funds for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and increase community safety. Eligible project sponsors include local governments, municipal conservation commissions, soil and water conservation districts and private nonprofit organizations. A proposal for funding from an eligible project sponsor must include a map and summary of the proposed project, describing how it meets the following criteria:

1. Contribution to competitive grant program goals. The extent to which the proposed project allows communities to more effectively prepare for storm and flood events and advances the goals of restoring habitat for fish, including sea-run fish and native brook trout, and wildlife, including:

A. The priority status of the culvert to be upgraded or replaced for native brook trout and sea-run fish restoration, based on available stream survey data, statewide prioritization for aquatic connectivity and presence in priority watersheds of salmon, alewives and other diadromous fishes;

B. Confirmation that the culvert proposed for upgrade or replacement is on a municipal road, not a state road or private road;

C. The extent to which the proposed project meets the Department of Environmental Protection's design standard of at least 1.2 times the stream's bankfull width, with a natural stream bottom or embedded structure, and meets or exceeds the Department of Transportation's 100-year flood standard;

D. The degree of urgency of the proposed project, including whether a culvert is at high risk of failure due to age, location within a watershed or reach with high flood risk or severe flood history; and

E. The expected contribution to reducing the frequency or severity of flooding to upstream and downstream communities and improving storm water management within the proposed project area; and

2. Cost-effectiveness. The extent to which the proposed project represents an efficient and cost-effective investment, including the proportion of total project funding that will be provided from other sources and the potential avoided costs associated with the proposed project. Funds may not be used to cover all of the costs associated with a proposed project.

Total \$5,000,000

**Sec. 6. Contingent upon ratification of bond issue.** Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

**Sec. 7. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. 8. Bonds authorized but not issued.** Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

**Sec. 9. Referendum for ratification; submission at election; form of question; effective date.** This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a

statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$106,000,000 bond issue, including \$101,000,000 for construction, reconstruction and rehabilitation of highways and bridges and for facilities and equipment related to ports, piers, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, to be used to match an estimated \$137,000,000 in federal and other funds, and \$5,000,000 for the upgrade of municipal culverts at stream crossings?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

**CHAPTER 468**

**S.P. 740 - L.D. 1910**

**An Act To Fund Enhanced Data Sharing between the Department of Public Safety, Bureau of State Police and the Maine Judicial Branch**

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

**Sec. 1. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF State Police 0291**

Initiative: Provides funding to reprogram the Maine telecommunications and routing operations system, or METRO, data switch.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$97,500
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$97,500</b>
<b>HIGHWAY FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$52,500
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$52,500</b>
<b>PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
GENERAL FUND	\$0	\$97,500
HIGHWAY FUND	\$0	\$52,500
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$150,000</b>

See title page for effective date.

**CHAPTER 469**

**H.P. 1363 - L.D. 1918**

**An Act To Authorize the  
Installation of a Gold Star  
Family Memorial in Capitol  
Park**

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

**Sec. 1. 3 MRSA §902, sub-§1-C** is enacted to read:

**1-C. Gold star family memorial.** Notwithstanding section 902-A, subsection 2, paragraph B, the commission may arrange for and oversee the development and installation of a monument honoring gold star families.

See title page for effective date.

**CHAPTER 470**

**S.P. 756 - L.D. 1922**

**An Act To Amend the Child  
and Family Services and Child  
Protection Act**

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

**Sec. 1. 22 MRSA §4003, sub-§3,** as amended by PL 1999, c. 731, Pt. AA, §3, is further amended to read:

**3. Rehabilitation and reunification.** ~~Give family rehabilitation and reunification priority~~ Require that reasonable efforts be made to rehabilitate and reunify families as a means for protecting the welfare of children, but prevent needless delay for permanent plans for children when rehabilitation and reunification is not possible;

See title page for effective date.

**CHAPTER 471**

**S.P. 758 - L.D. 1923**

**An Act To Improve the Child  
Welfare System**

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

**Whereas,** maintaining a sufficient number of qualified foster homes provides a critical safety net for vulnerable children; and

**Whereas,** recruitment and retention of highly qualified child welfare staff will allow for more timely and thorough investigations of allegations of abuse and neglect; and

**Whereas,** a new comprehensive child welfare information system will make more information available in a timely manner, which will allow for better outcomes for children; and

**Whereas,** this legislation provides funding necessary to enhance the child welfare system and services available to children in the care of the State; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Rate increase for foster homes.** The daily rates for foster homes must be increased as follows: Unlicensed Homes must be increased from \$10.00 to \$18.50, Level A Licensed Homes must be increased from \$16.50 to \$25.00, Level B Licensed Homes must be increased from \$26.25 to \$35.00, Level C Licensed Homes must be increased from \$39.38 to \$45.00, Level D Licensed Homes must be increased from \$52.50 to \$60.00, Level E Licensed Homes must

be increased from \$65.62 to \$75.00 and Medical Licensed Homes must be increased from \$60.00 to \$70.00.

**Sec. 2. New job classification.** The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Health and Human Services shall work together to develop a new job classification for the Child Welfare Investigator position. This classification must consider relevant education and training in investigative practice in lieu of the possession of a license in social work. This education and training must be obtained from service and experience in law enforcement or other similar fields.

**Sec. 3. Development of a new comprehensive child welfare information system.** The Department of Health and Human Services shall conduct a needs analysis for its comprehensive child welfare information system and review possible solutions to meet those needs. The Department of Health and Human Services shall purchase or develop a new comprehensive child welfare information system.

**Sec. 4. Report.** The Department of Health and Human Services shall report in writing to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019 on the progress of the department in implementing the provisions of this Act and the progress on and results from any external audit of the department's child protective services system.

**Sec. 5. Department of Health and Human Services to conduct a rate study to develop a new rate for MaineCare reimbursement for trauma-focused cognitive behavioral therapy.** The Department of Health and Human Services shall contract for a 3rd-party independent rate study to develop a separate reimbursement rate for trauma-focused cognitive behavioral therapy to be available to be billed under rule Chapter 101: MaineCare Benefits Manual, Section 65. In establishing the rate, the rate study must take into consideration the following:

1. The costs to the provider of delivering the service, including additional training for certification and continuing education;
2. Quality assurance and continuous quality improvement;
3. The need to attract enough providers to clear waiting lists for services;
4. The need to attract providers to all areas of the State, including underserved rural areas; and
5. The costs of ensuring fidelity to the trauma-focused cognitive behavioral therapy model.

The department shall ensure that the rate study is completed no later than April 1, 2019. The depart-

ment shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the findings of the rate study no later than May 1, 2019. The department shall amend its rules to establish a separate reimbursement rate for trauma-focused cognitive behavioral therapy. Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**IV-E Foster Care/Adoption Assistance 0137**

Initiative: Provides funding for increased foster home reimbursement rates to increase recruitment and retention of foster families in this State.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$386,493
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$386,493</b>

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$579,738
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$579,738</b>

**Office of Child and Family Services - District 0452**

Initiative: Provides increased funding for the creation of 16 Human Services Casework Supervisor positions within the Office of Child and Family Services, child protective services to increase coaching and oversight of child protective staff.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	16.000
Personal Services	\$0	\$768,701
All Other	\$0	\$68,727
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$837,428</b>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$168,740
All Other	\$0	\$21,182

OTHER SPECIAL	\$0	\$189,922
REVENUE FUNDS TOTAL		

**Office of Child and Family Services - District 0452**

Initiative: Provides funding for the creation of 2 Regional Associate Director for Child Welfare positions.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$161,112
All Other	\$0	\$8,580
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$169,692</b>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$35,366
All Other	\$0	\$1,883
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$37,249</b>

**Office of Child and Family Services - District 0452**

Initiative: Notwithstanding the Maine Revised Statutes, Title 5, section 7065, provides funding for the recruitment and retention of employees in Child Protective Services Caseworker positions, Child Protective Services Caseworker Supervisor positions, Child Protective Services Assistant Program Administrator positions and Child Protective Services Program Administrator positions via a \$5 per wage-hour stipend payment.

GENERAL FUND	2017-18	2018-19
Personal Services	\$0	\$3,040,731
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$3,040,731</b>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$651,269
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$651,269</b>

**Office of Child and Family Services - District 0452**

Initiative: Notwithstanding the Maine Revised Statutes, Title 5, section 7065, provides funding for the recruitment and retention of employees in Child Pro-

ective Services Caseworker positions, Child Protective Services Caseworker Supervisor positions, Child Protective Services Assistant Program Administrator positions and Child Protective Services Program Administrator positions via a \$1 per wage-hour stipend payment for employees holding or obtaining a relevant master's degree.

GENERAL FUND	2017-18	2018-19
Personal Services	\$0	\$93,808
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$93,808</b>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$20,592
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$20,592</b>

**Office of Child and Family Services - District 0452**

Initiative: Provides funding for 8 Customer Rep Assoc II - HS positions to act as clerical case aides within the Office of Child and Family Services, child protective services.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	8.000
Personal Services	\$0	\$347,634
All Other	\$0	\$34,992
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$382,626</b>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$68,694
All Other	\$0	\$6,915
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$75,609</b>

**Office of Child and Family Services - District 0452**

Initiative: Provides funding for 16 Human Services Caseworker positions.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	16.000
Personal Services	\$0	\$817,222
All Other	\$0	\$69,984

GENERAL FUND TOTAL	\$0	\$887,206
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
Personal Services	\$0	\$161,487
All Other	\$0	\$13,829
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$175,316

**State-funded Foster Care/Adoption Assistance 0139**

Initiative: Provides funding for increased foster home reimbursement rates to increase recruitment and retention of foster families in this State.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$2,586,929
GENERAL FUND TOTAL	\$0	\$2,586,929

**State-funded Foster Care/Adoption Assistance 0139**

Initiative: Provides increased funding for procurement of a pilot program for child welfare services to support children in the State’s custody through supportive visitation, which will allow for the supervision of court-ordered visitation with relatives of the children and will provide assessment and evaluation of parental capacity as it relates to the parent’s ability to safely care for the child.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$2,250,000
GENERAL FUND TOTAL	\$0	\$2,250,000

**State-funded Foster Care/Adoption Assistance 0139**

Initiative: Provides increased funding for procurement of child welfare services to support children in the State’s custody through clinical support and guidance of child welfare casework practice. This funding will allow each district office to procure a clinician to aid the district in clinical consultation within child welfare cases, in training to increase staff knowledge of mental health and behavioral needs of children in the State’s custody and in consultation within child welfare cases on parental capacity. In addition, this increase in funding will allow for procurement of clinical services to support each district office to evaluate staff functioning and provide debriefing for critical incidents.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$880,000

GENERAL FUND TOTAL	\$0	\$880,000
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**State-funded Foster Care/Adoption Assistance 0139**

Initiative: Provides one-time funding for the development of a new comprehensive child welfare information system.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$8,000,000
GENERAL FUND TOTAL	\$0	\$8,000,000

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$19,514,913</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$579,738</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$1,149,957</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$21,244,608</b>

**Sec. 7. Appropriations and allocations.**

The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF Office of MaineCare Services 0129**

Initiative: Provides funding to contract with a 3rd party to conduct a rate study to develop certain rates under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 65 to be completed no later than May 1, 2019.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$50,000
GENERAL FUND TOTAL	\$0	\$50,000
<b>FEDERAL EXPENDITURES FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$50,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$50,000

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective September 7, 2018.

**CHAPTER 472  
S.P. 754 - L.D. 1920**

**An Act To Modify the  
Expungement Requirements  
for Records under the Child  
and Family Services and Child  
Protection Act**

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

**Sec. 1. 22 MRSA §4008, sub-§5,** as amended by PL 2015, c. 501, §1, is further amended to read:

**5. Retention of unsubstantiated child protective services records.** Except as provided in this subsection, the department shall retain unsubstantiated child protective services case records for no more than ~~18 months~~ 5 years following a finding of unsubstantiation and then expunge unsubstantiated case records from all departmental files or archives unless a new referral has been received within the ~~18 month~~ 5-year retention period. An expunged record or unsubstantiated record that should have been expunged under this subsection may not be used for any purpose, including admission into evidence in any administrative or judicial proceeding. ~~Unsubstantiated child protective services records of persons who were eligible for Medicaid services under the federal Social Security Act, Title XIX, at the time of the investigation may be retained for up to 5 years for the sole purpose of state and federal audits of the Medicaid program. Unsubstantiated child protective services case records retained for audit purposes pursuant to this subsection must be stored separately from other child protective services records and may not be used for any other purpose.~~

See title page for effective date.

**CHAPTER 473  
S.P. 755 - L.D. 1921**

**An Act To Grant the  
Department of Health and  
Human Services Access to  
Criminal History Information  
To Achieve the Purposes of the  
Child and Family Services and  
Child Protection Act**

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

**Sec. 1. 22 MRSA §4004, sub-§1, ¶E,** as amended by PL 2007, c. 586, §3, is further amended to read:

E. Establishing a child death and serious injury review panel for reviewing deaths and serious injuries to children. The panel consists of the following members: the Chief Medical Examiner, a pediatrician, a public health nurse, forensic and community mental health clinicians, law enforcement officers, departmental child welfare staff, district attorneys and criminal or civil assistant attorneys general.

The purpose of the panel is to recommend to state and local agencies methods of improving the child protection system, including modifications of statutes, rules, policies and procedures; ~~and~~

**Sec. 2. 22 MRSA §4004, sub-§1, ¶F,** as enacted by PL 2007, c. 586, §4, is amended to read:

F. Investigating suspicious child deaths. An investigation under this paragraph is subject to and may not interfere with the authority and responsibility of the Attorney General to investigate and prosecute homicides pursuant to Title 5, section 200-A; ~~and~~

**Sec. 3. 22 MRSA §4004, sub-§1, ¶G** is enacted to read:

G. Requesting and receiving confidential criminal history record information, as defined by Title 16, section 703, subsection 2, from the Department of Public Safety and public criminal history record information, as defined by Title 16, section 703, subsection 8.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**State-funded Foster Care/Adoption Assistance 0139**

Initiative: Provides funding for receipt and review of confidential criminal history record information within the Department of Health and Human Services.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$9,660
GENERAL FUND TOTAL	\$0	\$9,660

See title page for effective date.

**CHAPTER 474**  
**S.P. 612 - L.D. 1655**

**An Act To Conform to the United States Internal Revenue Code of 1986 and Provide Tax Relief to Maine Families**

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

**Whereas,** state tax law needs to be updated to conform to federal law before the 90-day period expires to provide clarity and certainty regarding the effect of the changes in federal tax laws on state tax laws; and

**Whereas,** legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1. 36 MRSA §111, sub-§1-A,** as amended by PL 2017, c. 24, §1, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of ~~December 31, 2016~~ March 23, 2018.

**Sec. A-2. Application.** This Part applies to tax years beginning on or after January 1, 2017 and to any prior tax years as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of March 23, 2018.

**PART B**

**Sec. B-1. 36 MRSA §5124-B,** as amended by PL 2017, c. 170, Pt. D, §§5 and 6, is further amended to read:

**§5124-B. Standard deduction; resident on or after January 1, 2016 but before January 1, 2018**

For tax years beginning on or after January 1, 2016 but before January 1, 2018, the standard deduction of a resident individual is equal to the sum of the basic standard deduction and any additional standard deduction, subject to the phase-out under subsection 3.

**1. Basic standard deduction.** The basic standard deduction is:

A. For single individuals and married persons filing separate returns, the basic standard deduction is \$11,600;

B. For individuals filing as heads of household, the basic standard deduction is the amount allowed under paragraph A multiplied by 1.5; and

C. For individuals filing married joint returns or surviving spouses, the basic standard deduction is the amount allowed under paragraph A multiplied by 2.

**2. Additional standard deduction.** The additional standard deduction is the amount allowed under the Code, Section 63(c)(3).

**3. Phase-out.** The total standard deduction of the taxpayer determined in accordance with subsections 1 and 2 must be reduced by an amount equal to the total standard deduction multiplied by the following fraction:

A. For single individuals and married persons filing separate returns, the numerator is the taxpayer's Maine adjusted gross income less \$70,000, except that the numerator may not be less than zero, and the denominator is \$75,000. In no case may the fraction contained in this paragraph produce a result that is more than one. ~~The \$70,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4;~~

B. For individuals filing as heads of households, the numerator is the taxpayer's Maine adjusted gross income less \$105,000, except that the numerator may not be less than zero, and the denominator is \$112,500. In no case may the fraction contained in this paragraph produce a result that is more than one. ~~The \$105,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4; or~~

C. For individuals filing married joint returns or surviving spouses, the numerator is the taxpayer's Maine adjusted gross income less \$140,000, except that the numerator may not be less than zero, and the denominator is \$150,000. In no case may the fraction contained in this paragraph produce a result that is more than one. ~~The \$140,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4.~~

**Sec. B-2. 36 MRSA §5124-C** is enacted to read:

**§5124-C. Standard deduction; resident on or after January 1, 2018**

**1. Amount.** For tax years beginning on or after January 1, 2018, the standard deduction of a resident individual is equal to the standard deduction as determined in accordance with the Code, Section 63, subject to the phase-out under subsection 2.

**2. Phase-out.** The standard deduction of the taxpayer must be reduced by an amount equal to the total standard deduction multiplied by the following fraction:

A. For single individuals and married persons filing separate returns, the numerator is the taxpayer's Maine adjusted gross income less \$80,000, except that the numerator may not be less than zero, and the denominator is \$75,000. In no case may the fraction calculated pursuant to this paragraph produce a result that is more than one. The \$80,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4;

B. For individuals filing as heads of households, the numerator is the taxpayer's Maine adjusted gross income less \$120,000, except that the numerator may not be less than zero, and the denominator is \$112,500. In no case may the fraction calculated pursuant to this paragraph produce a result that is more than one. The \$120,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4; or

C. For individuals filing married joint returns or surviving spouses permitted to file a joint return, the numerator is the taxpayer's Maine adjusted gross income less \$160,000, except that the numerator may not be less than zero, and the denominator is \$150,000. In no case may the fraction calculated pursuant to this paragraph produce a result that is more than one. The \$160,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4.

**Sec. B-3. 36 MRSA §5125, sub-§3, ¶A-1** is enacted to read:

A-1. Increased by the amount of property taxes not claimed under the Code, Section 164(a)(1) and (2) as a result of the limitation under the Code, Section 164(b)(6)(B);

**Sec. B-4. 36 MRSA §5125, sub-§6**, as enacted by PL 2017, c. 170, Pt. D, §7, is amended to read:

**6. Phase-out.** For tax years beginning on or after January 1, 2016 ~~but before January 1, 2018~~, the total itemized deductions of the taxpayer determined in accordance with subsections 1 through 4 must be reduced by an amount equal to the total itemized deductions multiplied by the following fraction:

A. For single individuals and married persons filing separate returns, the numerator is the taxpayer's Maine adjusted gross income less \$70,000, except that the numerator may not be less than zero, and the denominator is \$75,000. In no case may the fraction contained in this paragraph produce a result that is more than one. ~~The \$70,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4;~~

B. For individuals filing as heads of households, the numerator is the taxpayer's Maine adjusted gross income less \$105,000, except that the numerator may not be less than zero, and the denominator is \$112,500. In no case may the fraction contained in this paragraph produce a result that is more than one. ~~The \$105,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4; or~~

C. For individuals filing married joint returns or surviving spouses, the numerator is the taxpayer's Maine adjusted gross income less \$140,000, except that the numerator may not be less than zero, and the denominator is \$150,000. In no case may the fraction contained in this paragraph produce a result that is more than one. ~~The \$140,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4.~~

**Sec. B-5. 36 MRSA §5125, sub-§7** is enacted to read:

**7. Phase-out.** For tax years beginning on or after January 1, 2018, the total itemized deductions of the taxpayer determined in accordance with subsections 1 through 4 must be reduced by an amount equal to the total itemized deductions multiplied by the following fraction:

A. For single individuals and married persons filing separate returns, the numerator is the taxpayer's Maine adjusted gross income less \$80,000,

except that the numerator may not be less than zero, and the denominator is \$75,000. In no case may the fraction calculated pursuant to this paragraph produce a result that is more than one. The \$80,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4;

B. For individuals filing as heads of households, the numerator is the taxpayer's Maine adjusted gross income less \$120,000, except that the numerator may not be less than zero, and the denominator is \$112,500. In no case may the fraction calculated pursuant to this paragraph produce a result that is more than one. The \$120,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4; or

C. For individuals filing married joint returns or surviving spouses permitted to file a joint return, the numerator is the taxpayer's Maine adjusted gross income less \$160,000, except that the numerator may not be less than zero, and the denominator is \$150,000. In no case may the fraction calculated pursuant to this paragraph produce a result that is more than one. The \$160,000 amount used to calculate the numerator in this paragraph must be adjusted for inflation in accordance with section 5403, subsection 4.

**Sec. B-6. 36 MRSA §5126**, as amended by PL 2011, c. 380, Pt. N, §11 and affected by §19, is further amended to read:

**§5126. Personal exemptions prior to 2018**

For income tax years beginning on or after January 1, 1998 but before January 1, 1999, a resident individual is allowed \$2,400 for each exemption that the individual properly claims for the taxable year for federal income tax purposes, unless the taxpayer is claimed as a dependent on another return. For income tax years beginning on or after January 1, 1999 but before January 1, 2000, a resident individual is allowed \$2,750 for each exemption that the individual properly claims for the taxable year for federal income tax purposes, unless the taxpayer is claimed as a dependent on another return. For income tax years beginning on or after January 1, 2000 but before January 1, 2013, a resident individual is allowed \$2,850 for each exemption that the individual properly claims for the taxable year for federal income tax purposes, unless the taxpayer is claimed as a dependent on another return. For income tax years beginning on or after January 1, 2013 but before January 1, 2018, a resident individual is allowed a deduction equal to the total amount of deductions allowed for personal exemptions in accordance with the Code, Section 151.

**Sec. B-7. 36 MRSA §5126-A** is enacted to read:

**§5126-A. Personal exemptions on or after January 1, 2018**

**1. Amount.** For income tax years beginning on or after January 1, 2018, a resident individual is allowed a personal exemption deduction for the taxable year equal to \$4,150, unless the individual may be claimed as a dependent on another return. A resident individual is allowed an additional personal exemption deduction for the taxable year equal to \$4,150 if the individual is married filing a joint return, unless the individual's spouse may be claimed as a dependent on another return. The deduction allowed under this subsection is subject to the phase-out under subsection 2.

For purposes of this subsection, "dependent" has the same meaning as in the Code, Section 152.

**2. Phase-out.** The personal exemption deduction amount determined under subsection 1 must be reduced by an amount equal to the total personal exemption deduction amount multiplied by a fraction. The numerator of the fraction is the taxpayer's Maine adjusted gross income less the applicable amount, except that the numerator may not be less than zero, and the denominator is \$62,500 in the case of a married individual filing a separate return and \$125,000 in all other cases. In no case may the fraction contained in this paragraph produce a result that is more than one. The applicable amount used to calculate the numerator in this subsection must be adjusted for inflation in accordance with section 5403, subsection 8.

For purposes of this subsection, "applicable amount" means:

- A. For single individuals, \$266,700;
- B. For individuals filing as heads of households, \$293,350;
- C. For individuals filing married joint returns or surviving spouses, \$320,000; or
- D. For married individuals filing separate returns, one-half of the applicable amount under paragraph C.

**Sec. B-8. 36 MRSA §5213-A, sub-§1, ¶A**, as amended by PL 2015, c. 328, §4, is further amended to read:

A. ~~Base~~ For tax years beginning before January 1, 2018, "base credit" means:

- (1) For an individual income tax return claiming one personal exemption, \$100 for tax years beginning in 2016 and \$125 for tax years beginning on or after January 1, 2017;
- (2) For an individual income tax return claiming 2 personal exemptions, \$140 for tax years beginning in 2016 and \$175 for tax years beginning on or after January 1, 2017;

(3) For an individual income tax return claiming 3 personal exemptions, \$160 for tax years beginning in 2016 and \$200 for tax years beginning on or after January 1, 2017; and

(4) For an individual income tax return claiming 4 or more personal exemptions, \$180 for tax years beginning in 2016 and \$225 for tax years beginning on or after January 1, 2017.

For the purposes of this paragraph, personal exemption does not include a personal exemption for an individual who is incarcerated.

**Sec. B-9. 36 MRSA §5213-A, sub-§1, ¶A-1** is enacted to read:

A-1. For tax years beginning on or after January 1, 2018, "base credit" means:

(1) For single individuals, \$125;

(2) For individuals filing joint returns or as heads of households, \$175 plus an additional amount equal to:

(a) For individuals filing joint returns, \$25 if they can claim the federal child tax credit pursuant to the Code, Section 24 for no more than one qualifying child or dependent or \$50 if they can claim the credit for more than one qualifying child or dependent; or

(b) For individuals filing as heads of households, \$25 if they can claim the federal child tax credit pursuant to the Code, Section 24 for 2 qualifying children or dependents or \$50 if they can claim the credit for more than 2 qualifying children or dependents.

**Sec. B-10. 36 MRSA §5213-A, sub-§1, ¶B,** as enacted by PL 2015, c. 267, Pt. DD, §19, is amended to read:

B. "Income" means federal adjusted gross income increased by the following amounts:

(1) Trade or business losses; capital losses; any net loss resulting from combining the income or loss from rental real estate and royalties, the income or loss from partnerships and S corporations, the income or loss from estates and trusts, the income or loss from real estate mortgage investment conduits and the net farm rental income or loss; any loss associated with the sale of business property; and farm losses included in federal adjusted gross income;

(2) Interest received to the extent not included in federal adjusted gross income;

(3) Payments received under the federal Social Security Act and railroad retirement benefits to the extent not included in federal adjusted gross income; and

(4) The following amounts deducted in arriving at federal adjusted gross income:

(a) Educator expenses pursuant to the Code, Section 62(a)(2)(D);

(b) Certain business expenses of performing artists pursuant to the Code, Section 62(a)(2)(B);

(c) Certain business expenses of government officials pursuant to the Code, Section 62(a)(2)(C);

(d) Certain business expenses of reservists pursuant to the Code, Section 62(a)(2)(E);

(e) Health savings account deductions pursuant to the Code, Section 62(a)(16) and Section 62(a)(19);

(f) Moving expenses pursuant to the Code, Section 62(a)(15);

(g) The deductible part of self-employment tax pursuant to the Code, Section 164(f);

(h) The deduction for self-employed SEP, SIMPLE and qualified plans pursuant to the Code, Section 62(a)(6);

(i) The self-employed health insurance deduction pursuant to the Code, Section 162(l);

(j) The penalty for early withdrawal of savings pursuant to the Code, Section 62(a)(9);

(k) Alimony paid pursuant to the Code, Section 62(a)(10);

(l) The IRA deduction pursuant to the Code, Section 62(a)(7);

(m) The student loan interest deduction pursuant to the Code, Section 62(a)(17); and

(n) The tuition and fees deduction pursuant to the Code, Section 62(a)(18); and

~~(o) The domestic production activities deduction pursuant to the Code, Section 199.~~

**Sec. B-11. 36 MRSA §5213-A, sub-§6,** as corrected by RR 2015, c. 1, §42, is amended to read:

**6. Limitations.** The following individuals do not qualify for the credit under this section:

- A. Married taxpayers filing separate returns; ~~or~~
- B. Individuals who do not qualify as resident individuals because they do not meet the requirements of section 5102, subsection 5, paragraph A; or
- C. Individuals who may be claimed as a dependent on another taxpayer's return.

**Sec. B-12. 36 MRSA §5219-KK, sub-§1,** ~~¶A~~, as amended by PL 2017, c. 211, Pt. D, §6, is further amended to read:

A. ~~"Benefit~~ For tax years beginning before January 1, 2018, "benefit base" means property taxes paid by a resident individual during the tax year on the resident individual's homestead in this State or rent constituting property taxes paid by the resident individual during the tax year on a homestead in the State not exceeding the following amounts:

- (1) For persons filing as single individuals, \$2,000;
- (2) For persons filing joint returns or as heads of households that claim no more than 2 personal exemptions, \$2,600; and
- (3) For persons filing joint returns or as heads of households that claim 3 or more personal exemptions, \$3,200.

**Sec. B-13. 36 MRSA §5219-KK, sub-§1,** ~~¶A-1~~ is enacted to read:

A-1. For tax years beginning on or after January 1, 2018, "benefit base" means property taxes paid by a resident individual during the tax year on the resident individual's homestead in this State or rent constituting property taxes paid by the resident individual during the tax year on a homestead in the State not exceeding the following amounts:

- (1) For persons filing as single individuals, \$2,050;
- (2) For persons filing as heads of households that can claim the federal child tax credit pursuant to the Code, Section 24 for no more than one qualifying child or dependent or for persons filing joint returns, \$2,650; and
- (3) For persons filing as heads of households that can claim the federal child tax credit pursuant to the Code, Section 24 for more than one qualifying child or dependent or for persons filing joint returns that can claim the federal child tax credit pursuant to the Code, Section 24 for at least one qualifying child or dependent, \$3,250.

**Sec. B-14. 36 MRSA §5219-KK, sub-§1,** ~~¶D~~, as enacted by PL 2013, c. 551, §3, is amended to read:

D. "Income" means federal adjusted gross income increased by the following amounts:

- (1) Trade or business losses; capital losses; any net loss resulting from combining the income or loss from rental real estate and royalties, the income or loss from partnerships and S corporations, the income or loss from estates and trusts, the income or loss from real estate mortgage investment conduits and the net farm rental income or loss; any loss associated with the sale of business property; and farm losses included in federal adjusted gross income;
- (2) Interest received to the extent not included in federal adjusted gross income;
- (3) Payments received under the federal Social Security Act and railroad retirement benefits to the extent not included in federal adjusted gross income; and
- (4) The following amounts deducted in arriving at federal adjusted gross income:
  - (a) Educator expenses pursuant to the Code, Section 62(a)(2)(D);
  - (b) Certain business expenses of performing artists pursuant to the Code, Section 62(a)(2)(B);
  - (c) Certain business expenses of government officials pursuant to the Code, Section 62(a)(2)(C);
  - (d) Certain business expenses of reservists pursuant to the Code, Section 62(a)(2)(E);
  - (e) Health savings account deductions pursuant to the Code, Section 62(a)(16) and Section 62(a)(19);
  - (f) Moving expenses pursuant to the Code, Section 62(a)(15);
  - (g) The deductible part of self-employment tax pursuant to the Code, Section 164(f);
  - (h) The deduction for self-employed SEP, SIMPLE and qualified plans pursuant to the Code, Section 62(a)(6);
  - (i) The self-employed health insurance deduction pursuant to the Code, Section 162(l);
  - (j) The penalty for early withdrawal of savings pursuant to the Code, Section 62(a)(9);

(k) Alimony paid pursuant to the Code, Section 62(a)(10);

(l) The IRA deduction pursuant to the Code, Section 62(a)(7);

(m) The student loan interest deduction pursuant to the Code, Section 62(a)(17); and

(n) The tuition and fees deduction pursuant to the Code, Section 62(a)(18); and

~~(o) The domestic production activities deduction pursuant to the Code, Section 199.~~

**Sec. B-15. 36 MRSA §5219-KK, sub-§2**, as amended by PL 2017, c. 211, Pt. D, §7, is further amended to read:

**2. Credit prior to 2018.** A For tax years beginning before January 1, 2018, a resident individual is allowed a credit against the taxes imposed under this Part in an amount equal to 50% of the amount by which the benefit base for the resident individual exceeds 6% of the resident individual's income. The credit may not exceed \$600 for resident individuals under 65 years of age as of the last day of the taxable year or \$900 for resident individuals 65 years of age and older as of the last day of the taxable year. In the case of married individuals filing a joint return, only one spouse is required to be 65 years of age or older to qualify for the \$900 credit limitation. Married taxpayers filing separate returns do not qualify for the credit under this section.

**Sec. B-16. 36 MRSA §5219-KK, sub-§2-A** is enacted to read:

**2-A. Credit in 2018 and after.** For tax years beginning on or after January 1, 2018, a resident individual is allowed a credit against the taxes imposed under this Part equal to the amount by which the benefit base for the resident individual exceeds 6% of the resident individual's income. The credit may not exceed \$750 for resident individuals under 65 years of age as of the last day of the taxable year or \$1,200 for resident individuals 65 years of age and older as of the last day of the taxable year. In the case of married individuals filing a joint return, only one spouse is required to be 65 years of age or older to qualify for the \$1,200 credit limitation. Married taxpayers filing separate returns do not qualify for the credit under this section.

**Sec. B-17. 36 MRSA §5219-SS** is enacted to read:

**§5219-SS. Dependent exemption tax credit**

**1. Resident taxpayer.** A resident individual is allowed a credit against the tax otherwise due under this Part equal to \$300 for each qualifying child and dependent of the taxpayer for whom the federal child

tax credit pursuant to the Code, Section 24 was claimed for the same taxable year.

**2. Nonresident taxpayer.** A nonresident individual is allowed a credit against the tax otherwise due under this Part equal to \$300 for each qualifying child and dependent of the taxpayer for whom the federal child tax credit pursuant to the Code, Section 24 was claimed for the same taxable year, multiplied by the ratio of the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph B, to the individual's entire federal adjusted gross income as modified by section 5122.

**3. Part-year resident taxpayer.** An individual who files a return as a part-year resident in accordance with section 5224-A is allowed a credit against the tax otherwise due under this Part equal to \$300 for each qualifying child and dependent of the taxpayer for whom the federal child tax credit pursuant to the Code, Section 24 was claimed for the same taxable year, multiplied by a fraction, the numerator of which is the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph A, for that portion of the taxable year during which the individual was a resident plus the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph B, for that portion of the taxable year during which the individual was a nonresident and the denominator of which is the individual's entire federal adjusted gross income as modified by section 5122.

**4. Limitation and phase-out.** The credit allowed by this section may not reduce the tax otherwise due under this Part to less than zero. The amount of the credit allowed by this section must be reduced, but not below zero, by \$7.50 for each \$1,000 or fraction thereof by which the taxpayer's Maine adjusted gross income exceeds \$400,000 in the case of a joint return and \$200,000 in any other case.

**Sec. B-18. 36 MRSA §5250, sub-§2, ¶B**, as amended by PL 1997, c. 668, §36, is further amended to read:

B. The dollar amount of each withholding allowance in this State must be equivalent to the amount of the personal exemption determined in section ~~5126~~ 5126-A whether the individual is a resident or a nonresident.

**Sec. B-19. 36 MRSA §5403, first ¶**, as enacted by PL 2015, c. 267, Pt. DD, §33, is amended to read:

On or about September 15th of each year as specified in ~~subsections 1 to 6~~ this section, the assessor shall multiply the cost-of-living adjustment for taxable years beginning in the succeeding calendar year by the following:

**Sec. B-20. 36 MRSA §5403, sub-§2**, as enacted by PL 2015, c. 267, Pt. DD, §33, is amended to read:

**2. Standard deductions.** ~~By~~ In 2016, by the dollar amount contained in section 5124-B, subsection 1, paragraph A, except that for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2015;

**Sec. B-21. 36 MRSA §5403, sub-§4**, as amended by PL 2017, c. 170, Pt. D, §10, is further amended to read:

**4. Individual income tax standard deduction and itemized deduction phase-out.** Beginning in ~~2017~~ 2018 and each year thereafter, by the dollar amount contained in the numerator of the fraction specified in section ~~5124-B~~ 5124-C, subsection ~~3~~ 2, paragraphs A, B and C and section 5125, subsection ~~6~~ 7, paragraphs A, B and C, except that for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, ~~2016~~ 2017;

**Sec. B-22. 36 MRSA §5403, sub-§5**, as enacted by PL 2015, c. 267, Pt. DD, §33, is amended to read:

**5. Sales tax fairness credit.** For the sales tax fairness credit:

A. Beginning in ~~2017~~ 2018 and each year thereafter, by the base credit ~~amount~~ amounts in section 5213-A, subsection 1, paragraph ~~A~~ A-1, including the additional amounts in subparagraph ~~(1)~~ (2), divisions (a) and (b), except that for the purposes of this paragraph, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, ~~2016~~ 2017. If the base credit amount, adjusted by application of the cost-of-living adjustment, is not a multiple of \$5, any increase must be rounded to the next lowest multiple of \$5; and

B. ~~Beginning in 2017 and each year thereafter, the base credit amount in section 5213-A, subsection 1, paragraph A, subparagraphs (2) to (4) is equal to the base credit amount determined in accordance with paragraph A, multiplied by the following applicable factor:~~

~~(1) For section 5213-A, subsection 1, paragraph A, subparagraph (2), 1.4;~~

~~(2) For section 5213-A, subsection 1, paragraph A, subparagraph (3), 1.6; and~~

~~(3) For section 5213-A, subsection 1, paragraph A, subparagraph (4), 1.8.~~

~~If the base credit amount, adjusted by application of the appropriate factor, is not a multiple of \$5, any increase must be rounded to the next lowest multiple of \$5; and~~

C. Beginning in 2016 and each year thereafter, by the dollar amount of the income threshold set forth in section 5213-A, subsection 4, except that for the purposes of this paragraph, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2015; and

**Sec. B-23. 36 MRSA §5403, sub-§6**, as enacted by PL 2015, c. 267, Pt. DD, §33, is amended to read:

**6. Property tax fairness credit.** Beginning in ~~2015~~ 2018 and each year thereafter, the benefit base amounts in section 5219-KK, subsection 1, paragraph ~~A-1~~, except that for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2017;

**Sec. B-24. 36 MRSA §5403, sub-§§7 and 8** are enacted to read:

**7. Personal exemptions.** Beginning in 2018 and each year thereafter, by the dollar amounts contained in section 5126-A, subsection 1, except that for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2017; and

**8. Personal exemption phase-out.** Beginning in 2018 and each year thereafter, by the dollar amount of the applicable amounts specified in section 5126-A, subsection 2, paragraphs A, B and C, except that for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2017.

**Sec. B-25. 36 MRSA §5403, 2nd ¶**, as enacted by PL 2015, c. 267, Pt. DD, §33, is amended to read:

Except for subsection 5, ~~paragraphs paragraph A and B~~, if the dollar amount of each item, adjusted by the application of the cost-of-living adjustment, is not a multiple of \$50, any increase must be rounded to the next lowest multiple of \$50.

**Sec. B-26. Application.** Those sections of this Part that amend the Maine Revised Statutes, Title 36, section 5213-A, subsection 1, paragraph B; section 5213-A, subsection 6; section 5219-KK, subsection 1, paragraph D; and section 5250, subsection 2, paragraph B and that enact Title 36, section 5125, subsection 3, paragraph A-1 and section 5219-SS apply to tax years beginning on or after January 1, 2018.

### PART C

**Sec. C-1. 36 MRSA §5122, sub-§1, ¶X**, as amended by PL 2007, c. 539, Pt. CCC, §2, is further amended to read:

X. ~~An~~ For tax years beginning on or after January 1, 2005 but before January 1, 2018, an amount equal to the taxpayer's federal deduction relating to income attributable to domestic production activities claimed in accordance with Section 102 of the federal American Jobs Creation Act of 2004, Public Law 108-357;

**Sec. C-2. 36 MRSA §5122, sub-§1, ¶LL** is enacted to read:

LL. An amount equal to the net operating loss carry-forward claimed as a deduction under the Code, Section 172 in determining federal taxable income for the taxable year that was previously allowed as a deduction pursuant to subsection 2, paragraph PP.

**Sec. C-3. 36 MRSA §5122, sub-§2, ¶PP** is enacted to read:

PP. For taxable years beginning on or after January 1, 2018, to the extent otherwise deductible, an amount equal to the net operating loss carry-forward deduction disallowed as a result of the limitation under the Code, Section 172(a)(2), but only to the extent that:

(1) Maine taxable income is not reduced below zero; and

(2) The amount has not been previously used as a modification pursuant to this paragraph.

**Sec. C-4. 36 MRSA §5164, sub-§1**, as amended by PL 2011, c. 548, §26 and affected by §35, is further amended to read:

**1. Fiduciary adjustment defined.** The fiduciary adjustment is the net amount of the modifications described in section 5122, including subsection 3 if the

estate or trust is a beneficiary of another estate or trust, that relates to items of income or deduction of an estate or trust. ~~Income~~ The following items, to the extent that they were deducted in calculating federal taxable income, must be added back to the fiduciary adjustment: income taxes imposed by this State or any other taxing jurisdiction; the amount of the qualified business income deduction determined under the Code, Section 199A; and interest or expenses incurred in the production of income exempt from tax under this Part that were deducted in arriving at federal taxable income must be added back to the fiduciary adjustment. Interest or expenses incurred in the production of income taxable under this Part but exempt from federal income tax must be subtracted from the fiduciary adjustment.

**Sec. C-5. 36 MRSA §5200-A, sub-§1, ¶S**, as amended by PL 2007, c. 700, Pt. B, §1, is further amended to read:

~~S. An~~ For tax years beginning on or after January 1, 2005 but before January 1, 2018, an amount equal to the taxpayer's federal deduction relating to income attributable to domestic production activities claimed in accordance with Section 102 of the federal American Jobs Creation Act of 2004, Public Law 108-357;

**Sec. C-6. 36 MRSA §5200-A, sub-§1, ¶DD** is enacted to read:

DD. An amount equal to the net operating loss carry-forward claimed as a deduction under the Code, Section 172 in determining federal taxable income for the taxable year that was previously allowed as a deduction pursuant to subsection 2, paragraph BB.

**Sec. C-7. 36 MRSA §5200-A, sub-§2, ¶BB** is enacted to read:

BB. For taxable years beginning on or after January 1, 2018, to the extent otherwise deductible, an amount equal to the net operating loss carry-forward deduction disallowed as a result of the limitation under the Code, Section 172(a)(2), but only to the extent that:

(1) Maine taxable income is not reduced below zero; and

(2) The amount has not been previously used as a modification pursuant to this paragraph.

**Sec. C-8. 36 MRSA §5203-C, sub-§2, ¶C**, as enacted by PL 2003, c. 673, Pt. JJ, §3 and affected by §6, is amended to read:

C. Taxable corporations required to file an income tax return under this Part, excluding financial institutions subject to the tax imposed by chapter 819 and persons not subject to the federal alternative minimum tax under the Code, Section

55(e). The tax imposed by this subsection does not apply to taxable corporations for tax years beginning on or after January 1, 2018.

**Sec. C-9. Application.** That section of this Part that amends the Maine Revised Statutes, Title 36, section 5164, subsection 1 applies to tax years beginning on or after January 1, 2018.

**PART D**

**Sec. D-1. 36 MRSA §5200-A, sub-§1,** ~~¶¶~~EE and FF are enacted to read:

EE. An amount equal to the taxpayer's deduction claimed in accordance with the Code, Section 965(c).

FF. An amount equal to the taxpayer's global intangible low-taxed income deduction claimed in accordance with the Code, Section 250(a)(1)(B).

**Sec. D-2. 36 MRSA §5200-A, sub-§2, ¶G,** as amended by PL 1997, c. 746, §10 and affected by §24, is further amended to read:

G. Fifty percent of the apportionable dividend income, net of related expenses and other related deductions deducted in computing federal taxable income, the taxpayer received during the taxable year from an affiliated corporation that is not included with the taxpayer in a Maine combined report, ~~except that this modification must be phased in over 5 years in accordance with the following schedule:~~ Dividend income does not include subpart F income, as defined in the Code, Section 952, income included in federal taxable income in accordance with the Code, Section 951A or income included in federal taxable income in accordance with the Code, Section 965. Any amount subtracted from federal taxable income under this paragraph must be excluded from the sales factor of any apportionment formula employed to attribute income to this State;

<del>Taxable year beginning in:</del>	<del>Subtractable dividend income:</del>
<del>1989</del>	<del>10%</del>
<del>1990</del>	<del>20%</del>
<del>1991</del>	<del>30%</del>
<del>1992</del>	<del>40%</del>
<del>1993 or thereafter</del>	<del>50%;</del>

**Sec. D-3. 36 MRSA §5200-A, sub-§2,** ~~¶¶~~CC, DD and EE are enacted to read:

CC. An amount equal to 50% of the apportionable subpart F income, as defined in the Code, Section 952, net of related expenses and other related deductions deducted in computing federal taxable income, that the taxpayer included in federal gross income during the taxable year. Any amount sub-

tracted from federal taxable income under this paragraph must be excluded from the sales factor of any apportionment formula employed to attribute income to this State.

DD. An amount equal to 80% of the apportionable deferred foreign income that the taxpayer included in federal gross income during the taxable year in accordance with the Code, Section 965(a) as adjusted by Section 965(b). Any amount subtracted from federal taxable income under this paragraph must be excluded from the sales factor of any apportionment formula employed to attribute income to this State.

EE. An amount equal to 50% of the apportionable global intangible low-taxed income that the taxpayer included in federal gross income during the taxable year in accordance with the Code, Section 951A, net of related expenses and other related deductions deducted in computing federal taxable income. The amount included in the sales factor of any apportionment formula employed to attribute apportionable income to this State the taxpayer included in federal gross income during the taxable year in accordance with the Code, Section 951A is 50% of the amount included in federal gross income.

**Sec. D-4. Application.** This Part applies to tax years beginning on or after January 1, 2017, except that those sections of this Part that enact the Maine Revised Statutes, Title 36, section 5200-A, subsection 1, paragraph FF and subsection 2, paragraph EE apply to tax years beginning on or after January 1, 2018.

**PART E**

**Sec. E-1. 36 MRSA §5200, sub-§1,** as amended by PL 2005, c. 618, §6 and affected by §22, is further amended to read:

**1. Imposition and rate of tax prior to 2018.** A For tax years beginning before January 1, 2018, a tax is imposed for each taxable year at the following rates on each taxable corporation and on each group of corporations that derives income from a unitary business carried on by 2 or more members of an affiliated group:

If the income is:	The tax is:
Not over \$25,000	3.5% of the income
\$25,000 but not over \$75,000	\$875 plus 7.93% of the excess over \$25,000
\$75,000 but not over \$250,000	\$4,840 plus 8.33% of the excess over \$75,000
\$250,000 or more	\$19,418 plus 8.93% of the excess over \$250,000

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable only by Maine, the rates provided in this subsection are

applied only to the first \$250,000 of the Maine net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the Maine net income of the entire group is taxed at 8.93%.

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable both within and without this State, the rates provided in this subsection are applied only to the first \$250,000 of the net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the net income of the entire group is taxed at 8.93%.

**Sec. E-2. 36 MRSA §5200, sub-§1-A** is enacted to read:

**1-A. Imposition and rate of tax beginning 2018.** For tax years beginning on or after January 1, 2018, a tax is imposed for each taxable year at the following rates on each taxable corporation and on each group of corporations that derives income from a unitary business carried on by 2 or more members of an affiliated group:

<u>If the income is:</u>	<u>The tax is:</u>
<u>Not over \$350,000</u>	<u>3.5% of the income</u>
<u>\$350,000 but not over \$1,050,000</u>	<u>\$12,250 plus 7.93% of the excess over \$350,000</u>
<u>\$1,050,000 but not over \$3,500,000</u>	<u>\$67,760 plus 8.33% of the excess over \$1,050,000</u>
<u>\$3,500,000 or more</u>	<u>\$271,845 plus 8.93% of the excess over \$3,500,000</u>

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable only by Maine, the rates provided in this subsection are applied only to the first \$3,500,000 of the Maine net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the Maine net income of the entire group is taxed at 8.93%.

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable both within and without this State, the rates provided in this subsection are applied only to the first \$3,500,000 of the net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the net income of the entire group is taxed at 8.93%.

**Sec. E-3. 36 MRSA §5200, sub-§§2 to 4**, as enacted by PL 2005, c. 457, Pt. FFF, §1 and affected by §2, are amended to read:

**2. Business activity only within Maine.** For purposes of ~~subsection~~ subsections 1 and 1-A, with respect to a taxable corporation or group of corporations that derive income from a unitary business carried on by 2 or more members of an affiliated group with income from business activity that is taxable only by Maine, "income" means Maine net income.

**3. Business activity within and outside Maine.** For purposes of ~~subsection~~ subsections 1 and 1-A, with respect to a taxable corporation with income from business activity that is taxable both within and without this State, "income" means the corporation's net income. The tax amount computed under ~~subsection~~ subsections 1 and 1-A must then be apportioned under the provisions of chapter 821 to determine the amount of tax imposed on that corporation.

**4. Business activity within and outside Maine; unitary business.** For purposes of ~~subsection~~ subsections 1 and 1-A, with respect to taxable corporations that derive income from a unitary business carried on by 2 or more members of an affiliated group with business activity that is taxable both within and without this State, "income" means the net income of the entire group. The tax amount computed under ~~subsection~~ subsections 1 and 1-A must then be apportioned under the provisions of chapter 821 for the entire group to determine the amount of tax imposed on the taxable corporations.

**PART F**

**Sec. F-1. 5 MRSA §12004-I, sub-§18-B**, as enacted by PL 1997, c. 732, §1, is amended to read:

**18-B.**

Education:	Advisory	Not Au-	20-A
Financial	Committee	thorized	MRSA
Aid	on <del>College</del>		§11484
	<u>Education</u>		
	Savings		

**Sec. F-2. 20-A MRSA §11471, sub-§1**, as enacted by PL 1997, c. 732, §4, is amended to read:

**1. Advisory committee.** "Advisory committee" means the Advisory Committee on ~~College~~ Education Savings established in this chapter.

**Sec. F-3. 20-A MRSA §11471, sub-§7**, as enacted by PL 1997, c. 732, §4, is amended to read:

**7. Higher education expenses.** "Higher education expenses" means the certified expenses for attendance at an institution of higher education as those expenses are defined by rule of the authority consistent with applicable provisions of the federal Internal Revenue Code of 1986 and its regulations addressing qualified state tuition programs. Beginning January 1, 2018, "higher education expenses" has the same meaning as "qualified higher education expenses" as de-

fined in Section 529 of the federal Internal Revenue Code of 1986 and amendments to that Code and its regulations addressing qualified state tuition programs.

**Sec. F-4. 20-A MRSA §11472**, as enacted by PL 1997, c. 732, §4, is amended to read:

**§11472. Maine Education Savings Program**

The Maine ~~College Education~~ Savings Program, referred to in this chapter as the "program," is established to encourage the investment of funds to be used for higher education expenses at institutions of higher education and, beginning January 1, 2018, and as long as permitted by provisions of Section 529 of the federal Internal Revenue Code of 1986, expenses for tuition in connection with enrollment or attendance at an elementary or secondary public, private or religious school. The authority shall administer the program and act as administrator of the program fund.

**Sec. F-5. 20-A MRSA §11477, sub-§2, ¶C**, as enacted by PL 1997, c. 732, §4, is amended to read:

C. Receipt by the beneficiary of a scholarship or educational funding, identified by rule of the authority, resulting in an excess of funds in the account not needed to pay higher education expenses at an institution of higher education.

**Sec. F-6. 20-A MRSA §11479**, as enacted by PL 1997, c. 732, §4, is amended to read:

**§11479. Tax exemption**

The assets of the program fund, all program earnings and any income from operations are exempt from all taxation by the State or any of its political subdivisions. A deposit to any account, transfer of that account to a successor participant, designation of a successor beneficiary of that account, credit of program earnings to that account or qualified distribution from that account used for the purpose of paying higher education expenses of the designated beneficiary of that account pursuant to this chapter, as long as that distribution does not exceed the limits established in Section 529 of the federal Internal Revenue Code of 1986 or rollover distributions permitted under Section 529 of the federal Internal Revenue Code of 1986, does not subject that participant, the estate of that participant or any beneficiary to any state income or estate tax liability. In the event of cancellation or termination of a participation agreement and distribution of funds to a participant, the increase in value over the amount deposited in the program fund by that participant may be taxable to that participant in the year distributed.

**Sec. F-7. 20-A MRSA §11484**, as amended by PL 2017, c. 200, §§1 and 2, is further amended to read:

**§11484. Advisory Committee on Education Savings**

The Advisory Committee on ~~College Education~~ Savings, referred to in this chapter as the "advisory committee," is created to provide advice to the authority on the operation of the program and investment of the program fund.

**1. Membership.** The advisory committee consists of 8 members as follows:

B-2. One member appointed by the Governor from the public;

C. Four members appointed by the Governor with experience in and knowledge of institutional investment of funds; and

F. Three members appointed by the chair of the board who are members of the board.

The chair of the advisory committee must be appointed annually by the chair of the board.

**2. Terms.** Members appointed by the Governor must be appointed for terms of 4 years. Members appointed by the chair of the board are appointed for terms of one year. Members may be removed for cause.

**3. Compensation.** Members of the advisory committee are compensated in accordance with Title 5, chapter 379.

**Sec. F-8. 36 MRSA §5122, sub-§2, ¶J**, as amended by PL 2003, c. 390, §33, is further amended to read:

J. To the extent included in federal adjusted gross income, any amount constituting a qualified distribution from an account established pursuant to Title 20-A, chapter 417-E ~~and used for paying higher education expenses of the designated beneficiary of that account;~~

**Sec. F-9. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Maine College Savings Program" appear or reference is made to that program or those words, those words are amended to read or mean, as appropriate, "Maine Education Savings Program" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**PART G**

**Sec. G-1. 36 MRSA §4102, sub-§5**, as amended by PL 2015, c. 267, Pt. I, §1, is further amended to read:

**5. Maine exclusion amount.** For estates of decedents dying on or after January 1, 2013, but before January 1, 2016, "Maine exclusion amount" means \$2,000,000. For estates of decedents dying on or after

January 1, 2016, but before January 1, 2018, "Maine exclusion amount" means the basic exclusion amount determined for the calendar year in accordance with the Code, Section 2010(c)(3). For estates of decedents dying on or after January 1, 2018, "Maine exclusion amount" means \$5,600,000.

**Sec. G-2. 36 MRSA §4119** is enacted to read:

**§4119. Annual adjustments for inflation**

Beginning in 2018 and each year thereafter, on or about September 15th, for the estates of decedents who die during the succeeding calendar year, the assessor shall multiply the cost-of-living adjustment by the dollar amount contained in section 4102, subsection 5 applicable to estates of decedents dying on or after January 1, 2018. For the purposes of this section, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2017.

**PART H**

**Sec. H-1. 36 MRSA §2536** is enacted to read:

**§2536. Employer credit for family and medical leave**

For tax years beginning on or after January 1, 2018, a person is allowed a credit against the tax otherwise due under this chapter in an amount equal to the federal employer credit for paid family and medical leave allowed to that person under the Code, Section 45S as a result of wages paid to employees based in the State during the taxable year.

The credit allowed under this section may not reduce the tax otherwise due under this chapter to less than zero. The credit may not be carried forward or carried back to any other tax year.

**Sec. H-2. 36 MRSA §5219-UU** is enacted to read:

**§5219-UU. Employer credit for family and medical leave**

For tax years beginning on or after January 1, 2018, a person is allowed a credit against the tax otherwise due under this Part in an amount equal to the federal employer credit for paid family and medical leave allowed to that person under the Code, Section 45S as a result of wages paid to employees based in the State during the taxable year.

The credit allowed under this section may not reduce the tax otherwise due under this Part to less than zero. The credit may not be carried forward or carried back to any other tax year.

**PART I**

**Sec. I-1. Appropriations and allocations.**

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides one-time funding for computer programming changes.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$229,000
GENERAL FUND TOTAL	\$0	\$229,000

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective September 12, 2018.

**CHAPTER 475**

**H.P. 1327 - L.D. 1894**

**An Act To Correct Errors and Inconsistencies in the Laws of Maine**

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

**Whereas,** acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

**Whereas,** these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

**Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

## PART A

**Sec. A-1. 4 MRSA §1610-J**, as enacted by PL 2017, c. 284, Pt. FF, §1 and reallocated by c. 288, Pt. A, §2, is reallocated to 4 MRSA §1610-K.

**Sec. A-2. 4 MRSA §1805, sub-§7, ¶B-1**, as enacted by PL 2017, c. 284, Pt. UUUU, §11, is amended to read:

B-1. A monthly report on the number of cases opened, the number of vouchers submitted, the amount of vouchers paid, the amount of payments to contract counsel, the number of requests for professional services, the amount of payments for professional services and information on any complaints made against assigned or contract counsel; and

**Sec. A-3. 5 MRSA §1660-D, sub-§4, ¶D**, as enacted by PL 1995, c. 402, Pt. C, §2, is amended to read:

D. Is not exclusively a health care facility within the meaning of Title 22, former section 382, subsection 6.

**Sec. A-4. 5 MRSA §1812-D**, as enacted by PL 1989, c. 585, Pt. C, §3 and amended by PL 2011, c. 657, Pt. W, §5, is amended to read:

**§1812-D. Coordination of procurement information and policies**

The Bureau of Purchases shall coordinate with the Department of Transportation, the Department of Agriculture, Conservation and Forestry, and the Department of Environmental Protection and the Office of Waste Reduction and Recycling to develop a central ~~data base~~ database of information including, but not limited to, procurement policies, market information, technical data and demonstration project results. This data ~~shall~~ must be compiled annually and provided to local public agencies by the ~~Office of Waste Reduction and Recycling~~ Department of Environmental Protection.

**Sec. A-5. 5 MRSA §13070-J, sub-§4, ¶A**, as repealed by PL 2017, c. 211, Pt. E, §1 and amended by c. 264, §11, is repealed.

**Sec. A-6. 5 MRSA §18653-A**, as enacted by PL 2017, c. 88, §35, is amended to read:

**§18653-A. Funds**

All assets in the group life insurance program may be combined for investment purposes. The assets attributable to employers of participating local district participants in the group life insurance program may not be combined with the assets attributable to other group life insurance participants for benefit purposes. Premiums for retiree group life insurance coverage under section ~~48064~~ 18661, subsection 2, and interest and dividends attributable to those premiums, may not

be used to provide benefits for participants who are not retirees.

**Sec. A-7. 7 MRSA §2902-A, sub-§3**, as corrected by RR 1999, c. 1, §4, is amended to read:

**3. Permit granted; requirements; suspension.** A permit must be granted upon the express condition that the permittee at all times conducts the operation and maintains the facilities in accordance with the requirements of state law and any rules adopted under this chapter. Any violation that results in a health or safety hazard may lead to suspension of a permit in accordance with Title 5, ~~chapter 375~~, section 10004 for a period of up to 30 days. A suspension or revocation of a permit for longer than 30 days, or a refusal to renew a permit, must be in accordance with Title 5, chapter 375, subchapter ~~V~~ 5.

**Sec. A-8. 8 MRSA §263-A, sub-§1, ¶E**, as enacted by PL 1997, c. 528, §6, is amended to read:

E. The procedures and standards for setting ~~rac-~~ ing race dates; and

**Sec. A-9. 8 MRSA §271, sub-§1**, as amended by PL 2017, c. 231, §8, is further amended to read:

**1. Licensing.** If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is financially responsible; and that the award of ~~rac-~~ ing race dates to the applicant is appropriate under the criteria contained in subsection 2, it may issue a license for the holding of harness horse races or meets for public exhibition with pari-mutuel pools, which must expire on December 31st. The fee for a license is \$100 or \$10 per week, whichever is higher. The commission shall make available harness racing laws and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee. The license must set forth the name of the licensee, the place where the races or race meets are to be held and the specific race dates and time of day or night during which racing may be conducted by the licensee. If the commission determines that the location where a commercial track is licensed to conduct races is unavailable, it may permit a licensee to transfer its license to another location. The substitute location and the races conducted there by the licensee must be conducted in accordance with this chapter. A license issued pursuant to this subsection is not transferable or assignable. The District Court Judge, as designated in Title 4, chapter 5, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. The license is automatically revoked, subject to Title 5,

chapter 375, upon a change in ownership, legal or equitable, of 50% or more of the voting stock of the licensee; the licensee may not hold a harness horse race or meet for public exhibition without a new license.

**Sec. A-10. 8 MRSA §276-B**, as amended by PL 2017, c. 231, §19, is further amended to read:

**§276-B. Commercial track ceases operation; entitled to funds**

Other than funds used exclusively to pay harness racing purses, a commercial track that ceases operation is entitled to distribution of all funds maintained by the State under this chapter based on the number of race days conducted by that commercial track up to and including the final racing race date conducted by that commercial track. Payments due from a commercial track that ceases operation to any in-state commercial track, agricultural fair or off-track wagering licensee must be made from the funds under this section prior to distribution to the commercial track that has ceased operation.

**Sec. A-11. 8 MRSA §1003, sub-§5**, as enacted by PL 2017, c. 284, Pt. IIII, §1 and c. 303, §1, is repealed and the following enacted in its place:

**5. Additional duties of the director.** The director also serves as the director of the Gambling Control Unit, established as a bureau within the Department of Public Safety under Title 25, section 2902, subsection 12. As director of the unit, the director shall administer and enforce the laws governing fantasy contests under chapter 33 and beano and games of chance under Title 17, chapters 13-A and 62, respectively.

**Sec. A-12. 10 MRSA §1023-J, first ¶**, as amended by PL 2011, c. 380, Pt. OOO, §1 and c. 657, Pt. W, §6, is further amended to read:

The Agricultural Marketing Loan Fund, referred to in this section as the "fund," is created. The fund must be deposited with and maintained by the Finance Authority of Maine. The fund must be administered by the Commissioner of Agriculture, Conservation and Forestry in accordance with Title 7, chapter 101, subchapter 1-D. All money received by the Finance Authority of Maine from any source for the development and implementation of an improved agricultural marketing loan program must be credited to the fund. Any money credited to the fund from the issuance of bonds on behalf of the State for financing loans for agricultural enterprises may be used only for the following purposes: to provide assistance to agricultural enterprises in this State for the design, construction or improvement of commodity and storage buildings and packing and marketing facilities; for the purchase, construction or renovation of buildings, equipment, docks, wharves, piers or vessels used in connection with a commercial agricultural enterprise; for the purchase of land in connection with development of new cranberry acreage; for the purchase of land for irriga-

tion reservoirs or to provide direct access to water for irrigation; for the purchase of land necessary for the start-up of a new agricultural enterprise; for the expansion of an existing agricultural enterprise when the land acquisition is necessary to comply with land use regulations; for the development of a business plan ~~in accordance with the provisions of Title 7, section 436-A;~~ for improvements to pastureland, including seeding and actions to promote rotational grazing; or, if the commissioner so approves at the time of loan insurance commitment, to pledge money in the fund as security for, and to apply money in the fund to, payment of principal, interest and other amounts due on any term loans insured by the Finance Authority of Maine to an eligible dairy farmer. Repayment of these loans and interest on these loans must be credited to the fund and may be used for the purposes stated in this section or Title 7, section 436. Interest earned on money in the fund and interest earned on loans made from the fund may be used to pay the administrative costs of processing loan applications and servicing and administering the fund and loans and grants made from the fund since the inception of the agricultural marketing loan program, to the extent that these costs exceed the fee for administrative costs established by Title 7, section 435, subsection 4.

**Sec. A-13. 10 MRSA c. 229**, as enacted by PL 2017, c. 178, §1 and c. 228, §1, is repealed and the following enacted in its place:

**CHAPTER 229**

**GUARANTEED ASSET PROTECTION  
WAIVERS**

**§1500-H. Guaranteed asset protection waivers**

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

A. "Administrator" means a person, other than an insurer or creditor, that performs administrative or operational functions pursuant to a waiver program.

B. "Borrower" means a debtor or retail buyer under a finance agreement.

C. "Creditor" means:

(1) The lender in a loan or credit transaction;

(2) A person engaged as a retail seller of motor vehicles that provides credit to consumers, as defined in Title 9-A, section 1-301, subsection 10, of the motor vehicles, as long as that person complies with the provisions of this section;

(3) The seller in a commercial retail installment transaction; or

(4) The assignee of any of the persons in subparagraphs (1) to (4) to which the credit obligation is payable.

D. "Finance agreement" means a loan or retail installment sales contract for the purchase of a motor vehicle.

E. "Free-look period" means the period of time, not less than 30 days, from the effective date of the waiver until the date the borrower may cancel the waiver contract without penalty, fees or costs to the borrower.

F. "Guaranteed asset protection waiver" or "waiver" means a contractual agreement in which a creditor agrees for a separate charge to cancel or waive all or part of the amount due on a borrower's finance agreement for a motor vehicle in the event of a total physical damage loss or unrecovered theft of the motor vehicle. The waiver must be part of or a separate addendum to the finance agreement.

G. "Insurer" has the same meaning as in Title 24-A, section 4.

H. "Motor vehicle" means a self-propelled vehicle not operated exclusively on railroad tracks; a motorcycle as defined in Title 29-A, section 101, subsection 38; a motor home as defined in Title 29-A, section 101, subsection 40; an all-terrain vehicle as defined in Title 12, section 13001, subsection 3; a snowmobile as defined in Title 12, section 13001, subsection 25; a motorboat as defined in Title 12, section 13001, subsection 16; a personal watercraft as defined in Title 12, section 13001, subsection 23; or a trailer as defined in Title 29-A, section 101, subsection 86. "Motor vehicle" includes vehicles whether self-propelled or towed.

I. "Person" includes an individual, company, association, organization, partnership, business trust, corporation and every form of legal entity.

J. "Superintendent" means, except in cases in which a credit union or financial institution authorized to do business in this State, as defined in Title 9-B, section 131, subsections 12-A and 17-A, is the creditor, the Superintendent of Consumer Credit Protection. In cases in which a financial institution authorized to do business in this State is the creditor, "superintendent" means the Superintendent of Financial Institutions.

**2. Requirements for offering waivers.** The following provisions apply to offering waivers.

A. A waiver may be offered, sold or provided to a borrower in this State in compliance with this chapter.

B. A waiver may, at the option of the creditor, be sold for a single payment or may be offered with a monthly or periodic payment option.

C. Notwithstanding any other provision of law, any cost to the borrower for a waiver entered into in compliance with the federal Truth in Lending Act, 15 United States Code, Section 1601 et seq. and its implementing regulations, as they may be amended from time to time, must be separately stated and may not be considered a finance charge or interest.

D. A retail seller must insure its waiver obligations under a contractual liability policy or other insurance policy issued by an insurer. A creditor, other than a retail seller, may insure its waiver obligations under a contractual liability policy or other insurance policy issued by an insurer. Any such insurance policy may be directly obtained by a creditor or retail seller or may be procured by an administrator to cover a creditor's or retail seller's obligations.

E. A waiver remains a part of the finance agreement upon the assignment, sale or transfer of the finance agreement by the creditor.

F. The extension of credit, the term of credit and the term of the related motor vehicle sale may not be conditioned upon the purchase of a waiver.

G. A creditor that offers a waiver must report the sale of and forward funds received on such a waiver to the designated party, if any, as prescribed in any applicable administrative services agreement, contractual liability policy, other insurance policy or other specified program documents.

H. Funds received or held by a creditor or administrator and belonging to an insurer, creditor or administrator, pursuant to the terms of a written agreement, must be held by the creditor or administrator in a fiduciary capacity.

I. The borrower's primary motor vehicle insurance carrier or, if applicable, the 3rd-party liability carrier shall determine the existence of a total physical damage loss. If no primary motor vehicle insurance or 3rd-party liability insurance is present on the date of loss, then the existence of a total physical damage loss must be determined pursuant to the terms of the waiver.

**3. Contractual liability policy or other insurance policy.** The following provisions govern a contractual liability policy or other insurance policy insuring waivers.

A. A contractual liability policy or other insurance policy insuring waivers must state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated

to waive under the waivers issued by the creditor and purchased by the borrower or held by the borrower.

B. Coverage under a contractual liability or other insurance policy insuring a waiver must also cover any subsequent assignee upon the assignment, sale or transfer of the finance agreement.

C. Coverage under a contractual liability or other insurance policy insuring a waiver must remain in effect unless cancelled or nonrenewed as provided in Title 24-A.

D. The cancellation or nonrenewal of a contractual liability or other insurance policy may not reduce the insurer's responsibility for waivers issued by the creditor prior to the date of cancellation or nonrenewal and for which premium has been received by the insurer.

**4. Disclosures.** A waiver must disclose, as applicable, in writing and in clear, understandable language that is easy to read, the following:

A. The name and address of the initial creditor and the borrower at the time of sale, and the identity of any administrator if different from the creditor;

B. The purchase price and the terms of the waiver, including without limitation the requirements for protection, condition or exclusion associated with the waiver;

C. That the borrower may cancel the waiver within a free-look period as specified in the waiver and will be entitled to a full refund of the purchase price as long as no waiver benefits have been provided;

D. The procedure the borrower must follow, if any, to obtain waiver benefits under the terms and conditions of the waiver and a telephone number and address where the borrower may apply for waiver benefits;

E. Whether or not the waiver is cancellable after the free-look period, the conditions under which it may be cancelled or terminated and the procedures for requesting any refund due;

F. That, in order to receive any refund due in the event of a borrower's cancellation of the waiver agreement, the borrower, in accordance with the terms of the waiver, must provide a written request to cancel to the creditor, administrator or other party as specified in the waiver. If a borrower is cancelling the waiver due to early termination of the finance agreement, the borrower must provide a written request to the creditor, administrator or other party within 90 days of the

occurrence of the event terminating the finance agreement;

G. The methodology for calculating any refund due of the unearned portion of the purchase price of the waiver in the event of cancellation of the waiver or early termination of the finance agreement; and

H. That the extension of credit, the terms of credit and the terms of the related motor vehicle sale may not be conditioned upon purchase of the waiver.

**5. Cancellation.** The following provisions govern the cancellation of a waiver.

A. A waiver must be cancellable after the free-look period. A waiver must provide that if a borrower cancels the waiver within the free-look period, the borrower is entitled to a full refund of the purchase price as long as no benefits have been provided.

B. In the event of a borrower's cancellation of the waiver or early termination of the finance agreement, after the agreement has been in effect beyond the free-look period, the borrower is entitled to a pro rata refund of any unearned portion of the purchase price of the waiver. In order to receive a refund, the borrower, in accordance with any applicable terms of the waiver, must provide a written request to the creditor, administrator or other party. If the borrower is cancelling the waiver due to the early termination of the finance agreement, the borrower must provide a written request within 90 days of the event terminating the finance agreement.

C. If the cancellation of a waiver occurs as a result of a default under the finance agreement or the repossession of the motor vehicle associated with the finance agreement, or any other termination of the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as set forth in paragraph D.

D. Any refund under paragraph A, B or C may be applied by the creditor as a reduction of the amount owed under the finance agreement unless the borrower shows that the finance agreement has been paid in full.

**6. Enforcement.** The superintendent may require the filing of notification by an administrator pursuant to Title 9-A, section 6-202 and section 6-203, subsection 1. The superintendent may require the filing of waivers in use by an administrator. Upon request by the superintendent, an administrator shall annually file a record of waivers administered by the administrator.

The superintendent may take action that is necessary or appropriate to enforce the provisions of this chapter

and to protect borrowers who hold waivers in this State. In cases in which a credit union or financial institution authorized to do business in this State, as defined in Title 9-B, section 131, subsections 12-A and 17-A, is a creditor, the Superintendent of Financial Institutions is responsible for enforcement. After notice and opportunity for hearing, the superintendent may:

A. Order the creditor, administrator or any other person not in compliance with this chapter to cease and desist from further waiver-related operations that are in violation of this chapter; and

B. Impose a penalty of not more than \$500 per violation and not more than \$10,000 in the aggregate for all violations of a similar nature. For purposes of this paragraph, violations must be considered of a similar nature if the violations consist of the same or a similar course of conduct, action or practice, irrespective of the number of times the conduct, action or practice that is determined to be a violation of this chapter occurred.

7. Exemptions. The following exemptions apply.

A. This chapter does not apply to:

(1) An insurance policy or a guaranteed asset protection insurance policy offered by an insurer under Title 24-A; or

(2) A debt cancellation or debt suspension contract offered by a credit union or financial institution authorized to do business in this State, as defined in Title 9-B, section 131, subsections 12-A and 17-A, in compliance with 12 Code of Federal Regulations, Part 37 (2017) or 12 Code of Federal Regulations, Part 721 (2017) or other federal law.

B. Subsection 2, paragraph C and subsections 4 and 6 are not applicable to a waiver offered in connection with a retail installment sale associated with a commercial transaction.

C. Waivers governed under this chapter are not insurance and are exempt from Title 24-A. A person is not required to obtain a license as a producer or insurer or in any other capacity be regulated under Title 24-A in order to market, administer, sell or offer to sell a waiver.

**Sec. A-14. 10 MRSA c. 231** is enacted to read:

## CHAPTER 231

### POSING AS A GOVERNMENTAL ENTITY OR AGENT IN COMMERCE

#### §1500-L. Posing as a governmental entity or agent in commerce

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

A. "Governmental entity" means a unit, subdivision or entity of the Federal Government, the State, a county, a municipality or another state, including an agency, department, board, commission, bureau, division or military or public safety organization.

**2. False representation of posing as a governmental entity or agent in commerce.** A person who is not an official, agent or representative of a governmental entity or who does not have express approval of a governmental entity may not in commerce:

A. Represent, imply or otherwise cause a likelihood of confusion that the person is an official, agent or representative of a governmental entity in the sale, advertising for sale, marketing, offering, distribution or solicitation of any goods or services;

B. Simulate a summons, complaint, jury notice, tax form or other judicial or administrative process or make an untrue statement that any good, service, advertisement or offer was sent or distributed by or has been approved, authorized or endorsed in whole or in part by a governmental entity;

C. Use language or a symbol, logo, representation, statement, title, name, seal, emblem, insignia, trade or brand name, business or control tracking number, website, e-mail address or any other term or content that falsely represents or implies or otherwise causes a likelihood of confusion that any goods, services, advertisement or offer is from a governmental entity; or

D. Offer a document that is available free of charge or at a lesser price from a governmental entity without conspicuously disclosing that availability in a manner that is clearly visible to a consumer.

**3. Unfair trade practice.** A violation of this section constitutes an unfair or deceptive act or practice in violation of Title 5, chapter 10.

**Sec. A-15. 10 MRSA §1602, sub-§2, ¶A**, as enacted by PL 2003, c. 452, Pt. E, §1 and affected by Pt. X, §2, is amended to read:

A. A person who violates this section commits a civil violation for which a fine of not more ~~that~~ than \$50 may be adjudged.

**Sec. A-16. 10 MRSA §8001-A, sub-§9**, as enacted by PL 1989, c. 450, §5, is amended to read:

**9. State Board of Licensure for Professional Engineers.** Professional Engineers, State Board of Registration Licensure for.

**Sec. A-17. 11 MRSA §10-105, sub-§(1)**, as enacted by PL 1977, c. 586, is amended to read:

(1). A financing statement or continuation statement filed prior to January 1, 1978, which shall not have lapsed prior to January 1, 1978, shall remain effective for the period provided in the old code, but not less ~~that~~ than 5 years after the filing.

**Sec. A-18. 12 MRSA §541-A**, as amended by PL 2017, c. 284, Pt. QQ, §1, is further amended to read:

**§541-A. Division of Geology, Natural Areas and Coastal Resources**

The Division of Geology, Natural Areas and Coastal Resources is established within the Department of Agriculture, Conservation and Forestry and is administered by the commissioner. The division consists of the Maine Geological Survey, referred to in this chapter as the "survey," and the Natural Areas Program. ~~The director of the bureau~~ Director of the Bureau of Resource Information and Land Use Planning is the director of the survey.

**Sec. A-19. 12 MRSA §10853, sub-§4**, as amended by PL 2017, c. 100, §1 and c. 164, §3, is repealed and the following enacted in its place:

**4. Disabled veteran.** A resident disabled veteran or a nonresident disabled veteran who is a resident of another state may obtain upon application, at no cost, all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish, and, upon meeting the qualifications as established in section 12853, subsection 4, a guide license. A license holder under this subsection who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit. The commissioner shall issue all fishing, trapping and hunting licenses and permits requested under this subsection if the commissioner determines the applicant meets the requirements of this subsection and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "disabled veteran" means a person who:

B. Was honorably discharged from the Armed Forces of the United States or the National Guard; and

C. Has a service-connected disability evaluated at 50% or more.

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. An applicant for a license or permit under this section is subject to the provisions of this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to remain a resident of this State or another state and the permit or license issued under this subsection is not revoked or suspended. For a nonresident to be eligible under this subsection, that nonresident's state must have a reciprocal agreement with this State.

**Sec. A-20. 12 MRSA §10953, sub-§1-C**, as amended by PL 2017, c. 164, §6 and c. 239, §1, is repealed and the following enacted in its place:

**1-C. Hunting with a crossbow; 65 years of age or older.** A person 65 years of age or older may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal subject to this Part.

**Sec. A-21. 15 MRSA §393, sub-§2**, as amended by PL 2017, c. 206, §1 and c. 227, §1, is repealed and the following enacted in its place:

**2. Application after 5 years.** A person subject to the provisions of subsection 1, paragraph A-1, subparagraphs (1) to (4) or paragraph C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the Office of the Governor for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed handgun pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the Governor. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(a)(3).

**Sec. A-22. 17 MRSA §2276**, as enacted by PL 1975, c. 739, §15, is repealed.

**Sec. A-23. 20-A MRSA §1051, sub-§6, ¶D**, as enacted by PL 2017, c. 284, Pt. C, §3 and Pt. VVVVV, §1, is repealed and the following enacted in its place:

D. A group of school administrative units that have an interlocal agreement pursuant to Title 30-A, chapter 115 in order to establish a school management and leadership center to jointly purchase the services of a superintendent may elect

the superintendent in the manner prescribed in their interlocal agreement.

**Sec. A-24. 20-A MRSA §6051, sub-§1, ¶K,** as amended by PL 2017, c. 284, Pt. C, §10 and Pt. JJJJJJ, §2, is further amended to read:

K. A schedule of expenditures of federal awards; ~~and~~

**Sec. A-25. 20-A MRSA §6051, sub-§1, ¶L,** as enacted by PL 2017, c. 284, Pt. C, §11 and Pt. JJJJJJ, §3, is repealed and the following enacted in its place:

L. Beginning July 1, 2017, a determination of whether the school administrative unit has complied with section 15675, subsection 2; and

**Sec. A-26. 20-A MRSA §6051, sub-§1, ¶M** is enacted to read:

M. A determination of whether the school administrative unit has complied with applicable provisions of section 15690-A.

**Sec. A-27. 21-A MRSA §1001, sub-§2,** as amended by PL 1995, c. 483, §1, is further amended to read:

**2. Election.** "Election" means any primary, general or special election for state, or county office or municipal offices ~~as defined in office pursuant to~~ Title 30-A, section 2502, subsection 1.

**Sec. A-28. 22 MRSA §1471-C, sub-§13-A,** as enacted by PL 1987, c. 723, §3, is amended to read:

**13-A. Household use pesticide product.** "Household use pesticide product" means any general use pesticide product ~~which that~~ contains no more than 3% active ingredients and ~~which that~~ is applied undiluted by homeowners to control pests in and around the family dwelling and associated structures. For the purposes of this definition and section ~~1471-U~~ 1471-W, subsection 5, petroleum solvents ~~shall~~ are not ~~be~~ considered active ingredients.

**Sec. A-29. 22 MRSA §1715, sub-§1,** as corrected by RR 2001, c. 2, Pt. A, §34, is amended to read:

**1. Access requirements.** Any person, including, but not limited to an affiliated interest as defined in former section 396-L, that is subject to the requirements of this subsection, shall provide the services listed in paragraph C to individuals who are eligible for charity care in accordance with a charity care policy adopted by the affiliate or provider that is consistent with rules applicable to hospitals under section 1716. A person is subject to this subsection if that person:

A. Is either a direct provider of major ambulatory service, as defined in former section 382, subsection 8-A, or is or has been required to obtain a

certificate of need under section 329 or former section 304 or 304-A;

B. Provides outpatient services as defined in former section 382, subsection 9-A; and

C. Provides one or more of the following services:

(1) Imaging services, including, but not limited to, magnetic resonance imaging, computerized tomography, mammography and radiology. For purposes of this section, imaging services do not include:

(a) Screening procedures that are not related to the diagnosis or treatment of a specific condition; or

(b) Services when:

(i) The services are owned by a community health center, a physician or group of physicians;

(ii) The services are offered solely to the patients of that center, physician or group of physicians; and

(iii) Referrals for the purpose of performing those services are not accepted from other physicians;

(2) Laboratory services performed by a hospital or by a medical laboratory licensed in accordance with the Maine Medical Laboratory Commission, or licensed by an equivalent out-of-state licensing authority, excluding those licensed laboratories owned by community health centers, a physician or group of physicians where the laboratory services are offered solely to the patients of that center, physician or group of physicians;

(3) Cardiac diagnostic services, including, but not limited to, cardiac catheterization and angiography but excluding electrocardiograms and electrocardiograph stress testing;

(4) Lithotripsy services;

(5) Services provided by free-standing ambulatory surgery facilities certified to participate in the Medicare program; or

(6) Any other service performed in an outpatient setting requiring the purchase of medical equipment costing in the aggregate \$500,000 or more and for which the charge per unit of service is \$250 or more.

**Sec. A-30. 22 MRSA §2842, sub-§§3 and 4,** as amended by PL 2013, c. 31, §1, are further amended to read:

**3. Medical certificate by medical examiner or the Office of Chief Medical Examiner.** When a

death occurs under circumstances that make it a medical examiner case as defined in section 3025, or when inquiry as to the cause of death is required by law, the medical examiner or the Office of the Chief Medical Examiner shall complete the medical certification of the cause of death as specified by department rule and sign the death certificate. A certification need not be completed before the remains are ready for release.

The medical examiner or the Office of the Chief Medical Examiner is responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate. Entries may be left "pending" if further study is needed; or, at the specific direction of the Attorney General relative to cases under investigation by the Attorney General's office, entries must be left "withheld" until such time as the Attorney General, in the Attorney General's sole discretion, determines that any criminal investigation and prosecution will not be harmed by public disclosure of such information. Notwithstanding section 2706, subsection 4, unless directed otherwise by the Attorney General as specified in this subsection, this information for which the medical examiner is responsible may be made available to the general public by the Office of the Chief Medical Examiner.

**4. Correction of errors on death statistic records filed under chapter 711.** Certificates of death in medical examiner cases, as defined in section 3025, may be completed or amended at any time by means described in rule by the department to the Office of the Chief Medical Examiner. Either the Chief Medical Examiner or the medical examiner assigned to the case may sign the forms or submit an electronic amendment or file a certificate using the electronic death registration system in accordance with section 2847. A person authorized by the Chief Medical Examiner may amend a certificate of death with respect to the time, date, place and circumstances of death. The medical examiner assigned shall submit the form or electronic amendment to the Office of the Chief Medical Examiner for filing with the State Registrar of Vital Statistics. These forms or electronic amendments may be filed at any time after death and need not include a summary description of the evidence in support of the completion or amendment.

**Sec. A-31. 22 MRSA §2843-A, sub-§2,** as amended by PL 2017, c. 38, §1 and by c. 70, §1, is repealed and the following enacted in its place:

**2. Custody and control generally.** The custody and control of the remains of deceased residents of this State, dead bodies or dead human bodies are governed by the following provisions in the following order of priority:

A. If the subject has designated another person to have custody and control in a written and signed

document, custody and control belong to that designated person;

B. If the subject has not left a written and signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin; and

C. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin cannot, by majority vote, make a decision regarding the subject's remains, the court shall make the decision upon petition under subsection 4, paragraph D.

If a person who has the right of custody and control under this subsection does not exercise the rights and responsibilities of custody and control within 4 days after the death of the subject, custody and control belong to a person from the next lower level of priority as established in paragraphs A to C.

If a person who has custody and control under this subsection does not complete decision making regarding final disposition within 30 days after taking custody and control, a funeral director or practitioner of funeral service who has physical possession of the remains or dead body may bury the remains or dead body at the expense of the funeral director or practitioner.

A person who has been charged with murder, as described in Title 17-A, section 201, or manslaughter, as described in Title 17-A, section 203, subsection 1, paragraph B, forfeits the right of custody and control provided under this subsection; and a funeral director or practitioner of funeral service who is aware of the charges may not release the remains or a dead body to that person who has been charged with murder or manslaughter. If the charges against the person are dismissed or the person is acquitted of the charges before the final disposition takes place, the person regains the right of custody and control in the same position of priority established in this subsection.

The remains or a dead body is considered abandoned if no one takes custody and control of the remains or dead body for a period of 15 days. A funeral director or practitioner of funeral service who has physical possession of abandoned remains or an abandoned dead body may bury or cremate the remains or dead body. The funeral director or practitioner of funeral service may embalm or refrigerate abandoned remains or an abandoned dead body without authorization. A certificate of abandonment that indicates the means of disposition must be filed in the municipality where the death occurred.

**Sec. A-32. 22 MRSA §2942, sub-§3,** as enacted by PL 2007, c. 601, §2, is amended to read:

**3. Chief Medical Examiner.** "Chief Medical Examiner" means the Office of ~~the~~ Chief Medical Examiner within the Office of the Attorney General.

**Sec. A-33. 22 MRSA §3022, sub-§8,** as repealed and replaced by PL 2001, c. 221, §1, is amended to read:

**8. Certain information confidential.** The following records in the possession or custody of a medical examiner or the Office of ~~the~~ Chief Medical Examiner are not public records within the meaning of Title 1, section 402, subsection 3 and are confidential:

A. Medical records relating to a medical examiner case;

B. Law enforcement agency reports or records relating to a medical examiner case;

C. Communications with the Department of the Attorney General relating to a medical examiner case;

D. Communications with the office of a district attorney relating to a medical examiner case;

E. Death certificates and amendments made to the certificates, except for the information for which the medical examiner is responsible, as listed in section 2842, subsection 3, and not ordered withheld by the Attorney General relating to a medical examiner case or missing person;

F. Photographs and transparencies, histological slides, videotapes and other like items relating to a medical examiner case; and

G. Written or otherwise recorded communications that express or are evidence of suicidal intent obtained under section 3028, subsections 4 and 5.

**Sec. A-34. 22 MRSA §3022, sub-§14,** as amended by PL 2013, c. 267, Pt. B, §16, is further amended to read:

**14. Access to report documents.** Report documents, as defined in section 3035, subsection 2, in the possession or custody of a medical examiner or the Office of ~~the~~ Chief Medical Examiner constitute investigative information. Release and inspection are governed by Title 16, section 804. Release and inspection are also contingent upon the person's request specifying a specific decedent or decedents and the payment of any required fee under section 3035.

**Sec. A-35. 22 MRSA §3023-A,** as enacted by PL 2013, c. 113, §2, is amended to read:

**§3023-A. Medicolegal death investigators; appointment; jurisdiction**

The Chief Medical Examiner may appoint persons who are not physicians as medicolegal death investigators, who have statewide jurisdiction and serve at the

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

**Sec. A-36. 22 MRSA §3028, sub-§5,** as amended by PL 2013, c. 113, §8, is further amended to read:

**5. Requests for objects.** Any person having possession of any object or objects, as described in subsection 4, shall at the request of the medical examiner or medicolegal death investigator give that object or objects to a law enforcement officer, to the medical examiner, to the medicolegal death investigator or to the Office of Chief Medical Examiner. Medical personnel and institutions turning over any objects or specimens that have been removed from the victim while under medical care are immune from civil or criminal liability when complying with this subsection. Original written or recorded material that might express suicidal intent must be sent to the Office of ~~the~~ Chief Medical Examiner. The Chief Medical Examiner may elect to accept copies in place of originals.

**Sec. A-37. 22 MRSA §3028-C, sub-§1,** as enacted by PL 1985, c. 611, §8, is amended to read:

**1. Disposal of nonsubstantial body fragments and body fluids.** Body fragments or body fluids retained for evidence, further study or documentation, or those ~~which that~~ have been recovered after the body has been released from the custody of the medical examiner, may be disposed of according to the practices of the laboratory responsible for analysis, by the Office of ~~the~~ Chief Medical Examiner, or by the medical examiner or pathologist retaining those fragments or fluids, unless claimed in writing by the person responsible for burial.

**Sec. A-38. 22 MRSA §3782-A, sub-§6,** as enacted by PL 1997, c. 530, Pt. A, §19, is amended to read:

**6. Rulemaking.** The department shall adopt rules to implement this ~~subsection~~ section. Except as specifically provided, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. A-39. 23 MRSA §244-A, sub-§1,** as amended by PL 2017, c. 295, §2, is further amended to read:

**1. Owner.** In addition to payments otherwise authorized, the department shall make an additional payment not in excess of the amount allowed under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended, to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than 90 days prior to the initiation of negotiations for the acquisition of the property. The additional payment must include the following elements:

A. The amount, if any, that when added to the acquisition cost of the dwelling acquired by the department equals the reasonable cost of a comparable replacement dwelling. All determinations required to carry out this paragraph must be made in accordance with standards established by the department;

B. The amount, if any, that will compensate the displaced person for any increased interest costs and other debt service costs that person is required to pay for financing the acquisition of any such comparable replacement dwelling. The amount may be paid only if the dwelling acquired by the department was encumbered by a bona fide mortgage that was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of that dwelling. In calculating the amount to be paid under this section, increased interest costs and other debt service costs must be reduced to discounted present value. The payment must be an amount that will reduce the mortgage balance on the replacement dwelling to an amount that could be amortized with the same monthly payment for principal and interest as that for the mortgage on the displaced dwelling; and

C. Reasonable expenses incurred by the displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

**Sec. A-40. 24-A MRSA §2546**, as enacted by PL 1979, c. 442, §4, is amended to read:

**§2546. Calculation of cash surrender values**

For contracts ~~which~~ that provide cash surrender benefits, the cash surrender benefits available prior to maturity ~~shall~~ may not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit ~~which~~ that would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, the present value being calculated on the basis of an interest rate not more than 1% higher than the interest

rate specified in the contract for accumulating the net considerations to determine the maturity value, decreased by the amount of any indebtedness to the insurer on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the insurer to the contract. In no event ~~shall~~ may any cash surrender benefit be less ~~than~~ than the minimum nonforfeiture amount at that time. The death benefit under the contracts ~~shall~~ must be at least equal to the cash surrender benefit.

**Sec. A-41. 24-A MRSA §4551, sub-§2, ¶A**, as enacted by PL 2017, c. 129, §1, is amended to read:

A. Within 90 days of a death master file match, complete a good faith effort, which must be documented by the insurer, to confirm the death of an insured, an annuity owner or retained asset account holder against other available records and information; and

**Sec. A-42. 24-A MRSA §6304, sub-§1**, as enacted by PL 1989, c. 931, §5, is amended to read:

**1. Assessment from policyholders and self-insureds.** With respect to professional liability insurance policies for physicians and hospitals issued on or after July 1, 1990, each insurer shall collect an assessment from each policyholder. With respect to professional liability insurance for self-insureds issued on or after July 1, 1990, each self-insured shall pay an assessment as directed by the superintendent. The superintendent shall determine the amount of the assessment in accordance with this chapter. Notwithstanding any provision of law, assessments made and collected pursuant to this chapter do not constitute premium, as defined in section 2403, for purposes of any laws of this State relating to taxation, filing of insurance rates or assessment purposes other than as expressly provided under this chapter. The assessments are considered as premium only for purposes of any laws of this State relating to cancellation or non-renewal of insurance coverage ~~and the determination of hospital financial requirements under Title 22, chapter 107.~~

**Sec. A-43. 26 MRSA §938**, as enacted by PL 1985, c. 294, §§2 and 3, is amended to read:

**§938. Advertising or soliciting for workers during strike or disturbance; exceptions; penalty**

If any employer, during the continuance of a strike among ~~his~~ the employer's employees, or during the continuance of a lockout or other labor trouble among ~~his~~ the employer's employees, publicly advertises in newspapers, or by posters or otherwise, for employees, or ~~by himself~~ directly or ~~his~~ through the employer's agents solicits persons to work for ~~him~~ the employer to fill the places of strikers, ~~he~~ the employer shall plainly and explicitly mention in the advertisements or oral or written solicitations that a strike, lockout or other labor disturbance exists. If any em-

ployee, during the continuance of a strike, lockout or other labor trouble, advertises for or solicits business for a competitor of the ~~employers~~ employer that is engaged in the labor dispute, ~~he~~ the employee shall plainly and explicitly mention in the advertisement or oral or written ~~solicitations~~ solicitation that a strike, lockout or other labor disturbance exists. This section ~~shall cease~~ ceases to be operative if the board determines that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner and to the normal and usual extent. The board shall determine this question as soon as possible, upon the application of the employer. Any person, firm, association or corporation ~~who~~ that violates this section ~~shall~~ must be punished by a fine not less ~~that~~ than \$250 nor more than \$500.

**Sec. A-44. 26 MRSA §1192, sub-§6-E,** as amended by PL 2017, c. 110, §8 and c. 117, §4, is repealed and the following enacted in its place:

**6-E. Prohibition against disqualification of individuals in approved training under federal Workforce Innovation and Opportunity Act.** Notwithstanding any other provision of this chapter, unless inconsistent with federal law, the acceptance of training opportunities available through the federal Workforce Innovation and Opportunity Act, 29 United States Code, Sections 3101 to 3361 is deemed to be acceptance of training with the approval of the State within the meaning of any other provision of federal or state law relating to unemployment benefits.

**Sec. A-45. 26 MRSA §1198, sub-§2, ¶J,** as amended by PL 2017, c. 110, §9 and c. 117, §11, is repealed and the following enacted in its place:

J. The eligible employer allows eligible employees to participate, as appropriate, in training, including employer-sponsored training or worker training funded under the federal Workforce Innovation and Opportunity Act, Public Law 113-128, to enhance job skills if such training has been approved by the commissioner.

**Sec. A-46. 29-A MRSA §201, sub-§3, ¶D,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. A municipal agent authorized to process permits and decals for vehicles with gross vehicle weight in excess of 6,000 pounds may charge a fee not to exceed \$1 over the required fee for each permit or decal issued.

**Sec. A-47. 29-A MRSA §1405, sub-§3,** as amended by PL 2017, c. 27, §4 and affected by §10 and amended by c. 229, §27, is repealed and the following enacted in its place:

**3. Fee.** The fee for a duplicate registration certificate is \$2. The fee for a duplicate learner's permit,

duplicate license or duplicate nondriver identification card is \$5. The fee for the expedited issuance of a duplicate license or nondriver identification card is an additional \$10. The reason for the expedited issuance must be provided, and the Secretary of State shall determine if expedited issuance is warranted.

This subsection is repealed July 1, 2019.

**Sec. A-48. 29-A MRSA §1405, sub-§3-A** is enacted to read:

**3-A. Fee.** The fee for a duplicate registration certificate is \$2. The fee for a duplicate learner's permit, duplicate license or duplicate nondriver identification card is \$5. The fee for a duplicate license or duplicate nondriver identification card under section 1260 is \$30. The fee for the expedited issuance of a duplicate license or nondriver identification card, including the expedited issuance of a duplicate license or nondriver identification card under section 1260, is an additional \$10. The reason for the expedited issuance must be provided, and the Secretary of State shall determine if expedited issuance is warranted.

**Sec. A-49. Effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 29-A, section 1405, subsection 3-A takes effect July 1, 2019.

**Sec. A-50. 30-A MRSA §701, sub-§2-C,** as amended by PL 2017, c. 281, §1 and c. 284, Pt. V, §1, is repealed and the following enacted in its place:

**2-C. Tax assessment for correctional services beginning July 1, 2015.** Beginning July 1, 2015, the counties shall annually collect no less than \$62,172,371 from municipalities for the provision of correctional services in accordance with this subsection. The counties may collect an amount that is more than the base assessment limit established in this subsection, except that the additional amount each year may not exceed the base assessment limit as adjusted by the growth limitation factor established in section 706-A, subsection 3 or 4%, whichever is less. If a county collects in a year an amount that is more than the base assessment limit established for that county pursuant to this subsection, the base assessment limit in the succeeding year is the amount collected in the prior year. For the purposes of this subsection, "correctional services" includes management services, personal services, contractual services, commodity purchases, capital expenditures and all other costs, or portions thereof, necessary to maintain and operate correctional services. "Correctional services" does not include county jail debt unless there is a surplus in the account that pays for correctional services at the end of the state fiscal year.

The assessment to municipalities within each county may not be less than the base assessment limit, which is:

A. A sum of \$4,287,340 in Androscoggin County;

B. A sum of \$2,316,666 in Aroostook County;

C. A sum of \$11,575,602 in Cumberland County;

D. A sum of \$1,621,201 in Franklin County;

E. A sum of \$1,670,136 in Hancock County;

F. A sum of \$5,588,343 in Kennebec County;

G. A sum of \$3,188,700 in Knox County;

H. A sum of \$2,657,105 in Lincoln County;

I. A sum of \$1,228,757 in Oxford County;

J. A sum of \$5,919,118 in Penobscot County;

K. A sum of \$878,940 in Piscataquis County;

L. A sum of \$2,657,105 in Sagadahoc County;

M. A sum of \$5,363,665 in Somerset County;

N. A sum of \$2,832,353 in Waldo County;

O. A sum of \$2,000,525 in Washington County;  
and

P. A sum of \$8,386,815 in York County.

**Sec. A-51. 32 MRSA §91-B, sub-§2, ¶G,** as enacted by PL 2011, c. 271, §19, is amended to read:

G. Confidential information may be released to the Office of ~~the~~ Chief Medical Examiner within the Office of the Attorney General.

**Sec. A-52. 32 MRSA §1202-A, sub-§5, ¶B,** as enacted by PL 2017, c. 198, §17, is amended to read:

B. In order to obtain a license under this subsection, a person must meet the following requirements, as applicable:

(1) A limited electrician in water pumps must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in water pumps is restricted to performing electrical work between the branch circuit overcurrent device, the water pump and associated controls.

(2) A limited electrician in outdoor signs, including sign lighting, must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. The scope of this license does not include branch circuit wiring.

(3) A limited electrician in gasoline dispensing must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in gasoline ~~dispensers dispensing~~ is restricted to performing electrical work between the branch circuit overcurrent device, the dispenser and associated controls.

(4) A limited electrician in traffic signals, including outdoor lighting of traffic signals, must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in traffic signals is restricted to performing electrical work on traffic signals, including outdoor lighting of traffic signals and the traffic signal electrical service.

(5) A limited electrician in house wiring must provide evidence of having completed at least 225 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 4,000 hours of work experience approved by the board in rules. A limited electrician in house wiring is restricted to performing electrical work in one-family dwellings and 2-family dwellings, including manufactured homes.

(6) A limited electrician in refrigeration must provide evidence of having completed at least 270 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 6,000 hours of work experience approved by the board in rules. Graduates of a community college electrical program in refrigeration approved by the board or from an accredited institution are credited with 4,000 hours of work experience upon graduation. A limited electrician in refrigeration is restricted to performing electrical work between the branch circuit overcurrent device, the refrigeration equipment and associated controls.

(7) A limited electrician in low-energy electronics, including fire alarms, must provide evidence of having completed at least 270 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 4,000 hours of work experience approved by the board in rules. A limited electrician in low-energy electronics is restricted to performing electrical work on

low-energy electronics as supplied by Class I, II and III limited energy systems, all fire alarm systems and the dedicated branch circuit wiring.

(8) A limited electrician in crane wiring must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in crane wiring is restricted to the installation of electrical equipment and wiring used in connection with cranes, mono-rail hoists, hoists and runways.

**Sec. A-53. 32 MRSA §6214-D, sub-§1, ¶D,** as amended by PL 2017, c. 265, §3, is further amended to read:

D. Meet one of the following requirements:

(1) Complete 2,000 hours of documented supervised practice in alcohol and drug counseling as a certified alcohol and drug counselor;

(2) Possess an associate or bachelor's degree from an accredited college or university in clinically based behavioral sciences or addiction counseling or a related field as defined by board rule, complete course work as defined by board rule and complete a minimum of 4,000 hours of documented supervised practice in alcohol and drug counseling, except that an applicant who holds a bachelor's degree from an accredited college or university that meets the requirements of this subparagraph and who has completed at least 18 credit hours of course work in addiction counseling need only complete a minimum of 2,000 hours of documented supervised practice in alcohol and drug counseling; or

(3) Possess a master's degree from an accredited college or university in clinically based behavioral sciences or addiction counseling or a related field as defined by board rule, complete course work as defined by board rule and complete a minimum of 2,000 hours of documented supervised practice in alcohol and drug counseling, except that an applicant who holds a master's degree from an accredited college or university that meets the requirements of this subparagraph and who has completed at least 12 credit hours of course work in addiction counseling need only complete a minimum of 1,500 hours of documented supervised practice in alcohol and drug counseling.

**Sec. A-54. 32 MRSA §7054-A, 3rd ¶,** as enacted by PL 1985, c. 736, §14, is amended to read:

Any person certified by the board prior to the effective date of this section or under former section 7054 as a certified social worker and who engages in the independent practice of social work pursuant to former section 7052 ~~shall~~ must be licensed as a "certified social worker - independent practice" and may continue to practice social work as previously authorized. This person has the option to be licensed as a "licensed master social worker" without further examination if the person has a ~~masters'~~ master's degree in social work or social welfare.

**Sec. A-55. 32 MRSA §18515, sub-§2,** as enacted by PL 2017, c. 253, §7, is amended to read:

**2. Officers.** The interstate commission shall elect or appoint annually from among its commissioners a chair, a vice-chair and a treasurer, each of whom has the authority and duties as specified in the bylaws. The chair, or, in the chair's absence or disability, the vice-chair, shall preside at all meetings of the interstate commission.

**Sec. A-56. 33 MRSA §479-C,** as amended by PL 2017, c. 284, Pt. TT, §1, is further amended to read:

#### **§479-C. Conservation lands registry**

A holder of a conservation easement or a fee owner of land for conservation purposes that is organized or doing business in the State shall annually report to the Department of Agriculture, Conservation and Forestry the book and page number at the registry of deeds for each conservation easement that it holds or each parcel owned in fee for conservation purposes, the municipality, the approximate number of acres protected under each easement or parcel owned, the approximate number of acres that are exempt from taxation pursuant to Title 36, section 652 for which the municipality or county does not receive payments in lieu of taxes and such other information as the Department of Agriculture, Conservation and Forestry determines necessary to fulfill the purposes of this subchapter. The filing must be made by a date and on forms established by the Department of Agriculture, Conservation and Forestry to avoid duplicative filings when possible and otherwise reduce administrative burdens. The annual filing must be accompanied by a an \$80 fee. The Department of Agriculture, Conservation and Forestry shall maintain a permanent record of the registration and report to the Attorney General any failure of a holder of a conservation easement disclosed by the filing or otherwise known to the Department of Agriculture, Conservation and Forestry. The fees established under this section must be held by the Department of Agriculture, Conservation and Forestry in a nonlapsing, special account to defray the costs of maintaining the registry and carrying out its duties under this section.

**Sec. A-57. 34-B MRSA §1207, sub-§1, ¶B**, as amended by PL 2017, c. 147, §6, is further amended to read:

B. Information may be disclosed if necessary to carry out the statutory functions of the department; the hospitalization provisions of chapter 3, subchapter 4; ~~the provisions of section 1931~~; the purposes of section 3608; the purposes of Title 5, section 19506; the purposes of United States Public Law 99-319, dealing with the investigatory function of the independent agency designated with advocacy and investigatory functions under United States Public Law 88-164, Title I, Part C or United States Public Law 99-319; the investigation and hearing pursuant to Title 15, section 393, subsection 4-A; or the provision of mental health services by the Department of Corrections pursuant to Title 34-A, section 3031, 3069-A or 3069-B;

**Sec. A-58. 34-B MRSA §1207, sub-§1, ¶B-3**, as amended by PL 2017, c. 93, §1 and repealed by c. 147, §7, is repealed.

**Sec. A-59. 35-A MRSA §7104-C, sub-§2, ¶I**, as enacted by PL 2011, c. 600, §7 and affected by §10, is amended to read:

I. The State Tax Assessor shall remit the total prepaid wireless fees collected pursuant to this subsection to the commission. The commission shall deposit the total fees into the prepaid wireless fee fund established in subsection 3 and shall ensure that, within 30 days of receipt:

- (1) The portion of the remitted prepaid wireless fees attributable to the E-9-1-1 surcharge imposed by Title 25, section 2927, subsection ~~1-H~~ 1-F is deposited in a separate account;
- (2) The portion of the remitted prepaid wireless fees attributable to the fee imposed under section 7104, subsection 3-A is deposited in the state universal service fund established pursuant to section 7104, subsection 3; and
- (3) The portion of the remitted prepaid wireless fees attributable to the fee imposed under section 7104-B, subsection 2-A is deposited in the telecommunications education access fund established under section 7104-B, subsection 2.

**Sec. A-60. 36 MRSA §191, sub-§2, ¶CCC**, as enacted by PL 2017, c. 211, Pt. A, §9, is amended to read:

CCC. The disclosure of information to the Revenue Forecasting Committee or its staff under Title 5, section 1710-J, by or at the direction of the Associate Commissioner for Tax Policy when pertinent to the associate commissioner's duties of providing revenue forecasting analysis to the

committee. The information may be disclosed orally in oral or paper form and only after notice to the State Tax Assessor of the intended disclosure. The associate commissioner shall apprise the committee members of the provisions regarding confidentiality of such information, of the continuing confidential nature of the disclosed information and the provision in Title 5, section 1710-J, allowing discussion of the information by the committee meeting in executive session not open to the public;

**Sec. A-61. 36 MRSA §691, sub-§1, ¶A**, as amended by PL 2017, c. 170, Pt. B, §7 and c. 211, Pt. A, §10, is repealed and the following enacted in its place:

A. "Eligible business equipment" means qualified property that, in the absence of this subchapter, would first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" includes, without limitation, repair parts, replacement parts, replacement equipment, additions, accessions and accessories to other qualified business property that first became subject to assessment under this Part before April 1, 2008 if the part, addition, equipment, accession or accessory would, in the absence of this subchapter, first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" also includes inventory parts. "Eligible business equipment" does not include property eligible for exemption under section 652.

"Eligible business equipment" does not include:

- (1) Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions;
- (2) Lamps and lighting fixtures used primarily for the purpose of providing general purpose office or worker lighting;
- (3) Property owned or used by an excluded person;
- (4) Telecommunications personal property subject to the tax imposed by section 457;
- (5) Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:

- (a) Associated equipment as defined in Title 8, section 1001, subsection 2;

(b) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;

(c) An electronic video machine as defined in Title 17, section 1831, subsection 4;

(d) Equipment used in the playing phases of lottery schemes; and

(e) Repair and replacement parts of a gambling machine or device;

(6) Property located at a retail sales facility and used primarily in a retail sales activity unless the property is owned by a business that operates a retail sales facility in the State exceeding 100,000 square feet of interior customer selling space that is used primarily for retail sales and whose Maine-based operations derive less than 30% of their total annual revenue on a calendar year basis from sales that are made at a retail sales facility located in the State. For purposes of this subparagraph, the following terms have the following meanings:

(a) "Primarily" means more than 50% of the time;

(b) "Retail sales activity" means an activity associated with the selection and retail purchase of goods or rental of tangible personal property. "Retail sales activity" does not include production as defined in section 1752, subsection 9-B; and

(c) "Retail sales facility" means a structure used to serve customers who are physically present at the facility for the purpose of selection and retail purchase of goods or rental of tangible personal property. "Retail sales facility" does not include a separate structure that is used as a warehouse or call center facility;

(7) Property that is not entitled to an exemption by reason of the additional limitations imposed by subsection 2; or

(8) Personal property that would otherwise be entitled to exemption under this subchapter used primarily to support a telecommunications antenna used by a telecommunications business subject to the tax imposed by section 457.

**Sec. A-62. 36 MRSA §5283-A, sub-§1,** as amended by PL 2017, c. 284, Pt. AAAA, §2 and Pt. DDDD, §2, is repealed and the following enacted in its place:

**1. Minimum threshold for total contributions.**

The State Tax Assessor may not include on an individual income tax return form a designation for a taxpayer to make a contribution through a checkoff under section 5284, 5284-A, 5285, 5288-A, 5289 or 5291 unless on returns filed in the prior calendar year the total contributions to the organization or fund to which the contributions are credited under the applicable section are at least:

A. For calendar year 2012, \$10,000;

B. For calendar year 2013, \$13,000;

C. For calendar year 2014, \$16,000;

D. For calendar year 2015, \$19,000;

E. For calendar year 2016, \$22,000; and

F. For calendar years beginning on or after January 1, 2017, \$25,000.

This subsection does not apply to a contribution checkoff that has been on the individual income tax form for less than one year.

**Sec. A-63. 37-B MRSA §3, sub-§1, ¶D,** as amended by PL 2017, c. 108, §1 and amended by c. 114, §1, is repealed and the following enacted in its place:

D. Have the following powers and duties.

(1) The Adjutant General shall administer the department subordinate only to the Governor.

(2) The Adjutant General shall establish methods of administration consistent with the law necessary for the efficient operation of the department.

(3) The Adjutant General may prepare a budget for the department.

(4) The Adjutant General may transfer personnel from one bureau to another within the department.

(5) The Adjutant General shall supervise the preparation of all state informational reports required by the federal military establishment.

(6) The Adjutant General shall keep an accurate account of expenses incurred and, in accordance with Title 5, sections 43 to 46, make a full report to the Governor as to the condition of the military forces, and as to all business transactions of the Military Bureau, including detailed statements of expenditures for military purposes.

(7) The Adjutant General is responsible for the custody, care and repair of all military property belonging to or issued to the State for the military forces and shall dispose of

military property belonging to the State that is unserviceable. The Adjutant General shall account for and deposit the proceeds from that disposal with the Treasurer of State, who shall credit them to the Capital Repair, Maintenance, Construction and Acquisition Account of the Military Bureau.

(8) The Adjutant General may sell for cash to officers of the state military forces, for their official use, and to organizations of the state military forces, any military or naval property that is the property of the State. The Adjutant General shall, with an annual report, render to the Governor an accurate account of the sales and deposit the proceeds of the sales with the Treasurer of State, who shall credit them to the General Fund.

(9) The Adjutant General shall represent the state military forces for the purpose of establishing the relationship between the federal military establishment and the various state military staff departments.

(10) The Adjutant General shall accept, receive and administer federal funds for and on behalf of the State that are available for military purposes or that would further the intent and specific purposes of this chapter and chapter 3. The Adjutant General shall provide the personnel, supplies, services and matching funds required by a federal cost-sharing arrangement pursuant to 31 United States Code, Chapters 63 and 65 (2013); 32 United States Code (2013); and National Guard Regulation 5-1 (2010). The Adjutant General shall receive funds and property and an accounting for all expenditures and property acquired through such a federal cost-sharing arrangement and make returns and reports concerning those expenditures and that property as required by such a federal cost-sharing arrangement.

(11) The Adjutant General shall acquire, construct, operate and maintain military facilities necessary to comply with this Title and Title 32 of the United States Code and shall operate and maintain facilities now within or hereafter coming within the jurisdiction of the Military Bureau.

(12) The Adjutant General may adopt rules pertaining to compliance with state and federal contracting requirements, subject to Title 5, chapter 375. Those rules must provide for approval of contracts by the appropriate state agency.

(13) The Adjutant General shall allocate and supervise any funds made available by the Legislature to the Civil Air Patrol.

(14) The Adjutant General shall report at the beginning of each biennium to the joint standing committee of the Legislature having jurisdiction over veterans' affairs on any recommended changes or modifications to the laws governing veterans' affairs, particularly as those changes or modifications relate to changes in federal veterans' laws. The report must include information on the status of communications with the United States Department of Veterans Affairs regarding the potential health risks to and the potential disabilities of veterans who as members of the Maine National Guard were exposed to environmental hazards at the Canadian military support base in Gagetown, New Brunswick, Canada.

(15) The Adjutant General may receive personal property from the United States Department of Defense that the Secretary of Defense has determined is suitable for use by agencies in law enforcement activities, including counter-drug activities, and in excess of the needs of the Department of Defense pursuant to 10 United States Code, Section 2576a, and transfer ownership of that personal property to state, county and municipal law enforcement agencies notwithstanding any other provision of law. The Adjutant General may receive excess personal property from the United States Department of Defense for use by the department, notwithstanding any other provision of law.

(16) The Adjutant General may establish a science, mathematics and technology education improvement program for schoolchildren known as the STARBASE Program. The Adjutant General may accept financial assistance and in-kind assistance, advances, grants, gifts, contributions and other forms of financial assistance from the Federal Government or other public body or from other sources, public or private, to implement the STARBASE Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the STARBASE Program.

(17) The Adjutant General shall establish a system, to be administered by the Director of the Bureau of Maine Veterans' Services, to express formally condolence and appreciation to the closest surviving family members of members of the United States Armed Forces who, since September 11, 2001, are killed in

action or die as a consequence of injuries that result in the award of a Purple Heart medal. In accordance with the existing criteria of the department for the awarding of gold star medals, this system must provide for the Adjutant General to issue up to 3 gold star medals to family members who reside in the State, one to the spouse of the deceased service member and one to the parents of the service member. If the parents of the service member are divorced, the Adjutant General may issue one medal to each parent. If the service member has no surviving spouse or parents or if they live outside of the State, the Adjutant General may issue a gold star medal to the service member's next of kin, as reported to the department, who resides in the State.

(18) The Adjutant General may establish a National Guard Youth Challenge Program consistent with 32 United States Code, Section 509 (1990). The Adjutant General may accept financial assistance from the Federal Government or other public body or from other sources, public and private, to implement the National Guard Youth Challenge Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the program.

(19) The Adjutant General may execute cooperative agreements for purposes described or defined by this Title and other arrangements necessary to operate the department.

(20) The Adjutant General shall act as the Governor's homeland security advisor.

(21) The Adjutant General shall implement a program to identify residents of the State who are not considered veterans but are military retirees or former members of the Maine Army National Guard or Maine Air National Guard who successfully completed service.

(22) The Adjutant General may negotiate and execute agreements to provide state military forces to or accept military forces from other states in support of federally funded National Guard missions.

(23) The Adjutant General may provide logistical and administrative support to military welfare societies as defined in 10 United States Code, Section 1033(b)(2) in the performance of their functions and to state military welfare societies as defined in section 101-A, subsection 3 in the performance of their functions to provide relief directly to members of the Maine National Guard and the Maine Air National Guard and to facili-

tate the distribution of emergency financial relief in accordance with section 158.

**Sec. A-64. 37-B MRSA §851, first ¶**, as enacted by PL 2013, c. 146, §18, is amended to read:

The director, in consultation with the Office of the Chief Medical Examiner, the Department of Health and Human Services and the Maine Center for Disease Control and Prevention within that department and other agencies as appropriate, shall prepare a plan for the recovery, identification and disposition of human remains in a disaster. The Office of the Chief Medical Examiner is responsible for execution of the plan, and all members of the emergency management forces shall cooperate and assist the office in executing the plan.

**Sec. A-65. 38 MRSA §469, sub-§1, ¶D-1**, as enacted by PL 2017, c. 137, Pt. B, §16, is amended to read:

D-1. Long Island.

(1) Tidal waters of the Town of Long Island located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 05'-00" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 08'-52" W.; thence running northwesterly to a point located at latitude 43° - 38'-27" N., longitude 70° - 08'-58" W.; thence running northeasterly to a point located at latitude 43° - 40'-08" N., longitude 70° - 07'-03" W.; thence running southeasterly to point of beginning - Class SA.

**Sec. A-66. 38 MRSA §469, sub-§1, ¶E**, as amended by PL 2017, c. 137, Pt. B, §16, is further amended to read:

E. Portland.

(1) Tidal waters of the City of Portland located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 01'-28" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 05'-00" W.; thence running northwesterly to a point located at latitude 43° - 40'-08" N., longitude 70° - 07'-03" W.; thence running northeasterly to a point located at latitude 43° - 41'-17" N., longitude 70° - 05'-43" W.; thence running southeasterly to point of beginning - Class SA.

(2) Tidal waters of the City of Portland lying westerly of a line beginning at Spring Point Light in South Portland to the easternmost point of Fort Gorges Island, thence running northerly to the southernmost point of Mackworth Island - Class SC.

(3) Tidal waters of the City of Portland located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 08'-52" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 09'-06" W.; thence running northeasterly to a point located at latitude 43° - 38'-27" N., longitude 70° - 08'-58" W.; thence running southeasterly to point of beginning - Class SA.

**Sec. A-67. 38 MRSA §1362, sub-§1, ¶A**, as amended by PL 1987, c. 517, §29, is further amended to read:

A. Any substance identified by the ~~board~~ commissioner under section 1319-O;

**Sec. A-68. PL 2017, c. 2, Pt. P, §1** is amended to read:

**Sec. P-1. Establishment of Opioid Health Home Program.** The Opioid ~~Home~~ Health Home Program, referred to in this Part as "the program," is established within the Department of Health and Human Services. The department shall determine criteria to allow a provider to qualify as an opioid health home and to obtain funding from the department. As used in this section, "opioid health home" means a provider of services based on an integrated care delivery model focused on whole-person treatment including, but not limited to, counseling, care coordination, medication-assisted treatment, peer support and medical consultation, for individuals who have been diagnosed with an opioid addiction and who are also:

1. Uninsured;
2. MaineCare members; or
3. Uninsured and MaineCare-eligible.

The department shall establish by emergency rule pursuant to section 5 of this Part the criteria for qualification as an opioid health home and the payment structure to support each qualified opioid health home.

**Sec. A-69. PL 2017, c. 284, Pt. FF, §2**, is amended to read:

**Sec. FF-2. Maine Governmental Facilities Authority; issuance of securities.** Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section ~~1610-J~~ 1610-K, and notwithstanding the limitation contained in Title 4, section 1606, subsection 2 regarding the amount of securities that may be issued, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$30,000,000. Proceeds must be used for the purpose of paying the costs associated with capital repairs and improvements to and construction of state-owned facilities and with hazardous waste cleanup on

state-owned properties as designated by the Commissioner of Administrative and Financial Services.

## PART B

**Sec. B-1. 32 MRSA §2180, sub-§1**, as enacted by PL 2017, c. 258, Pt. A, §1, is amended to read:

**1. Effective date.** This compact becomes effective and binding on ~~the earlier of~~ the date of legislative enactment of this compact into law by no fewer than 26 states or December 31, 2018, whichever is earlier. All party states to this compact that were parties to the prior compact are deemed to have withdrawn from the prior compact within 6 months after the effective date of this compact.

**Sec. B-2. 36 MRSA §191, sub-§2, ¶BBB**, as enacted by PL 2015, c. 490, §4, is amended to read:

BBB. The disclosure to an authorized representative of the Department of Professional and Financial Regulation, Bureau of Insurance of information necessary to determine whether a long-term disability income protection plan or short-term disability income protection plan as described in section ~~5219-NN~~ 5219-OO, subsection 1 qualifies for the disability income protection plans in the workplace credit provided by section ~~5219-NN~~ 5219-OO;

## PART C

**Sec. C-1. 5 MRSA §1764-A, sub-§2, ¶B**, as enacted by PL 2003, c. 497, §1 and affected by §5, is amended to read:

B. Include an energy-use target that exceeds by at least 20% the energy efficiency standards in effect for commercial and institutional buildings pursuant to ~~Title 10, section 1415-D~~ the Maine Uniform Building and Energy Code under Title 10, chapter 1103; and

**Sec. C-2. 5 MRSA §10004, sub-§5**, as enacted by PL 1977, c. 694, §38, is amended to read:

**5. Rules of sportsmanship.** In the course of any professional sporting event directly regulated by an agency, the agency determines that a licensee has:

A. Engaged in physical contact ~~which that~~ that is prohibited by the rules of the sport with another contestant or official immediately before, during or immediately after the regulated sporting event;

B. Engaged in a use or administration of drugs ~~which that~~ that is prohibited by the rules of the sport;

C. Failed to disclose to proper authorities or officials a known medical or mental condition of a contestant ~~which that~~ that was required to be disclosed or ~~which that~~ that could affect the public health and safety; or

D. Failed to fulfill contracts or obligations to make payments to contestants and officials for their participation in professional athletic events; ~~provided that the revocation, suspension or refusal to renew shall not continue for more than 30 days; or.~~

The revocation, suspension or refusal to renew a license for a violation described in this subsection may not continue for more than 30 days; or

**Sec. C-3. 20-A MRSA §15908-A, sub-§2, ¶B**, as enacted by PL 2003, c. 497, §2 and affected by §5, is amended to read:

B. Include an energy-use target that exceeds by at least 20% the energy efficiency standards in effect for commercial and institutional buildings pursuant to ~~Title 10, section 1415-D~~ the Maine Uniform Building and Energy Code under Title 10, chapter 1103; and

**Sec. C-4. 20-A MRSA §16101, sub-§2, ¶B**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. School administrative districts or regional school units; and

**Sec. C-5. 20-A MRSA §16102, sub-§1, ¶B**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. In a school administrative district or a regional school unit by a school board; and

**Sec. C-6. 20-A MRSA §16102, sub-§2, ¶B**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. As provided for laying out county ways in Title 23, sections 2052 and 2054, for school administrative districts, regional school units and community school districts, except that notice need not be given to the Department of Transportation.

**Sec. C-7. 22 MRSA §2660-U**, as enacted by PL 2017, c. 230, §3, is amended to read:

#### **§2660-U. Fees**

The Health and Environmental Testing Laboratory established in section 565 shall collect a fee not to exceed \$10 from a person or entity ordering a water test for a water sample from a residential private drinking water well. The fees collected must be credited to the Private Well Safe Drinking Water Fund established in section 2660-W and used for the purpose of increasing testing of residential private drinking water wells. ~~The department shall establish by rule a percentage of the fee to be directed toward administrative costs for collecting data from private laboratories.~~ If more than one test of a water sample from the same residential private drinking water well is conducted, the department may waive payment of a fee

established under this section for a one-year period. A fee collected under this section is in addition to any fee charged by the department pursuant to section 2602-A, subsection 2.

**Sec. C-8. 28-A MRSA §121, sub-§1**, as amended by PL 1993, c. 608, §2, is further amended to read:

**1. Petition.** A petition for a local option election must be signed by a number of voters equal to at least 15% of the number of votes cast in that municipality in the last gubernatorial election. All petition signatures must have been signed since the last general election. The petition must be addressed to and received by the municipal officers at least ~~45~~ 60 days before holding any primary, special statewide, general or municipal election or town meeting.

**Sec. C-9. 30-A MRSA §2528, sub-§4, ¶D**, as amended by PL 1993, c. 608, §6, is further amended to read:

D. A nomination paper or a certificate of political caucus nomination that complies with this section is valid unless a written objection to it is made to the municipal officers by the ~~43rd~~ 58th day prior to election day.

(1) If an objection is made, the clerk shall immediately notify the candidate affected by it.

(2) The municipal officers shall determine objections arising in the case of nominations. Their decision is final.

**Sec. C-10. 30-A MRSA §2528, sub-§6-A, ¶A and B**, as enacted by PL 1993, c. 608, §8, are amended to read:

A. A candidate may withdraw from an elective race by notifying the municipal clerk in writing of the candidate's intent to withdraw and the reason for withdrawal at least ~~45~~ 60 days before the election. This notice must be signed by the candidate and must be notarized.

B. Within the ~~45-day~~ 60-day period before an election, the municipal clerk may allow a candidate to withdraw from an elective race. A candidate who requests to withdraw within the ~~45-day~~ 60-day period before an election shall notify the municipal clerk in writing of the candidate's intent to withdraw and the reason for withdrawal. This notice must be signed by the candidate and must be notarized.

**Sec. C-11. 34-B MRSA §3805, sub-§3**, as enacted by PL 1983, c. 459, §7, is amended to read:

**3. Penalty.** Causing unwarranted ~~hospitalization~~ hospitalization or causing a denial of rights is a Class C crime.

**Sec. C-12. PL 2017, c. 88, §39** is repealed.

#### PART D

**Sec. D-1. 32 MRSA §§14041 to 14049-J**, as repealed by 32 MRSA §14049-K, sub-§1, are reenacted to read:

##### §14041. Short title

This chapter may be known and cited as "the Appraisal Management Company Licensing Act."

##### §14042. Definitions

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

**1. Appraisal.** "Appraisal" has the same meaning as in section 14002, subsection 1.

**2. Appraisal assignment.** "Appraisal assignment" means an agreement between an appraiser and an appraisal management company to provide an appraisal service. "Appraisal assignment" does not include an appraisal review or quality control examination.

**3. Appraisal management company.** "Appraisal management company" means a person that:

A. Provides appraisal management services to creditors or secondary mortgage market participants with appraisers who are part of an appraiser panel that includes more than 15 appraisers who are independent contractors;

B. Provides appraisal management services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations; and

C. Within a calendar year or a 12-month period established by board rule, oversees an appraiser panel of more than 15 certified or licensed appraisers in one state or 25 or more certified or licensed appraisers in more than one state.

"Appraisal management company" does not include a department or division of an entity that provides appraisal management services only to that entity.

**4. Appraisal management service.** "Appraisal management service" means:

A. Recruiting, selecting and retaining appraisers;

B. Contracting with appraisers to perform appraisal assignments;

C. Managing the process of having an appraisal performed, including, but not limited to:

(1) Providing administrative services;

(2) Receiving appraisal orders and appraisal reports;

(3) Submitting completed appraisal reports to creditors and secondary market participants;

(4) Collecting fees from creditors and secondary market participants for services provided; and

(5) Paying appraisers for services performed; and

D. Reviewing and verifying the work of appraisers.

**5. Appraisal review.** "Appraisal review" means the act or process of developing and communicating an opinion about the quality of the work performed by an appraiser as part of an appraisal assignment, which may take into account the appraiser's data collection, analysis, opinions, conclusions, estimate of value or compliance with the Uniform Standards of Professional Appraisal Practice. "Appraisal review" does not include a quality control examination.

**6. Appraisal service.** "Appraisal service" means an act or process of completing an appraisal assignment.

**7. Appraiser.** "Appraiser" means a person licensed under chapter 124.

**8. Appraiser panel.** "Appraiser panel" means a network, list or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company. "Appraiser panel" includes appraisers accepted by an appraisal management company for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions and appraisers engaged by an appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions.

**9. Board.** "Board" means the Board of Real Estate Appraisers under section 14011.

**10. Client.** "Client" means a person that contracts with or otherwise enters into an agreement with an appraisal management company for the performance of appraisal management services.

**11. Consumer credit.** "Consumer credit" means credit offered or extended to a consumer primarily for personal, family or household purposes.

**12. Controlling person.** "Controlling person" means:

A. An owner, officer or director of an appraisal management company;

B. An individual employed, appointed or authorized by an appraisal management company who has authority to enter into a contractual relation-

ship with other persons for the performance of appraisal management services and has authority to enter into agreements with appraisers for the performance of appraisal services; or

C. An individual who is authorized to, directly or indirectly, direct or cause the direction of the management or policies of an appraisal management company.

**13. Covered transaction.** "Covered transaction" means a consumer credit transaction secured by a consumer's principal dwelling.

**14. Creditor.** "Creditor" means a person who regularly extends consumer credit that is subject to a finance charge or is payable by written agreement in more than 4 installments, not including a down payment, and to whom the obligation is initially payable, either on the face of the note or contract or by agreement when there is no note or contract. For the purpose of this subsection, a person regularly extends consumer credit if the person:

A. Extended credit, other than credit subject to the requirements of 12 Code of Federal Regulations, Section 1026.32 more than 5 times for transactions secured by a dwelling in the preceding calendar year; or

B. In any 12-month period, originates more than one credit extension that is subject to the requirements of 12 Code of Federal Regulations, Section 1026.32 or one or more such credit extensions through a mortgage broker.

**15. Dwelling.** "Dwelling" means a residential structure that contains one to 4 units, whether or not the structure is attached to real property. "Dwelling" includes an individual condominium unit, cooperative unit, mobile home and trailer, if it is used as a residence.

**16. Federal appraisal subcommittee.** "Federal appraisal subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council under 12 United States Code, Chapter 34.

**17. Federal financial institutions regulatory agency.** "Federal financial institutions regulatory agency" means the federal Office of the Inspector General, Consumer Financial Protection Bureau, Federal Housing Finance Agency or Board of Governors of the Federal Reserve System; the Federal Deposit Insurance Corporation; the Office of the Comptroller of the Currency; or the National Credit Union Administration.

**18. Federally regulated appraisal management company.** "Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 United States Code, Sec-

tion 1813 and regulated by the federal Office of the Comptroller of the Currency; Office of the Inspector General, Board of Governors of the Federal Reserve System; or the Federal Deposit Insurance Corporation.

**19. Federally related transaction.** "Federally related transaction" has the same meaning as in section 14002, subsection 9.

**20. Federally related transaction regulations.** "Federally related transaction regulations" means regulations established by a federal financial institutions regulatory agency pursuant to Title XI, Sections 1112, 1113 and 1114 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 United States Code, Sections 3341 to 3343.

**21. Person.** "Person" means an individual, firm, partnership, association, corporation, limited liability company, sole proprietorship or any other entity.

**22. Principal dwelling.** "Principal dwelling" means a consumer's principal dwelling. "Principal dwelling" includes a dwelling a consumer buys or builds that will become the consumer's principal dwelling within one year or upon the completion of construction. "Principal dwelling" does not include a vacation or other second home.

**23. Quality control examination.** "Quality control examination" means an examination of an appraisal report for completeness, including for grammatical, mathematical and typographical errors. "Quality control examination" does not include an appraisal review.

**24. Secondary mortgage market participant.** "Secondary mortgage market participant" means a guarantor or insurer of mortgage-backed securities, or an underwriter or issuer of mortgage-backed securities. "Secondary mortgage market participant" includes an individual investor in a mortgage-backed security only if that investor is also a guarantor, issuer, underwriter or issuer of the mortgage-backed security.

**25. Uniform Standards of Professional Appraisal Practice.** "Uniform Standards of Professional Appraisal Practice" has the same meaning as in section 14002, subsection 15.

#### **§14043. License required**

**1. License.** A person shall obtain a license from the board before:

A. Directly or indirectly engaging or to attempting to engage in business as an appraisal management company;

B. Directly or indirectly performing or attempting to perform appraisal management services; or

C. Advertising or holding the person out as engaging in or conducting business as an appraisal management company.

**2. Application.** An applicant for licensure as an appraisal management company shall submit to the board an application on forms prescribed by the board and pay a fee established by the board. The board shall review and approve or deny an application for an initial license or an application for renewal of a license.

**3. Consent to service of process.** An applicant for licensure as an appraisal management company shall complete an irrevocable consent to service of process as prescribed by the board.

**4. Information required.** An appraisal management company licensed or applying to be licensed shall provide to the board all information that the board is required to submit to the federal appraisal subcommittee pursuant to regulations or guidance promulgated by the federal appraisal subcommittee.

**5. Federally regulated appraisal management companies.** Notwithstanding subsection 1, a federally regulated appraisal management company is not required to obtain a license from the board. A federally regulated appraisal management company shall:

A. Notify the board of its intent to operate in the State; and

B. Provide to the board information required to be submitted by the board to the federal appraisal subcommittee pursuant to regulations and policies of the federal appraisal subcommittee regarding the determination of a national registry fee under section 14045, subsection 2.

#### **§14044. License renewal**

A license expires on the date set by the Commissioner of Professional and Financial Regulation pursuant to Title 10, section 8003, subsection 4 for the licensing period for which the license was issued. A license may be renewed upon receipt of an application for renewal and payment of the renewal fee as set under section 14045. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee, as set under section 14045.

The board shall deny a renewal license to any applicant whose license has lapsed for more than 90 days unless the applicant satisfies the provisions governing new applicants under this subchapter.

#### **§14045. Fees**

**1. Fee established by rule.** The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$450 annually. Rules adopted pursuant to this section

are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. National registry fees.** The board may collect from an applicant for licensure under this chapter and from a licensee and remit to the appropriate agency or instrumentality of the Federal Government any additional fees required to provide appraisal management services in connection with federally related transactions.

#### **§14046. Owner requirements**

**1. License or certification as appraiser.** An appraisal management company licensed or applying for or renewing a license under this chapter may not be owned in whole or in part, directly or indirectly, by a person that has had a license or certificate to act as an appraiser refused, denied, cancelled, revoked or surrendered in lieu of a pending revocation in any state for substantive cause. An appraisal management company is not ineligible for a license under this subsection if the person's license or certificate to act as an appraiser was not revoked for substantive cause and the person has subsequently had the license or certificate granted or reinstated.

**2. Background.** A person that owns more than 10% of an appraisal management company shall:

A. Be of good moral character, as determined by the board; and

B. Submit to a background investigation, as required by the board.

#### **§14047. Controlling persons**

**1. Designation of controlling person.** An appraisal management company applying to the board for a license or for renewal of a license shall designate one controlling person that will be the main contact for all communication between the board and the appraisal management company.

**2. Requirements.** A controlling person must:

A. Be actively licensed or certified in at least one state as an appraiser at all times that the person is designated as a controlling person;

B. Have never had a license or certificate to act as an appraiser refused, denied, cancelled, revoked or surrendered in lieu of a pending revocation for substantive cause in any state;

C. Be of good moral character, as determined by the board; and

D. Submit to a background investigation, as required by the board.

#### **§14048. Employee requirements**

An appraisal management company that is licensed or applies for a license or renewal of a license may not:

**1. Ordering and reviewing of appraisal services.** Knowingly employ any person in a position in which the person has the responsibility to order appraisal services or to review the results of a completed appraisal service who has had a license or certificate to act as an appraiser in this State or any other state refused, denied, cancelled, revoked or surrendered in lieu of a pending revocation unless the license or certificate was subsequently granted or reinstated; and

**2. Independent contractor.** Knowingly enter into any independent contractor arrangement for the performance of appraisal services with a person who has had a license or certificate to act as an appraiser in this State or any other state refused, denied, cancelled, revoked or surrendered in lieu of a pending revocation unless the license or certificate was subsequently granted or reinstated.

#### **§14049. Denial of license**

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

**1. Lack of trustworthiness.** Lack of trustworthiness and competence to conduct appraisal management services in a manner that safeguards the interests of the public;

**2. Misconduct.** The commission of an act or omission in the practice of appraisal management services that constitutes dishonesty, fraud or misrepresentation with the intent to benefit the licensee or another person or with the intent to injure another person;

**3. Court judgment.** The entry of a final civil or criminal judgment against the licensee on grounds of fraud, misrepresentation or deceit in the provision of appraisal management services;

**4. Unauthorized payment.** Payment of a finder's fee or a referral fee to a person who does not have an appraiser license under chapter 124 in connection with appraisal management services;

**5. Misrepresentation of professional qualifications.** Permitting an employee of the licensee or a member of the licensee's appraisal panel to make a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;

**6. Predetermined appraisal result.** Accepting a fee for performing an appraisal service when, in fact, the fee is or was contingent upon the appraiser's reporting a predetermined analysis, opinion or conclusion or is or was contingent upon the analysis, opinion, conclusion or valuation reached or upon the consequences resulting from the appraisal assignment;

**7. Lack of diligence.** Failure or refusal, without good cause, to exercise reasonable diligence in providing appraisal management services;

**8. Negligence or incompetence.** Negligence or incompetence in performing appraisal management services;

**9. Breach of confidentiality.** A violation of the confidential nature of individual, business or governmental records to which a licensee or applicant gained access through employment or engagement as an appraisal management company;

**10. Suspension or revocation of license.** Having had a professional or occupational license suspended or revoked for disciplinary reasons or an application rejected for reasons related to untrustworthiness within 3 years prior to the date of application; and

**11. Failure to meet professional qualifications; failure to submit complete application.** Failure to meet the professional qualifications for licensure as provided in this chapter or failure to submit a complete application within 30 days after being notified of the materials needed to complete the application.

#### **§14049-A. Appraiser panel**

For the purpose of determining whether within a 12-month period an appraisal management company oversees an appraiser panel of more than 15 state-certified or state-licensed appraisers in a state or 25 or more certified or licensed appraisers in 2 or more states and therefore qualifies as an appraisal management company pursuant to this chapter, the following provisions apply.

**1. Begin date.** An appraiser is considered part of the appraisal management company's appraiser panel as of the earliest date on which the appraisal management company:

A. Accepts the appraiser for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions; or

B. Engages the appraiser to perform one or more appraisals on behalf of a creditor for a covered transaction or secondary mortgage market participant in connection with covered transactions.

**2. End date.** An appraiser who is considered part of the appraisal management company's appraiser panel pursuant to subsection 1 is considered to remain on the panel until the date on which the appraisal management company:

A. Sends written notice to the appraiser removing the appraiser from the appraiser panel;

B. Receives written notice from the appraiser asking to be removed from the appraiser panel; or

C. Receives written notice of the death or incapacity of the appraiser.

**3. Subsequent engagement after removal.** If an appraiser is removed from an appraisal management company's appraiser panel pursuant to subsection 2, paragraph A or B, and the appraisal management company subsequently accepts the appraiser for consideration for future assignments or engages the appraiser at any time during the 12 months after the removal of the appraiser, the removal must be considered not to have occurred and the appraiser must be considered to have been part of the appraisal management company's appraiser panel without interruption.

**4. Twelve-month period.** The period for purposes of counting appraisers on an appraisal management company's appraiser panel may be the calendar year or a 12-month period established by rule by the board.

#### **§14049-B. Appraiser engagement**

Prior to placing an appraisal assignment with an appraiser on an appraiser panel, an appraisal management company shall verify that the appraiser receiving the appraisal assignment is licensed under chapter 124.

#### **§14049-C. Appraisal review**

An employee of or independent contractor to an appraisal management company who performs an appraisal review for real property located in this State must be licensed under chapter 124.

#### **§14049-D. Appraisal management company operational and record-keeping requirements**

**1. Operational requirements.** An appraisal management company shall:

A. Engage only certified or licensed appraisers for federally related transactions in conformity with federally related transaction regulations;

B. Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company in engaging an appraiser selects an appraiser who is independent of the transaction and who has the requisite education, expertise and experience necessary to competently complete the appraisal assignment for the particular market and property type;

C. Direct an appraiser to perform an assignment in accordance with the Uniform Standards of Professional Appraisal Practice; and

D. Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company conducts appraisal management services in accordance with the requirements of the Truth in Lending Act, 15 United

States Code Section 1639e(a)-(i) and regulations adopted under that section.

**2. Record keeping.** An appraisal management company licensed or applying to be license or to renew a licensed in this State shall:

A. Certify to the board on a form prescribed by the board that the appraisal management company maintains a detailed record of each service request that the appraisal management company receives for appraisals of real property located in this State; and

B. Retain for at least 5 years, or at least 2 years after final disposition of any related judicial proceeding, all business records relating to each request for an appraisal service that the appraisal management company has received and the appraiser who performs the appraisal service for the appraisal management company.

An appraisal management company licensed under this chapter shall make all records required to be maintained by the appraisal management company available for inspection by the board upon reasonable notice to the appraisal management company.

#### **§14049-E. Compensation of appraisers**

An appraisal management company shall compensate appraisers in accordance with the appraisal independence standards established under the federal Truth in Lending Act, 15 United States Code, Section 1639e (2016) and its implementing regulations, 12 Code of Federal Regulations, Section 1026.42 (2016). Except in cases of breach of contract or substandard performance of an appraisal service, an appraisal management company shall make payment to an appraiser for the completion of an appraisal service within 45 days of the date on which the appraiser transmits or otherwise provides the results of the completed appraisal service to the appraisal management company.

#### **§14049-F. Statement of fees**

When reporting fees to a client, an appraisal management company shall separately indicate the fees paid to an appraiser for the completion of an appraisal service and the fees charged by the appraisal management company to the client for appraisal management services.

#### **§14049-G. Prohibited practices**

**1. Prohibitions.** An appraisal management company licensed under this chapter or an employee, director, officer or agent of an appraisal management company licensed under this chapter may not:

A. Cause or attempt to cause the results of an appraisal service to be based on any factor other than the independent judgment of the appraiser;

B. Seek to influence an appraiser or to otherwise encourage a targeted value in order to facilitate the making or pricing of a consumer credit transaction;

C. Modify or otherwise change the results of a completed appraisal service that have been submitted by an appraiser to the appraisal management company by:

(1) Altering or removing the signature or seal of the appraiser; or

(2) Adding information to, removing information from or changing information contained in the results of the completed appraisal service, including any disclosure authorized by this chapter submitted by an appraiser in or with the appraisal report;

D. Condition a request for the performance of an appraisal service or the payment of an appraisal fee, salary or bonus on the opinion, conclusion or valuation to be reached or on a preliminary estimate or opinion requested from an appraiser;

E. Request that an appraiser provide an estimated, predetermined or desired valuation in an appraisal report or provide estimated values or comparable sales at any time before the completion of an appraisal by an appraiser;

F. Provide to an appraiser an anticipated, estimated, encouraged or desired value for a subject property or a proposed or target amount to be loaned to a borrower, except that a copy of the sales contract for a purchase transaction may be provided;

G. Make any part of a fee paid to the appraiser or a fee paid by the appraisal management company contingent on a favorable outcome, including a loan closing or a specific valuation being achieved by the appraiser in the appraisal report;

H. Withhold or threaten to withhold timely payment for the completion of an appraisal assignment when the appraisal services that are the subject of the appraisal assignment are provided in accordance with a contract or other agreement between the parties;

I. Seek to influence an appraiser by withholding or threatening to withhold future business from an appraiser;

J. Seek to influence an appraiser by demoting or terminating or threatening to demote or terminate an appraiser;

K. Seek to influence an appraiser by expressly or impliedly promising future business, promotions or increased compensation for an appraiser;

L. Provide to an appraiser, or any person related to an appraiser, stock or other financial or nonfinancial benefits;

M. Allow the removal of an appraiser from an appraiser panel without prior written notice to the appraiser;

N. Obtain, use or pay for a second or subsequent appraisal or order an automated valuation model in connection with a mortgage financing transaction unless:

(1) There is a reasonable basis to believe that the initial appraisal was flawed or tainted and that basis is clearly and appropriately noted in the loan file;

(2) The subsequent appraisal or automated valuation model is done under a bona fide prefunding or postfunding appraisal review or quality control process; or

(3) The subsequent appraisal or automated valuation model is otherwise required or permitted by federal or state law;

O. Prohibit legal communication between an appraiser and a lender, real estate license holder or any other person from whom the appraiser believes information would be relevant;

P. Refuse to accept the results of a completed appraisal service by more than one appraiser if an appraiser provides substantial assistance to another appraiser in the preparation of the report, unless the appraisal assignment names an individual appraiser or the statement of work requires an unassisted report; or

Q. Require an appraiser to:

(1) Complete an appraisal service if the appraiser determines the appraiser does not have the necessary expertise for the specific geographic area, the appraiser has notified the company of that determination and the appraiser has declined the assignment;

(2) Prepare an appraisal report under a schedule that the appraiser believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations if the appraiser has notified the company of that belief and has declined the assignment;

(3) Provide the appraisal management company with the digital signature or seal of the appraiser;

(4) Modify any aspect of an appraisal report without the agreement of the appraiser that the modification is appropriate;

(5) Engage in any act or practice that does not comply with the Uniform Standards of Professional Appraisal Practice;

(6) Engage in any act or practice that does not comply with any assignment conditions and certifications required by a client;

(7) Engage in any act or practice that impairs or attempts to impair the independence, objectivity or impartiality of an appraiser;

(8) Enter into an agreement to not serve on the appraiser panel of another appraisal management company;

(9) Indemnify or hold harmless the appraisal management company against liability except liability for errors and omissions by the appraiser; or

(10) Pay a fee imposed on the appraisal management company by the federal appraisal subcommittee.

**2. Construction.** Nothing in subsection 1 may be construed to prohibit:

A. An appraiser from reimbursing an appraisal management company for the actual cost of discretionary services provided to the appraiser;

B. An appraiser from voluntarily providing the appraiser's digital signature or seal to an appraisal management company;

C. An appraisal management company from asking an appraiser, after an appraisal report is delivered, to:

(1) Consider additional appropriate property information, including the consideration of additional comparable properties to make or support an appraisal;

(2) Provide further detail, substantiation or explanation of the appraiser's conclusion regarding values; or

(3) Correct errors in the appraisal report;

D. An appraisal management company from requiring an appraiser to provide advance notice of and an opportunity for the appraisal management company to participate in any legal communications between the appraiser and a lender; or

E. An appraisal management company from providing to an appraiser a copy of an executed contract for a purchase transaction.

#### **§14049-H. Mandatory reporting**

An appraisal management company that has a reasonable basis to believe an appraiser is failing to comply with the Uniform Standards of Professional Appraisal Practice in a manner that materially affects the

conclusion of value contained in an appraisal report, is violating applicable laws or is otherwise engaging in unethical or unprofessional conduct shall refer the matter to the board.

#### **§14049-I. Appraiser panel management**

Except within the first 30 days after an appraiser is added to an appraiser panel, an appraisal management company may not remove an appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to an appraiser without notifying the appraiser in writing and identifying the reasons why the appraiser is being removed from the appraiser panel and providing an opportunity for the appraiser to respond to the notification.

#### **§14049-J. Board powers**

The board may:

**1. Rule making.** Adopt rules necessary to implement, administer and enforce the provisions of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

**2. Applications.** Review and approve or deny an appraisal management company's application for initial licensure pursuant to Title 10, section 8003;

**3. Renewals.** Review and renew or refuse to renew an appraisal management company's license pursuant to Title 10, section 8003;

**4. Books and records.** Examine the books and records of an appraisal management company operating in the State and require the appraisal management company to submit reports, information and documents to the board;

**5. Valid certifications.** Verify that an appraiser on an appraiser panel holds a valid state certification or license, as applicable;

**6. Investigations.** Conduct investigations pursuant to Title 10, chapter 901 of appraisal management companies to assess potential violations of this chapter, rules adopted pursuant to this chapter or orders issued pursuant to this chapter;

**7. Discipline.** Discipline an appraisal management company or suspend, terminate or refuse to renew the license of an appraisal management company that violates this chapter, a rule adopted pursuant to this chapter or an order issued pursuant to this chapter pursuant to Title 10, section 8003, except that the board may impose a civil penalty of up to \$5,000 for each violation of applicable laws, rules or conditions of licensure or for each instance of actionable conduct or activity; and

**8. Report to federal appraisal subcommittee.** Report to the federal appraisal subcommittee an appraisal management company's violation of this chap-

ter, a rule adopted pursuant to this chapter or an order issued pursuant to this chapter, as well as disciplinary and enforcement actions and other relevant information about an appraisal management company's operations.

**Sec. D-2. Maine Revised Statutes headnote reenacted.** In the Maine Revised Statutes, Title 32, chapter 124-A, chapter headnote, the words "appraisal management company licensing" are reenacted and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. D-3. Licenses in effect on March 14, 2018; applications submitted on or before March 14, 2018.** A license issued to an appraisal management company by the Department of Professional and Financial Regulation, Board of Real Estate Appraisers and in effect on March 14, 2018 remains in effect until the date of expiration specified in the license. The board shall review and approve or deny an application for an appraisal management company license that was submitted to the board with the required fee on or before March 14, 2018 and that was not finally acted upon before March 15, 2018.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective September 12, 2018, unless otherwise indicated.

**CHAPTER 476**

**H.P. 1362 - L.D. 1917**

**An Act To Employ Veterans in Health Care To Meet Workforce Needs and Provide Funding to the Community College System To Support the Training of Nursing Students**

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

**Sec. 1. 32 MRSA §2251-A**, as amended by PL 2003, c. 204, Pt. H, §6, is further amended to read:

**§2251-A. Qualifications**

An applicant for a license to practice as a licensed practical nurse shall submit to the board written evidence, verified by oath, that the applicant ~~has the following qualifications:~~ satisfies one of the following qualifications:

**2. Approved program.** The applicant ~~must have~~ completed a prescribed curriculum in a state-approved program for the preparation of practical nurses and holds a diploma or certificate; or

**3. Military training and experience.** The applicant:

A. Served on active duty in the medical corps of any branch of the Armed Forces of the United States and spent an aggregate of at least 12 months rendering bedside patient care;

B. Completed the basic course of instruction in nursing required by the branch of the Armed Forces of the United States in which the applicant served; and

C. Was honorably discharged from active duty.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE**

**Maine Community College System - Board of Trustees 0556**

Initiative: Provides ongoing funds to support the hiring of additional nursing faculty to create a new cohort of nursing students at Central Maine Community College.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$200,000
GENERAL FUND TOTAL	\$0	\$200,000

**Maine Community College System - Board of Trustees 0556**

Initiative: Provides ongoing funds to support the hiring of additional nursing faculty and the acquisition of equipment and instructional space to expand student capacity at Eastern Maine Community College.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$250,000
GENERAL FUND TOTAL	\$0	\$250,000

**Maine Community College System - Board of Trustees 0556**

Initiative: Provides one-time funds to support the acquisition of a nursing simulator at Northern Maine Community College.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$200,000
GENERAL FUND TOTAL	\$0	\$200,000

**Maine Community College System - Board of Trustees 0556**

Initiative: Provides ongoing funds to support the hiring of additional nursing faculty and the acquisition of equipment to create a new cohort of nursing students at Southern Maine Community College.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$200,000
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GENERAL FUND TOTAL	\$0	\$200,000
<b>COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE</b>		
<b>DEPARTMENT TOTALS</b>		
	<b>2017-18</b>	<b>2018-19</b>
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GENERAL FUND	\$0	\$850,000
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$850,000

See title page for effective date.

**CHAPTER 477**

**H.P. 1366 - L.D. 1924**

**An Act To Improve Information Sharing Relating to Investigations of Educators**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA §13025**, as amended by PL 2017, c. 235, §29 and affected by §41, is repealed and the following enacted in its place:

**§13025. Investigations**

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

A. "Boundaries" means the physical, emotional and social structures that ensure that interactions with a student have a legitimate academic purpose.

B. "Covered investigation" means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, violating boundaries, inappropriate contact between a credential holder and a student, stalking, or similar behavior that may endanger the health, safety or welfare of a student.

C. "School entity" means an approved private school, school administrative unit, public charter school, school management and leadership center, school in the unorganized territory or school operated by the State.

**2. Subpoenas.** When conducting an investigation relating to the credentialing of personnel under chapter 501 and this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation.

**3. Duties of school entities.** A school entity shall notify the department within 15 business days of the school entity's initiating a covered investigation. The school entity shall notify the department immediately if the credential holder is put on administrative leave, suspended or terminated as part of a covered investigation. The notification must include the matter being investigated. Within 5 business days after completion of a covered investigation, the school entity shall notify the department in writing of the final outcome of the investigation, including, but not limited to, any actions taken, and shall provide to the department any final report produced.

**4. Duties of department.** The department shall notify school entities in accordance with this subsection.

A. The department shall notify the superintendent or chief administrative officer of a school entity within 15 business days of the department's initiating an investigation into a holder of a credential who works for the school entity and shall notify the school entity immediately if the department takes action on that credential. Within 5 business days after completion of an investigation, the department shall notify each school entity for which the credential holder works of the final outcome of the investigation, including, but not limited to, any actions taken, and shall provide to the school entity any final written decision.

B. Immediately upon receipt from a school entity of notification pursuant to subsection 3 of a covered investigation or administrative leave, suspension or termination, the department shall notify the superintendent or chief administrative officer of all other school entities for which the credential

holder works, as reported to the department under section 13026, that the credential holder is being investigated or has been placed on administrative leave, suspended or terminated as part of a covered investigation. The department shall notify the superintendent or chief administrative officer of each school entity for which the credential holder works of the final outcome of the covered investigation, including, but not limited to, any actions taken and any final report produced, upon receipt of that information from the investigating school entity.

**5. Confidentiality.** The department may share information that is confidential pursuant to section 6101 or 13004 with a school entity in accordance with subsection 4. A school entity that receives confidential information shall maintain the confidentiality of that information in accordance with rules adopted by the department pursuant to subsection 6.

**6. Rules.** The commissioner shall adopt rules as necessary to carry out this section. In adopting rules, the commissioner shall identify the types of conduct of which a school entity must notify the department under subsection 3 and shall develop procedures for school entities to ensure the confidentiality of information received pursuant to subsection 5. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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## CHAPTER 478

### H.P. 1124 - L.D. 1629

#### An Act To Protect Homeowners Affected by Tax Lien Foreclosure

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

**Sec. 1. 36 MRSA §683, sub-§1**, as amended by PL 2009, c. 213, Pt. YYY, §1 and affected by c. 652, Pt. A, §63, is further amended to read:

**1. Exemption amount.** Except for assessments for special benefits, the just value of \$10,000 of the homestead of a permanent resident of this State who has owned a homestead in this State for the preceding 12 months is exempt from taxation. Notwithstanding this subsection, a permanent resident of this State who loses ownership of a homestead in this State due to a tax lien foreclosure and subsequently regains ownership of the homestead from the municipality that foreclosed on the tax lien is deemed to have continuously owned the homestead and may not be determined ineligible for the exemption provided in this section due to the ownership of the homestead by the municipality.

In determining the local assessed value of the exemption, the assessor shall multiply the amount of the exemption by the ratio of current just value upon which the assessment is based as furnished in the assessor's annual return pursuant to section 383. If the title to the homestead is held by the applicant jointly or in common with others, the exemption may not exceed \$10,000 of the just value of the homestead, but may be apportioned among the owners who reside on the property to the extent of their respective interests. A municipality responsible for administering the homestead exemption has no obligation to create separate accounts for each partial interest in a homestead owned jointly or in common.

**Sec. 2. 36 MRSA §942**, as amended by PL 2009, c. 489, §§2 and 3, is further amended by inserting after the 2nd paragraph a new paragraph to read:

For property that constitutes a homestead for which a property tax exemption is claimed under subchapter 4-B, the tax collector shall include with the written notice authorized under this section written notice to the person named on the tax lien mortgage that that person may be eligible to file an application for tax abatement under section 841, subsection 2, indicating that the municipality, upon request, will assist the person in requesting an abatement and provide information regarding the procedures for making such a request. The notice must also indicate that the person may seek assistance from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection regarding options for finding an advisor who can help the person work with the municipality to avoid tax lien foreclosure and provide information regarding ways to contact the bureau. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, by July 15th annually, shall provide to a statewide organization representing municipalities information regarding assistance in avoiding tax lien foreclosure to assist municipalities in providing the information required in the notice.

**Sec. 3. 36 MRSA §943-C** is enacted to read:

**§943-C. Sale of homesteads formerly owned by persons 65 years of age or older**

Notwithstanding any provision of law to the contrary, after the foreclosure process under sections 942 and 943 or sections 1281 and 1282 is completed and the right of redemption has expired, if a municipality chooses to sell property that immediately prior to foreclosure received a property tax exemption as a homestead under subchapter 4-B, the municipal officers or their designee shall notify the former owner or owners of the right to require the municipality to use the sale process under subsection 3 as long as the former owner or owners demonstrate that the property meets the requirements of subsection 1. The notice must be sent

by first-class mail to the last known address of the former owner or owners.

**1. Subject property.** Property is subject to the requirements of this section if:

A. Immediately prior to foreclosure the property was owned by at least one person who, on the date the tax lien certificate was recorded, was 65 years of age or older and occupied the property as a homestead as defined in section 681, subsection 2; and

B. The former owner or owners of the property demonstrate to the municipal officers or their designee that:

(1) The income, as defined in section 5219-KK, subsection 1, paragraph D, of the former owner or owners of the property was less than \$40,000, after medical expenses have been deducted, for the calendar year immediately preceding the calendar year in which the right of redemption expired; and

(2) The value of liquid assets of the former owner or owners of the property is less than \$50,000 in the case of a single individual or \$75,000 in the case of 2 or more individuals. For the purposes of this paragraph, "liquid assets" means something of value available to an individual that can be converted to cash in 3 months or less and includes bank accounts, certificates of deposit, money market or mutual funds, life insurance policies, stocks and bonds, lump-sum payments and inheritances and funds from a home equity conversion mortgage that are in the individual's possession whether they are in cash or have been converted to another form.

The former owner or owners must provide documentation verifying the former owner's or owners' income and liquid assets.

All applications or information submitted in support of an application under this subsection, files and communications relating to the application and the determination on the application are confidential records. Hearings and proceedings held pursuant to this subsection must be held in executive session.

**2. Notification; appeal.** At least 90 days prior to listing property described in subsection 1 for sale, the municipal officers or their designee shall notify the former owner or owners, by first-class mail, of the former owner's or owners' right to require the sale process described in subsection 3. The municipal officers or their designee shall include with the notice an application form with instructions concerning application procedures and submission of information necessary for the municipality to determine whether the former owner or owners meet the conditions required under

subsection 1. The former owner or owners must be allowed at least 30 days from the date the notice is mailed to submit the required application form and information. The municipal officers or their designee, within 30 days after receiving the required form and information, shall notify the former owner or owners whether the former owner or owners have been determined to be eligible for the sale process described in subsection 3 and inform the former owner or owners of the right to appeal pursuant to the Maine Rules of Civil Procedure, Rule 80B. The State Tax Assessor shall prepare application forms, notices and instructions that must be used by municipalities to inform former owners of their right to apply for the sale process provided under subsection 3.

**3. Sale process requirements.** If a municipality determines that the former owner or owners meet the conditions specified under subsection 1, the municipal officers or their designee shall:

A. List the property for sale with a real estate broker licensed under Title 32, chapter 114 who does not hold an elected or appointed office in the municipality and is not employed by the municipality;

B. Sell the property at fair market value or the price at which the property is anticipated by the real estate broker to sell within 6 months after listing; and

C. Pay to the former owner or owners any proceeds from the sale in excess of:

(1) The sum of all taxes owed on the property;

(2) Property taxes that would have been assessed on the property during the period following foreclosure when the property is owned by the municipality;

(3) All accrued interest;

(4) Fees, including real estate broker's fees; and

(5) Any other expenses incurred by the municipality in selling or maintaining the property, including, but not limited to, reasonable attorney's fees.

**4. Effect of inability to contract or sell property.** If, after attempting to contract with at least 3 real estate brokers who meet the requirements of subsection 3, paragraph A, a municipality is unable to contract with a real estate broker for the sale of the property as described in subsection 3 or the broker cannot sell the property within 6 months after listing, the municipality may retain, sell or dispose of the property in the same manner as other property acquired through the tax lien foreclosure process.

**5. Property in the unorganized territory.** With regard to the sale of property acquired by the State through tax lien foreclosure in the unorganized territory, the State Tax Assessor has the obligations of a municipality under this section.

**Sec. 4. 36 MRSA §1281,** as amended by PL 1991, c. 846, §12, is further amended to read:

**§1281. Payment of taxes; delinquent taxes; publication; certificate filed in registry**

Taxes on real estate mentioned in section 1602, including supplementary taxes assessed under section 1331, are delinquent on the 15th day of January next following the date of assessment. Annually, on or before February 1st, the State Tax Assessor shall send by mail to the last known address of each owner of such real estate upon which taxes remain unpaid a notice in writing, containing a description of the real estate assessed and the amount of unpaid taxes and interest, and alleging that a lien is claimed on that real estate for payment of those taxes, interests and costs, with a demand that payment be made by the next February 21st. For property that constitutes a homestead for which a property tax exemption is claimed under chapter 105, subchapter 4-B, the State Tax Assessor shall include in the written notice written notice to the owner named on the tax lien mortgage that that owner may be eligible to file an application for tax abatement under section 841, subsection 2, indicating that the State Tax Assessor, upon request, will assist the owner in requesting an abatement and provide information regarding the procedures for making such a request. The notice must also indicate that the owner may seek assistance from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection regarding options for finding an advisor who can help the owner work with the State Tax Assessor to avoid tax lien foreclosure and provide information regarding ways to contact the bureau. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, by July 15th annually, shall provide to a statewide organization representing municipalities and to the State Tax Assessor information regarding assistance in avoiding tax lien foreclosure to assist municipalities and the State Tax Assessor in providing the information required in the notice. If the owners of any such real estate are unknown, instead of sending the notices by mail, the assessor shall cause the information required in this section on that real estate to be advertised in the state paper and in a newspaper, if any, of general circulation in the county in which the real estate lies. Such a statement or advertisement is sufficient legal notice of delinquent taxes. If those taxes and interest to date of payment and costs are not paid by February 21st, the State Tax Assessor shall record by March 15th, in the registry of deeds of the county or registry district where the real estate lies, a certificate signed by the assessor, setting forth the name or names of the own-

ers according to the last state valuation, or the valuation established in accordance with section 1331; the description of the real estate assessed as contained in the last state valuation, or the valuation established in accordance with section 1331; the amount of unpaid taxes and interest; the amount of costs; and a statement that demand for payment of those taxes has been made, and that those taxes, interest and costs remain unpaid. The costs charged by the register of deeds for the filing may not exceed the fees established by Title 33, section 751.

**Sec. 5. Appropriations and allocations.**

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides funding to reimburse municipalities for 90% of the cost of selling property that has been acquired through tax lien foreclosure.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,250
GENERAL FUND TOTAL	\$0	\$2,250

See title page for effective date.



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**PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND SPECIAL SESSION OF THE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
2017**

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(There were none.)



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**RESOLVES OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND SPECIAL SESSION OF THE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
2017**

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**CHAPTER 58  
H.P. 1361 - L.D. 1916**

**Resolve, To Name a Bridge  
over the Saco River in the  
Town of Fryeburg the Nathan  
Desjardins Memorial Bridge**

**Sec. 1. Bridge over the Saco River in Town of Fryeburg named. Resolved:** That the Department of Transportation shall designate Bridge 2121 on Route 5, which crosses the Saco River in the Town of Fryeburg, the Nathan Desjardins Memorial Bridge.

See title page for effective date.

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**CHAPTER 59  
H.P. 1355 - L.D. 1914**

**Resolve, To Name the Bridge  
over the Kennebec River in the  
Town of Norridgewock the  
Corporal Eugene Cole  
Memorial Bridge**

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

**Whereas,** this resolve names a bridge in honor of a law enforcement officer who was killed in the line of duty; and

**Whereas,** it is important to the local community to honor the late Corporal Eugene Cole and to keep his memory alive through the naming of this bridge over the Kennebec River in the Town of Norridgewock and to honor his memory for all his contributions to the safety of Somerset County; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Bridge over the Kennebec River in Town of Norridgewock named. Resolved:** That the Department of Transportation shall designate

Bridge 2187 on Route 201A, which crosses the Kennebec River in the Town of Norridgewock, the Corporal Eugene Cole Memorial Bridge.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 29, 2018.

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**CHAPTER 60  
H.P. 478 - L.D. 687**

**Resolve, Regarding  
Reimbursement for Speech and  
Language Pathology Services**

**Sec. 1. Department of Health and Human Services to increase MaineCare reimbursement rates. Resolved:** That, no later than January 1, 2019, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 109 to increase reimbursement rates for speech-language pathology services provided by an agency to no less than 69% of the federal Medicare reimbursement rate for these services as long as the rate is no lower than the rate reimbursed as of January 1, 2017; and be it further

**Sec. 2. Independent rates. Resolved:** That, no later than January 1, 2019, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 109 to increase reimbursement rates for speech-language pathology services provided by an independent speech-language pathologist to 90% of the agency rate established in section 1 as long as the rate is no lower than the rate reimbursed as of January 1, 2017; and be it further

**Sec. 3. Speech-language pathology assistant agency rates. Resolved:** That, no later than January 1, 2019, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 109 to reimburse services provided by an agency speech-language pathology assistant for treatment within a group of 2 or more individuals at 69% of the federal Medicare reimbursement rate for the same service provided by a speech-language pathologist; and be it further

**Sec. 4. Speech-language pathology assistant independent rates. Resolved:** That, no later than January 1, 2019, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 109 to reimburse services provided by an independent speech-language pathology assistant for treatment within a group of 2 or more individuals at 90% of the agency rate established in section 3 as long as the rate is no lower than the rate reimbursed as of January 1, 2017. Services provided by independent speech-language pathology assistants for individual treatment must be reimbursed at 90% of the agency rate reimbursed as of January 1, 2017; and be it further

**Sec. 5. Routine technical rules. Resolved:** That rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

**Sec. 6. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides appropriations and allocations for increased reimbursement of certain speech and language pathology services currently provided under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 109, Speech and Hearing Services.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$182,509
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$182,509</b>
FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$329,294
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$329,294</b>

See title page for effective date.

**CHAPTER 61  
H.P. 591 - L.D. 842**

**Resolve, To Support Home  
Health Services**

**Sec. 1. Reimbursement rate increase for home health services. Resolved:** That, no later

than January 1, 2019, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40 to increase reimbursement rates for certain procedure codes at 15-minute units as follows:

1. G0154TD at \$33.46;
2. G0154TE at \$23.42;
3. G0156 at \$15.16;
4. G0152 at \$36.83;
5. G0152TF at \$25.79;
6. G0151 at \$36.58;
7. G0151TF at \$25.61;
8. G0153 at \$39.75;
9. G0153TF at \$27.83; and
10. G0155 at \$36.82.

; and be it further

**Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding to increase the reimbursement rates for home health services under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$143,697
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$143,697</b>
FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$261,312
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$261,312</b>

See title page for effective date.

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**CONSTITUTIONAL RESOLUTIONS OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND SPECIAL SESSION OF THE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
2017**

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(There were none.)



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**REVISOR'S REPORT  
2017**

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**CHAPTER 2**

**Sec. 1. 5 MRSA §12004-A, sub-§1**, as amended by PL 1999, c. 687, Pt. B, §1, is corrected to read:

**1.**

Board of Accountancy	\$35/Day	32 MRSA §3974 §12213
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**EXPLANATION**

This section corrects a cross-reference.

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**Sec. 2. 5 MRSA §12004-I, sub-§78-A**, as enacted by PL 1989, c. 811, §1, is corrected to read:

**78-A.**

State Retirement System	Participating Local District Advisory Committee	Not Authorized	5 MRSA §18802 §18802-A
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**EXPLANATION**

This section corrects a cross-reference.

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**Sec. 3. 20-A MRSA §6301, sub-§2, ¶A**, as amended by PL 2017, c. 381, §6, is corrected to read:

**A. Inform the student's parent:**

- (1) To cleanse the clothing and ~~bodies~~ body of the student; and
- (2) To furnish the student with the required home or medical treatment for the relief of the student's trouble so defined in subsection 1;

**EXPLANATION**

This section corrects a clerical error.

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**Sec. 4. 20-A MRSA §7202, sub-§5**, as amended by PL 2005, c. 662, Pt. A, §23, is corrected to read:

**5. Special education and ~~early intervention services~~.** Provide special education for each eligible child with a disability within its jurisdiction;

**EXPLANATION**

This section corrects a subsection headnote to properly reflect the content of the subsection.

---

**Sec. 5. 22 MRSA §1822**, as enacted by PL 1971, c. 281, is corrected to read:

**§1822. Notice ~~when~~ of voluntary closure of hospital, sanatorium, convalescent home, rest home, nursing home ~~voluntarily closed or similar institution~~**

Any person, including county or local government units, who is conducting, managing or operating any hospital, sanatorium, convalescent home, rest home, nursing home or institution within the meaning of this chapter, and who is properly licensed therefor in accordance with this chapter shall give at least 30 days' advance notice of the voluntary closing of such facility to the patients therein and to those persons, governmental units or institutions who are primarily responsible for the welfare of those patients who are being cared for by said hospital, sanatorium, convalescent home, rest home, nursing home or institution so that adequate preparation may be made for the orderly transfer of said patients to another qualified facility.

Failure to provide such notice shall subject the offender to the same penalties provided in section 1821.

**EXPLANATION**

This section corrects a section headnote to properly reflect the content of the section.

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**Sec. 6. 22 MRSA c. 1054-A headnote** is corrected to read:

**CHAPTER 1054-A**

**ADDITIONAL SUPPORT FOR PEOPLE IN  
RETRAINING AND EDUCATION PROGRAM  
EMPLOYMENT - TEMPORARY ASSISTANCE  
FOR NEEDY FAMILIES**

**EXPLANATION**

This section corrects a chapter headnote to properly reflect the content of the chapter.

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**Sec. 7. 24 MRSA §2329, sub-§2, ¶C**, as amended by PL 2017, c. 407, Pt. A, §94, is corrected to read:

C. "Treatment plan" means a written plan initiated at the time of admission, approved by a Doctor of Medicine, a Doctor of Osteopathy or a Licensed Substance Abuse Counselor employed by

a certified or licensed substance use disorder program, including, but not limited to, the patient's medical, and substance use disorder history; record of physical examination; diagnosis; assessment of physical capabilities; mental capacity; orders for medication, diet and special needs for the patient's health or safety and treatment, including medical, psychiatric, psychological, social services, individual, family and group counseling; and educational, support and referral services.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. 8. 24 MRSA §2607**, as amended by PL 1993, c. 600, Pt. B, §§21 and 22, is corrected to read:

**§2607. Claims paid information**

When 3 notices of professional liability claims are made within a 10-year period regarding any person licensed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure and one or more of the claims, following an initial review, potentially may rise to a level of misconduct sufficient to merit board action, the board shall treat that situation as a complaint against the licensee or practitioner and shall initiate a review consistent with Title 32, sections ~~3282~~ 3282-A to 3289. Any claims that lack merit or fail to rise to a level of board action may be dismissed by the board for the purpose of this section.

**EXPLANATION**

This section corrects a cross-reference.

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**Sec. 9. 24-A MRSA §2842, sub-§2, ¶C**, as amended by PL 2017, c. 407, Pt. A, §95, is corrected to read:

C. "Treatment plan" means a written plan initiated at the time of admission, approved by a Doctor of Medicine, a Doctor of Osteopathy or a Registered Substance Abuse Counselor employed by a certified or licensed substance use disorder program, including, but not limited to, the patient's medical, and substance use disorder history; record of physical examination; diagnosis; assessment of physical capabilities; mental capacity; orders for medication, diet and special needs for the patient's health or safety and treatment, including medical, psychiatric, psychological, social services, individual, family and group counseling; and educational, support and referral services.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. 10. 26 MRSA §2173, sub-§1, ¶C**, as enacted by PL 1989, c. 408, §3, is corrected to read:

C. The Fair Labor Standards Act, Public Law 1938, No. ~~7418~~ 718, 52 Stat 1060;

**EXPLANATION**

This section corrects a cross-reference.

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**Sec. 11. 28-A MRSA §453-D, sub-§3**, as enacted by PL 2017, c. 167, §9, is corrected to read:

**3. Agency liquor store input.** The bureau shall establish a process by which an agency liquor store in the same municipality as the licensee's proposed relocation may declare support of or objections to a proposed relocation. The bureau shall consider the declarations when considering approval of the relocation application. The process required by this subsection must be established by rule. The bureau shall adopt routine technical rules pursuant to Title 5, chapter 375, ~~subsection~~ subchapter 2-A to implement this subsection.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. 12. 28-B MRSA §301, sub-§1**, as enacted by PL 2017, c. 409, Pt. A, §6, is corrected to read:

**1. Tier 1 cultivation facility license.** A tier 1 cultivation facility license, which allows cultivation by a licensee of:

- A. Not more than 30 mature marijuana plants and an unlimited number of immature marijuana plants and seedlings; or
- B. Not more than 500 square feet of plant canopy.

An applicant for a tier 1 cultivation facility license shall designate in its cultivation plan whether the license sought is a plant-count-based tier 1 cultivation facility license under paragraph A or a plant-canopy-based tier 1 cultivation facility license under paragraph B;

**EXPLANATION**

This section makes a technical correction.

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**Sec. 13. 30-A MRSA §1659-A, sub-§3, ¶E**, as amended by PL 2017, c. 407, Pt. A, §119, is corrected to read:

E. The inmate may not use alcohol or illegal drugs or other illegal substances ~~and~~ or misuse any other legal substance.

**EXPLANATION**

This section corrects a clerical error.

**Sec. 14. 32 MRSA §4853, sub-§3**, as enacted by PL 1975, c. 477, §4, is corrected to read:

**3. Board.** "Board" means the ~~Maine~~ State Board of Veterinary Medicine.

**EXPLANATION**

This section corrects a reference to the State Board of Veterinary Medicine.

**Sec. 15. 36 MRSA §191, sub-§2, ¶EEE**, as enacted by PL 2017, c. 361, §1, is reallocated to 36 MRSA §191, sub-§2, ¶GGG.

**EXPLANATION**

This section corrects a lettering problem created by Public Law 2017, chapters 361 and 375, which enacted 2 substantively different provisions with the same paragraph letter.

**Sec. 16. PL 2017, c. 450, §1, sub-§2** is corrected to read:

2. The Department of Corrections shall use the remaining \$287,992 to reimburse county and regional jails for unexpected situations, as documented by the jails to the Department of Corrections, that cause expenditures in fiscal year 2018-19 that are not anticipated by the jails and that are in excess of the budgets of the jails and the amounts listed in ~~paragraph A~~ subsection 1.

**EXPLANATION**

This section corrects a cross-reference.

**Sec. 17. PL 2017, c. 474, Pt. D, §4** is corrected to read:

**Sec. D-4. Application.** This Part applies to tax years beginning on or after January 1, 2017, except that those portions of those sections of this Part that enact the Maine Revised Statutes, Title 36, section 5200-A, subsection 1, paragraph FF and subsection 2, paragraph EE apply to tax years beginning on or after January 1, 2018.

**EXPLANATION**

This section corrects an application section.

**Sec. 18. P&SL 1981, c. 98, §8** is corrected to read:

**Sec. 8. Judicial review and violations.** Decisions and actions of the commission, the harbor master or any deputy shall be reviewed pursuant to the Maine Rules of Civil Procedure, Rule 80B, and shall not be subject to the Maine Administrative Procedure Act, the Revised Statutes, Title 5, chapter 375. The Superior Court may award the ~~penalties~~ penalties

provided for violations of this Act or rules made hereunder as part of the adjudication of any action before the court to review or enforce decisions or actions of the commission, the harbor master or any deputy and shall restrain and enjoin violations of this Act and rules lawfully made pursuant thereto. If the court determines that any person, firm or corporation has violated any provision of this Act or any rule issued thereunder, the court shall award the commission all of its costs and expenses incurred in such proceeding, including reasonable attorneys' fees. In addition to such jurisdiction, the District Court shall have jurisdiction to award the penalties for violations of this Act and of rules made pursuant thereto as civil violations. All such penalties shall be for the use of the commission. It is a violation of this Act for any person to obstruct, hinder or delay the harbor master or the deputy in the discharge of the duties of ~~his~~ the office, or to obstruct, hinder or delay any person assisting them under the provisions of this Act. Any person so acting is guilty of a Class E crime, unless the Maine Criminal Code provides a greater punishment classification for the same act, in which case the Maine Criminal Code provisions shall apply.

**EXPLANATION**

This section corrects a clerical error and removes gender-specific language.



**CROSS-REFERENCE TABLES**

TABLE I

Sections of the Maine Revised Statutes affected by the laws of the Second Special Session of the 128th Legislature and the Revisor's Report 2017, Chapter 2.

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
3	170-B			NEW	PL 443		1	10	1500-L			NEW	PL 475	A	14
3	312-B			NEW	PL 443		2	10	1602	2	A	AMD	PL 475	A	15
3	316	4-C		AMD	PL 443		3	10	8001-A	9		AMD	PL 475	A	16
3	316	4-D		NEW	PL 443		4								
3	321	9		NEW	PL 443		5	11	10-1051			AMD	PL 475	A	17
3	902	1-C		NEW	PL 469		1								
								12	541-A			AMD	PL 475	A	18
4	954-A			AMD	PL 418		1	12	8901	1	A	AMD	PL 456		1
4	1610-J			RAL	PL 475	A	1	12	9321	3		AMD	PL 449		1
4	1610-K			RAL	PL 475	A	1	12	9321-A	1		AMD	PL 449		2
4	1803	1		RPR	PL 430		1	12	9326		last	AMD	PL 449		3
4	1803	2		AMD	PL 430		2	12	9327			NEW	PL 449		4
4	1803	4		AMD	PL 430		2	12	10001	2		AFF	PL 427		19
4	1805	7	B-1	AMD	PL 475	A	2	12	10001	2		RP	PL 427		1
								12	10001	53		AFF	PL 427		19
								12	10001	53		AMD	PL 427		2
5	1660-D	4	D	AMD	PL 475	A	3	12	10263			AFF	PL 427		19
5	1764-A	2	B	AMD	PL 475	C	1	12	10263			AMD	PL 427		3
5	1812-D			AMD	PL 475	A	4	12	10752	3		AFF	PL 427		19
5	3371	8	F	AMD	PL 444		1	12	10752	3		RP	PL 427		4
5	3371	8	G	AMD	PL 444		1	12	10853	4		RPR	PL 475	A	19
5	3371	8	H	NEW	PL 444		2	12	10953	1-C		RPR	PL 475	A	20
5	4651	2	C	AMD	PL 455		1	12	11109	2		AFF	PL 427		19
5	4653	1	B	AMD	PL 455		2	12	11109	2		AMD	PL 427		5
5	10004	5		AMD	PL 475	C	2	12	11109	3	K	AFF	PL 427		19
5	12004-A	1		COR	RR 2		1	12	11109	3	K	RP	PL 427		6
5	12004-I	18-B		AMD	PL 474	F	1	12	11109	3	L	AFF	PL 427		19
5	12004-I	78-A		COR	RR 2		2	12	11109	3	L	RP	PL 427		6
5	13070-J	4	A	RP	PL 475	A	5	12	11109	3	M	AFF	PL 427		19
5	17851-A	2		AMD	PL 439		1	12	11109	3	M	RP	PL 427		6
5	17851-A	3	A	AMD	PL 439		2	12	11109	5		AFF	PL 427		19
5	17851-A	4	B	AMD	PL 439		3	12	11109	5		AMD	PL 427		7
5	17851-A	4	F	NEW	PL 439		4	12	11109	7		AFF	PL 427		19
5	17852-A			NEW	PL 460	K	1	12	11109	7		AMD	PL 427		8
5	18653-A			AMD	PL 475	A	6	12	11109	9		AFF	PL 427		19
5	20003	13-A		NEW	PL 460	G	1	12	11152	3		AFF	PL 427		19
5	20003	15-A		NEW	PL 460	G	2	12	11152	3		AMD	PL 427		10
5	20003	16-A		NEW	PL 460	G	3	12	11154	2		AFF	PL 427		19
5	20003	19-A		NEW	PL 460	G	4	12	11154	2		AMD	PL 427		11
5	20003	19-B		NEW	PL 460	G	5	12	11154	2		AMD	PL 458		1
5	20055			NEW	PL 460	G	6	12	11154	2		AFF	PL 427		19
								12	11154	3		AMD	PL 427		12
7	220			NEW	PL 437		1	12	11154	4		AFF	PL 427		19
7	2902-A	3		AMD	PL 475	A	7	12	11154	4		AMD	PL 427		13
								12	11154	4		AFF	PL 427		19
8	263-A	1	E	AMD	PL 475	A	8	12	11154	5		AFF	PL 427		19
8	271	1		AMD	PL 475	A	9	12	11154	5		AMD	PL 427		14
8	276-B			AMD	PL 475	A	10	12	11158	2		AFF	PL 427		19
8	1003	5		RPR	PL 475	A	11	12	12201	2	D	AFF	PL 427		19
								12	12201	2	D	AMD	PL 427		16
10	1013	16		REV	PL 474	F	9	12	12201	2		AFF	PL 427		19
10	1023-J		1st	AMD	PL 475	A	12	12	12201	2		AFF	PL 427		19
10	1500-H			RPR	PL 475	A	13	12	12201	2		AMD	PL 427		16

**CROSS-REFERENCE TABLE I**

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
12	12201	2	E	AFF	PL 427		19	20-A	6051	1	L	RPR	PL 475	A	25
12	12201	2	E	AMD	PL 427		17	20-A	6051	1	M	NEW	PL 475	A	26
12	12501	6	I	AFF	PL 427		19	20-A	6209	2		AMD	PL 466		11
12	12501	6	I	RP	PL 427		18	20-A	6209	3-A		AMD	PL 466		12
12	12853	5		AFF	PL 441		3	20-A	6214			AMD	PL 466		13
12	12853	5		AMD	PL 441		1	20-A	6301	2	A	COR	RR 2		3
12	12853	6		AFF	PL 441		3	20-A	7202	5		COR	RR 2		4
12	12853	6		RPR	PL 441		2	20-A	8403-A	2		AMD	PL 420		2
								20-A	8403-A	3		RPR	PL 420		3
14	3141	7		AMD	PL 462		1	20-A	8403-A	5		AMD	PL 420		4
14	3141	8		NEW	PL 462		2	20-A	8403-A	6		RPR	PL 420		5
14	3142	1	C	AMD	PL 462		3	20-A	8451-B			NEW	PL 420		6
14	3142	1	D	NEW	PL 462		4	20-A	9004			NEW	PL 444		3
14	3142	1	E	NEW	PL 462		5	20-A	11471	1		AMD	PL 474	F	2
14	3146			RP	PL 462		6	20-A	11471	2		REV	PL 474	F	9
14	3146-A			NEW	PL 462		7	20-A	11471	4		REV	PL 474	F	9
14	6001	6	H	AMD	PL 455		3	20-A	11471	7		AMD	PL 474	F	3
								20-A	11472			AMD	PL 474	F	4
15	393	1-B		AMD	PL 432	A	1	20-A	11473			REV	PL 474	F	9
15	393	2		RPR	PL 475	A	21	20-A	11473	1		REV	PL 474	F	9
15	1094-C			NEW	PL 432	A	2	20-A	11477	2	C	AMD	PL 474	F	5
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PUBLIC LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019

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CHAPTER 1  
S.P. 54 - L.D. 242

**An Act To Amend the Laws  
Governing Multiple-party  
Accounts with Financial  
Institutions**

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

**Whereas,** financial institutions in this State are committed to preventing elder financial abuse; and

**Whereas,** the change in procedure for opening a multiple-party account and converting a single-party account to a multiple-party account with a financial institution established by Public Law 2017, chapter 390 may result in issues with opening and converting such accounts before the effective date of the new probate code on July 1, 2019; and

**Whereas,** delaying this change will allow financial institutions to offer agency designations allowed by the new probate code and help combat elder financial abuse; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 9-B MRSA §427, sub-§13,** as amended by PL 2017, c. 390, §1 and c. 402, Pt. C, §23 and affected by Pt. F, §1, is repealed and the following enacted in its place:

**13. Notice on opening certain accounts.** A signature card or other document establishing a multiple-party account, as defined in Title 18-A, section 6-101, must contain a clear and conspicuous printed notice to the depositor that on the depositor's death the balance in the account will belong to the surviving party.

This subsection is repealed July 1, 2019.

**Sec. 2. 9-B MRSA §427, sub-§13-A** is enacted to read:

**13-A. Notice on opening certain accounts.** A signature card or other document establishing a multiple-party account, as defined in Title 18-C, section 6-201, must contain a clear and conspicuous printed notice to the depositor that on the depositor's death the balance in the account will belong to the surviving party. At the time a multiple-party account is established or at the time a single-party account is converted to a multiple-party account with a financial institution, the document establishing the account or adding another party must include for each party to the account the question, "Do you intend for the sum remaining upon your death to belong to the surviving party or parties? Yes or No." The question required by this subsection must be answered in writing on the form by each party to the account prior to opening the account. The answer provided on the form required by this subsection does not have any effect on any legal presumption or inference available in any civil or criminal matter.

**Sec. 3. 18-A MRSA §6-105, last ¶,** as enacted by PL 2017, c. 390, §2 and repealed by c. 402, Pt. A, §1 and affected by Pt. F, §1, is repealed.

**Sec. 4. Application.** That section of this Act that enacts the Maine Revised Statutes, Title 9-B, section 427, subsection 13-A applies to all multiple-party accounts established with a financial institution on or after July 1, 2019 and to all single-party accounts changed to multiple-party accounts with a financial institution on or after July 1, 2019.

**Sec. 5. Effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 9-B, section 427, subsection 13-A takes effect July 1, 2019.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 7, 2019, unless otherwise indicated.

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CHAPTER 2  
H.P. 32 - L.D. 31

**An Act Regarding Rules  
Adopted by the ConnectME  
Authority**

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

**Sec. 1. 35-A MRSA §9205, sub-§3**, as enacted by PL 2005, c. 665, §3, is amended to read:

**3. Bylaws; rules.** To adopt bylaws and any rule necessary or useful for carrying out any of the authority's powers or duties pursuant to this chapter. Rules adopted pursuant to this subsection are ~~major substantive~~ **routine technical** rules as defined in Title 5, chapter 375, subchapter 2-A;

See title page for effective date.

**CHAPTER 3**

**S.P. 63 - L.D. 251**

**An Act To Amend the Maine Condominium Act by Extending the Lien Period for Nonpayment of Assessments**

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

**Sec. 1. 33 MRSA §1603-116, sub-§(e)**, as amended by PL 2011, c. 368, §6, is further amended to read:

(e) A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within ~~5~~ **6** years after the full amount of the assessments becomes due.

See title page for effective date.

**CHAPTER 4**

**H.P. 742 - L.D. 1000**

**An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019**

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

**Whereas**, the 90-day period may not terminate until after the beginning of the next fiscal year; and

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

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1. Appropriations and allocations.**

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Executive Branch Departments and Independent Agencies - Statewide 0017**

Initiative: Adjusts funding as a result of the review of vacant positions as authorized in Public Law 2017, chapter 284, Part EE.

GENERAL FUND	2018-19	2019-20	2020-21
Personal Services	\$2,899,082	\$0	\$0
GENERAL FUND TOTAL	\$2,899,082	\$0	\$0

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

	2018-19	2019-20	2020-21
GENERAL FUND	\$2,899,082	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$2,899,082	\$0	\$0

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Land Management and Planning Z239**

Initiative: Provides funding for capital construction materials, capital improvements to bridges and roads, and other improvements to recreational trails and sites used by the public.

OTHER SPECIAL REVENUE FUNDS	2018-19	2019-20	2020-21
Capital Expenditures	\$200,000	\$0	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$200,000	\$0	\$0
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AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF			
DEPARTMENT TOTALS	2018-19	2019-20	2020-21

OTHER SPECIAL REVENUE FUNDS	\$200,000	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$200,000	\$0	\$0

**CULTURAL AFFAIRS COUNCIL, MAINE STATE**

**State of Maine Bicentennial Celebration Z260**

Initiative: Provides one-time funding for staff support and other expenses associated with the planning of the State of Maine bicentennial celebration. Funds appropriated for this purpose do not lapse but must be carried forward into the next fiscal year to be used only to support the expenses of planning the bicentennial celebration.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$1,000,000	\$0	\$0
GENERAL FUND TOTAL	\$1,000,000	\$0	\$0

**CULTURAL AFFAIRS COUNCIL, MAINE STATE**

DEPARTMENT TOTALS	2018-19	2019-20	2020-21
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GENERAL FUND	\$1,000,000	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$1,000,000	\$0	\$0

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF  
Disaster Assistance 0841**

Initiative: Provides one-time funding to the Disaster Recovery Fund to meet the State's share of estimated disaster recovery costs, as authorized in the Maine Revised Statutes, Title 37-B, section 744, subsection 2-A.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$2,500,000	\$0	\$0
GENERAL FUND TOTAL	\$2,500,000	\$0	\$0

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

DEPARTMENT TOTALS	2018-19	2019-20	2020-21
GENERAL FUND	\$2,500,000	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$2,500,000	\$0	\$0

**EDUCATION, DEPARTMENT OF**

**Higher Education and Educator Support Services Z082**

Initiative: Establishes one Public Service Manager II position to provide leadership, strategic planning and direction for all certification activities effective April 8, 2019.

GENERAL FUND	2018-19	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNCIL	1.000	0.000	0.000
Personal Services	\$19,821	\$0	\$0
GENERAL FUND TOTAL	\$19,821	\$0	\$0

**Leadership Team Z077**

Initiative: Establishes one Public Service Executive II position to serve as the chief innovation officer within the department effective April 1, 2019.

GENERAL FUND	2018-19	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNCIL	1.000	0.000	0.000
Personal Services	\$31,373	\$0	\$0

	2018-19	2019-20	2020-21
GENERAL FUND TOTAL	\$31,373	\$0	\$0
<b>EDUCATION, DEPARTMENT OF</b>			
<b>DEPARTMENT TOTALS</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	\$51,194	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$51,194</b>	<b>\$0</b>	<b>\$0</b>

**EXECUTIVE DEPARTMENT**

**Public Advocate 0410**

Initiative: Provides funding for expert witnesses and related costs in upcoming billing and metering and rate cases.

	2018-19	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>			
All Other	\$352,078	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$352,078</b>	<b>\$0</b>	<b>\$0</b>

**EXECUTIVE DEPARTMENT**

	2018-19	2019-20	2020-21
<b>DEPARTMENT TOTALS</b>			
OTHER SPECIAL REVENUE FUNDS	\$352,078	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$352,078</b>	<b>\$0</b>	<b>\$0</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Disproportionate Share - Dorothea Dix Psychiatric Center Z225**

Initiative: Transfers 6 Mental Health Worker I positions from 36% General Fund and 64% Other Special Revenue Funds in the Dorothea Dix Psychiatric Center program to 36% Disproportionate Share - Dorothea Dix Psychiatric Center program, General Fund and 64% Dorothea Dix Psychiatric Center program, Other Special Revenue Funds.

	2018-19	2019-20	2020-21
<b>GENERAL FUND</b>			
POSITIONS - LEGISLATIVE COUNT	6.000	0.000	0.000
Personal Services	\$145,879	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$145,879</b>	<b>\$0</b>	<b>\$0</b>

**Dorothea Dix Psychiatric Center Z222**

Initiative: Transfers 6 Mental Health Worker I positions from 36% General Fund and 64% Other Special Revenue Funds in the Dorothea Dix Psychiatric Center program to 36% Disproportionate Share - Dorothea Dix Psychiatric Center program, General Fund and 64% Dorothea Dix Psychiatric Center program, Other Special Revenue Funds.

	2018-19	2019-20	2020-21
<b>GENERAL FUND</b>			
POSITIONS - LEGISLATIVE COUNT	(6.000)	0.000	0.000
Personal Services	(\$145,879)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$145,879)</b>	<b>\$0</b>	<b>\$0</b>

**Medical Care - Payments to Providers 0147**

Initiative: Adjusts allocations between the Medical Care - Payments to Providers program and the Nursing Facilities program within the same fund to correct an allocation approved in Public Law 2017, chapter 460.

	2018-19	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>			
All Other	(\$11,528,954)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$11,528,954)</b>	<b>\$0</b>	<b>\$0</b>

**Nursing Facilities 0148**

Initiative: Adjusts allocations between the Medical Care - Payments to Providers program and the Nursing Facilities program within the same fund to correct an allocation approved in Public Law 2017, chapter 460.

	2018-19	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>			
All Other	\$11,528,954	\$0	\$0

FEDERAL EXPENDITURES FUND TOTAL	\$11,528,954	\$0	\$0
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**HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

GENERAL FUND	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0
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**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding to meet current rates developed by the Department of Administrative and Financial Services, Office of Information Technology for network access.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$184,214	\$0	\$0

GENERAL FUND TOTAL	\$184,214	\$0	\$0
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**JUDICIAL DEPARTMENT DEPARTMENT TOTALS**

GENERAL FUND	\$184,214	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$184,214	\$0	\$0
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**LIBRARY, MAINE STATE**

**Maine State Library 0217**

Initiative: Provides funding for the full subscription and support of 13 public computers.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$6,400	\$0	\$0

GENERAL FUND TOTAL	\$6,400	\$0	\$0
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**LIBRARY, MAINE STATE DEPARTMENT TOTALS**

GENERAL FUND	\$6,400	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$6,400	\$0	\$0
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**MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Policy and Management 0258**

Initiative: Reallocates 15% of the cost of 8 Marine Patrol Officer positions and 3 Marine Patrol Specialist positions and 10% of the cost of 2 Marine Patrol Mechanic Specialist positions from the Bureau of Policy and Management program, Other Special Revenue Funds to the Marine Patrol - Bureau of program, General Fund.

**OTHER SPECIAL REVENUE FUNDS**

Personal Services	2018-19	2019-20	2020-21
	(\$180,872)	\$0	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$180,872)	\$0	\$0
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**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for the Department of Public Safety's State Police records management system.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$36,563	\$0	\$0

GENERAL FUND TOTAL	\$36,563	\$0	\$0
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**Marine Patrol - Bureau of 0029**

Initiative: Reallocates 15% of the cost of 8 Marine Patrol Officer positions and 3 Marine Patrol Specialist positions and 10% of the cost of 2 Marine Patrol Mechanic Specialist positions from the Bureau of Policy and Management program, Other Special Revenue Funds to the Marine Patrol - Bureau of program, General Fund.

GENERAL FUND	2018-19	2019-20	2020-21
Personal Services	\$180,872	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$180,872</b>	<b>\$0</b>	<b>\$0</b>

**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for an increase in fees for dispatch services provided by the Department of Public Safety.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$41,561	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$41,561</b>	<b>\$0</b>	<b>\$0</b>

**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for insurance, uniforms, training, rents and minor equipment for the Bureau of Marine Patrol.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$176,387	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$176,387</b>	<b>\$0</b>	<b>\$0</b>

**MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS**

	2018-19	2019-20	2020-21
GENERAL FUND	\$435,383	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	(\$180,872)	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$254,511</b>	<b>\$0</b>	<b>\$0</b>

**PROPERTY TAX REVIEW, STATE BOARD OF**

**Property Tax Review - State Board of 0357**

Initiative: Provides funding for payment of Attorney General legal fees.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$38,772	\$0	\$0

GENERAL FUND TOTAL	\$38,772	\$0	\$0
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**PROPERTY TAX REVIEW, STATE BOARD OF DEPARTMENT TOTALS**

	2018-19	2019-20	2020-21
GENERAL FUND	\$38,772	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$38,772</b>	<b>\$0</b>	<b>\$0</b>

**SECRETARY OF STATE, DEPARTMENT OF Bureau of Administrative Services and Corporations 0692**

Initiative: Provides funding for the annual lease of accessible voting system equipment, software and support to municipalities for 2019.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$400,000	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$400,000</b>	<b>\$0</b>	<b>\$0</b>

**SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS**

	2018-19	2019-20	2020-21
GENERAL FUND	\$400,000	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$400,000</b>	<b>\$0</b>	<b>\$0</b>

**SECTION TOTALS**

	2018-19	2019-20	2020-21
GENERAL FUND	\$7,515,045	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$371,206	\$0	\$0

SECTION TOTAL -	\$7,886,251	\$0	\$0
ALL FUNDS			

**PART B**

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

**PART C**

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

**PART D**

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

**5. Cost recovery fund.** There is established within the commission a nonlapsing cost recovery fund, referred to in this section as "the fund." The fund receives funds allocated or transferred by the Legislature from the unappropriated surplus of the General Fund in accordance with subsection 8. The commission shall use the fund to pay all above-market costs of any contract entered into under this section. No more than 50% of the fund may be awarded to facilities serving the NMISA region. ~~At the close of fiscal year 2016-17, amounts remaining in the cost recovery fund that the commission has determined are not needed to pay above market costs in accordance with subsection 6 must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532.~~ The commission by rule or order shall establish how above-market costs are determined and how payments from the fund are made. Amounts remaining in the cost recovery fund that are not needed to pay above-market costs in accordance with subsection 6 may not be transferred without legislative approval.

**PART E**

**Sec. E-1. Transfer balances.** Notwithstanding any other provision of law, at the close of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance specifically related to federal supplemental nutrition assistance program overpayments in the Department of Health and Human Services, Food Supplement Administration program, Federal Expenditures Fund to the Department of Health and Human Services, Food Supplement Administration program, Other Special Revenue Funds.

**PART F**

**Sec. F-1. Office of the Public Advocate; special assessment on electric utility entities.** Notwithstanding any other provision of law, in fiscal

year 2018-19, every electric utility entity subject to an assessment under the Maine Revised Statutes, Title 35-A, section 116, subsection 8 is subject to an additional assessment on its intrastate gross operating revenues sufficient to produce \$353,000 total. The revenues produced from this assessment must be transferred to the Public Advocate Regulatory Fund. All Other funds in the amount of \$353,000 may be used only for the costs associated with representing electric utility ratepayers in the State and the State's public interests for the anticipated Emera Maine rate case and bifurcated Central Maine Power Company billing and metering and rate cases and for retention of expert witnesses and related costs.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 14, 2019.

**CHAPTER 5**

**S.P. 10 - L.D. 1**

**An Act To Protect Health Care Coverage for Maine Families**

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

**Whereas,** Maine residents need access to comprehensive, quality health insurance coverage; and

**Whereas,** recent court decisions may endanger important consumer protections related to health insurance coverage in the federal Patient Protection and Affordable Care Act, including preexisting condition exclusions, essential health benefits and annual and lifetime limits on the dollar value of benefits; and

**Whereas,** the purpose of this legislation is to ensure that those consumer protections are codified in state law; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1. 24-A MRSA §2736-C, sub-§2, ¶B**, as amended by PL 2007, c. 629, Pt. A, §3, is further amended to read:

B. A carrier may not vary the premium rate due to the gender, health status, occupation or industry, claims experience or policy duration of the individual or any other rating factor not specified in this subsection.

**Sec. A-2. 24-A MRSA §2736-C, sub-§2,** ¶C, as amended by PL 2011, c. 364, §3, is further amended to read:

C. A carrier may vary the premium rate due to family membership to the extent permitted by the federal Affordable Care Act. The premium rate for a family must equal the sum of the premiums for each individual in the family, except that it may not be based on more than 3 dependent children who are less than 21 years of age.

**Sec. A-3. 24-A MRSA §2736-C, sub-§2,** ¶D, as amended by PL 2011, c. 364, §4, is further amended to read:

D. A carrier may vary the premium rate due to age and tobacco use in accordance with the limitations set out in this paragraph. A carrier that varies the premium rate due to age must vary the premium rate according to a uniform age curve. The superintendent shall adopt rules establishing a uniform age curve that is substantially similar to the age curve in effect on January 1, 2019 under the federal Affordable Care Act. Rules adopted under this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

(1) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between December 1, 1993 and July 14, 1994, the premium rate may not deviate above or below the community rate filed by the carrier by more than 50%.

(2) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1994 and July 14, 1995, the premium rate may not deviate above or below the community rate filed by the carrier by more than 33%.

(3) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1995 and June 30, 2012, the premium rate may not deviate above or below the community rate filed by the carrier by more than 20%.

(5) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 1, 2012 and December 31, 2013, the maximum rate differential due to age filed

by the carrier as determined by ratio is 3 to 1. The limitation does not apply for determining rates for an attained age of less than 19 years of age or more than 65 years of age.

(6) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between January 1, 2014 and December 31, 2014, the maximum rate differential due to age filed by the carrier as determined by ratio is 4 to 1 to the extent permitted by the federal Affordable Care Act. The limitation does not apply for determining rates for an attained age of less than 19 years of age or more than 65 years of age.

(7) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2015, except as provided in subparagraph (9), the maximum rate differential due to age filed by the carrier as determined by ratio is 5 to 1 to the extent permitted by the federal Affordable Care Act. The limitation does not apply for determining rates for an attained age of less than 19 years of age or more than 65 years of age.

(8) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after July 1, 2012, the maximum rate differential due to tobacco use filed by the carrier as determined by ratio is 1.5 to 1, except that the carrier may not apply a rate differential pursuant to this subparagraph when the covered individual is participating in an evidence-based tobacco cessation strategy approved by the United States Department of Health and Human Services, Food and Drug Administration.

(9) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after the effective date of this subparagraph, the maximum rate differential due to age filed by the carrier as determined by ratio is 3 to 1 for individuals 21 years of age and older on the first day of coverage under the policy, contract or certificate. The variation in rate due to age must be actuarially justified for individuals under 21 years of age consistent with the uniform age rating curve adopted under this paragraph.

**Sec. A-4. 24-A MRSA §2736-C, sub-§2,** ¶F, as amended by PL 2007, c. 629, Pt. M, §4, is repealed.

**Sec. A-5. 24-A MRSA §2736-C, sub-§2, ¶I**, as amended by PL 2011, c. 364, §5, is repealed.

**Sec. A-6. 24-A MRSA §2736-C, sub-§5**, as amended by PL 2011, c. 90, Pt. D, §3, is further amended to read:

**5. Loss ratios.** Except as provided in subsection 2-B, for all policies and certificates issued on or after the effective date of this section, the superintendent shall disapprove any premium rates filed by any carrier, whether initial or revised, for an individual health policy unless it is anticipated that the ~~aggregate benefits estimated to be paid under all the individual health policies maintained in force by the carrier for the period for which coverage is to be provided will return to policyholders at least 65% of the aggregate premiums collected for those policies, as determined in accordance with accepted actuarial principles and practices and on the basis of incurred claims experience and earned premiums. For the purposes of this calculation, any payments paid pursuant to former section 6913 must be treated as incurred claims~~ medical loss ratio calculated under section 4319 will be at least 80%.

**Sec. A-7. 24-A MRSA §2736-C, sub-§11**, as enacted by PL 2013, c. 271, §1, is amended to read:

**11. Open enrollment; rules.** Notwithstanding subsection 3, on or after January 1, 2014, a carrier may restrict enrollment in individual health plans to open enrollment periods and special enrollment periods ~~consistent with requirements of the federal Affordable Care Act to the extent not inconsistent with applicable federal law. The superintendent may adopt rules establishing minimum open enrollment dates and minimum criteria for special enrollment periods for all individual health plans offered in this State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

**Sec. A-8. 24-A MRSA §2742-B**, as amended by PL 2007, c. 514, §§1 to 5, is further amended to read:

**§2742-B. Mandatory offer to extend coverage for dependent children up to 26 years of age**

**1. Dependent child; definition.** As used in this section, "dependent child" means the child of a person covered under an individual health insurance policy ~~when that child:~~

- ~~A. Is unmarried;~~
- ~~B. Has no dependent of the child's own; and~~
- ~~C. Is a resident of this State or is enrolled as a full time student at an accredited public or private institution of higher education.~~

**2. Offer of coverage.** Notwithstanding section 2703, subsection 3, an individual health insurance policy that offers coverage for a dependent child must

offer such coverage, at the option of the policyholder, until the dependent child is ~~25~~ attains 26 years of age. ~~An insurer may require, as a condition of eligibility for coverage in accordance with this section, that a person seeking coverage for a dependent child provide written documentation on an annual basis that the dependent child meets the requirements in subsection 1.~~

**Sec. A-9. 24-A MRSA §2808-B, sub-§2, ¶B**, as amended by PL 1993, c. 477, Pt. B, §1 and affected by Pt. F, §1, is further amended to read:

B. A carrier may not vary the premium rate due to the gender, health status, claims experience or policy duration of the eligible group or members of the group or any other rating factor not specified in this section.

**Sec. A-10. 24-A MRSA §2808-B, sub-§2, ¶C**, as amended by PL 2011, c. 638, §1, is further amended to read:

C. A carrier may vary the premium rate due to ~~occupation and industry, family membership and participation in wellness programs to the extent permitted by the federal Affordable Care Act. The premium rate for a family must equal the sum of the premiums for each individual in the family, except that it may not be based on more than 3 dependent children who are less than 21 years of age. The superintendent may adopt rules setting forth appropriate methodologies regarding rate discounts for participation in wellness programs and rating for occupation and industry pursuant to this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

**Sec. A-11. 24-A MRSA §2808-B, sub-§2, ¶D**, as amended by PL 2011, c. 638, §2, is further amended to read:

D. A carrier may vary the premium rate due to age, ~~group size~~ and tobacco use ~~only under the following schedule and within the listed percentage bands in accordance with the limitations set out in this paragraph. A carrier that varies the premium rate due to age must vary the premium rate according to a uniform age curve. The superintendent shall adopt rules establishing a uniform age curve that is substantially similar to the age curve in effect on January 1, 2019 under the federal Affordable Care Act. Rules adopted under this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

- (1) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1993 and July 14, 1994, the premium rate may not deviate above or below the community rate filed by the carrier by more than 50%.

(2) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1994 and July 14, 1995, the premium rate may not deviate above or below the community rate filed by the carrier by more than 33%.

(3) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between July 15, 1995 and September 30, 2011, the premium rate may not deviate above or below the community rate filed by the carrier by more than 20%.

(4) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between October 1, 2011 and September 30, 2012, the maximum rate differential due to age filed by the carrier as determined by ratio is 2 to 1. The limitation does not apply for determining rates for an attained age of less than 19 years of age or more than 65 years of age.

(5) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between October 1, 2012 and December 31, 2013, the maximum rate differential due to age and group size filed by the carrier as determined by ratio is 2.5 to 1. The limitation does not apply for determining rates for an attained age of less than 19 years of age or more than 65 years of age.

(6) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between January 1, 2014 and December 31, 2014, the maximum rate differential due to age and group size filed by the carrier as determined by ratio is 3 to 1 to the extent permitted by the federal Affordable Care Act. The limitation does not apply for determining rates for an attained age of less than 19 years of age or more than 65 years of age.

(7) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between January 1, 2015 and December 31, 2015, the maximum rate differential due to age and group size filed by the carrier as determined by ratio is 4 to 1 to the extent permitted by the federal Affordable Care Act. The limitation does not apply for determining rates for an attained age of less than 19 years of age or more than 65 years of age.

(8) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2016, except as provided in subparagraph (10), the maximum rate differential due to age and group size filed by the carrier as determined by ratio is 5 to 1 to the extent permitted by the federal Affordable Care Act. The limitation does not apply for determining rates for an attained age of less than 19 years of age or more than 65 years of age.

(9) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after October 1, 2011, the maximum rate differential due to tobacco use filed by the carrier as determined by ratio is 1.5 to 1, except that the carrier may not apply a rate differential pursuant to this subparagraph when the covered individual is participating in an evidence-based tobacco cessation strategy approved by the United States Department of Health and Human Services, Food and Drug Administration.

(10) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after the effective date of this Act, the maximum rate differential due to age filed by the carrier as determined by ratio is 3 to 1 for individuals 21 years of age and older on the first day of coverage under the policy, contract or certificate. The variation in rate due to age must be actuarially justified for individuals under 21 years of age consistent with the uniform age rating curve adopted under this paragraph.

**Sec. A-12. 24-A MRSA §2808-B, sub-§2,** ~~¶H~~, as amended by PL 2011, c. 638, §3, is repealed.

**Sec. A-13. 24-A MRSA §2833-B,** as amended by PL 2007, c. 514, §§6 to 10, is further amended to read:

**§2833-B. Mandatory offer to extend coverage for dependent children up to 26 years of age**

**1. Dependent child; definition.** As used in this section, "dependent child" means the child of a person covered under a group health insurance policy ~~when that child:~~

~~A. Is unmarried;~~

~~B. Has no dependent of the child's own; and~~

~~C. Is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education.~~

**2. Offer of coverage.** Notwithstanding section 2822, a group health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the policyholder parent, until the dependent child is 25 attains 26 years of age. An insurer may require, as a condition of eligibility for coverage in accordance with this section, that a person seeking coverage for a dependent child provide written documentation on an annual basis that the dependent child meets the requirements in subsection 1.

**Sec. A-14. 24-A MRSA §2849, sub-§3-A,** as enacted by PL 2009, c. 244, Pt. E, §3, is repealed.

**Sec. A-15. 24-A MRSA §2849-B, sub-§3-B,** as enacted by PL 2009, c. 244, Pt. E, §5, is repealed.

**Sec. A-16. 24-A MRSA §2850, sub-§2,** as amended by PL 2011, c. 364, §18, is further amended to read:

**2. Limitation.** An individual, group or blanket contract issued by an insurer may not impose a preexisting condition exclusion except as provided in this subsection. A preexisting condition exclusion may not exceed 12 months from the date of enrollment, including the waiting period, if any. For purposes of this subsection, "waiting period" includes any period between the time a substantially complete application for an individual or small group health plan is filed and the time the coverage takes effect. A preexisting condition exclusion may not be more restrictive than as follows. This subsection does not limit a carrier's ability to restrict enrollment in an individual contract to open enrollment and special enrollment periods in accordance with section 2736-C, subsection 11.

A. In a group contract, a preexisting condition exclusion may relate only to conditions for which medical advice, diagnosis, care or treatment was recommended or received during the 6 month period ending on the earlier of the date of enrollment in the contract and the date of enrollment in a prior contract covering the same group if there has not been a gap in coverage of greater than 90 days between contracts. An exclusion may not be imposed relating to pregnancy as a preexisting condition.

B. In an individual contract not subject to paragraph C, or in a blanket policy, a preexisting condition exclusion may relate only to conditions manifesting in symptoms that would cause an ordinarily prudent person to seek medical advice, diagnosis, care or treatment or for which medical advice, diagnosis, care or treatment was recommended or received during the 12 months immediately preceding the date of application or to a pregnancy existing on the effective date of coverage.

C. An individual policy issued on or after January 1, 1998 to a federally eligible individual as de-

defined in section 2848 may not contain a preexisting condition exclusion.

D. A routine preventive screening or test yielding only negative results may not be considered to be diagnosis, care or treatment for the purposes of this subsection.

E. Genetic information may not be used as the basis for imposing a preexisting condition exclusion in the absence of a diagnosis of the condition relating to that information. For the purposes of this paragraph, "genetic information" has the same meaning as set forth in the Code of Federal Regulations.

F. Except for individual health plans in effect on March 23, 2010 that have grandfathered status under the federal Affordable Care Act, a carrier as defined in section 4301-A, subsection 3 offering a health plan as defined in section 4301-A, subsection 7 may not apply a preexisting condition exclusion to any enrollee under 19 years of age. A preexisting condition exclusion may not be imposed on any enrollee after January 1, 2014 to the extent prohibited by the federal Affordable Care Act.

**Sec. A-17. 24-A MRSA §2850-B, sub-§3,** as amended by PL 2011, c. 90, Pt. F, §3 and c. 238, Pt. F, §1, is further amended to read:

**3. Cancellation of coverage; renewal.** Coverage may not be rescinded for an individual, a group or eligible members and their dependents in those groups once an individual, a group or eligible members and their dependents in those groups are covered under an individual or group health plan, except that this subsection does not prohibit rescission with respect to a covered individual, a group or eligible members and their dependents in those groups who have performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact as prohibited by the terms of the individual or group health plan to the extent consistent with section 2411. Such coverage may not be cancelled, and renewal must be guaranteed to all individuals, to all groups and to all eligible members and their dependents in those groups except:

A. When the policyholder or contract holder fails to pay premiums or contributions in accordance with the terms of the contract or the carrier has not received timely premium payments;

B. For fraud or intentional misrepresentation of material fact by the policyholder or contract holder;

C. With respect to coverage of individuals under a group policy or contract, for fraud or intentional misrepresentation of material fact on the part of the individual or the individual's representative;

D. In the large or small group market, for non-compliance with the carrier's minimum participation requirements, which may not exceed the participation requirement when the policy was issued;

E. With respect to a managed care plan, as defined in section 4301-A, if there is no longer an insured who lives, resides or works in the service area;

F. When the carrier ceases offering large or small group health plans in compliance with subsection 4 and does not renew any existing policies in that market;

F-1. When the carrier ceases offering individual health plans in compliance with section 2736-C, subsection 4 and does not renew any existing policies in that market;

G. When the carrier ceases offering a product and meets the following requirements:

(1) In the large group market:

(a) The carrier provides notice to the policyholder and to the certificate holders at least 90 days before termination;

(b) The carrier offers to each policyholder the option to purchase any other product currently being offered in the large group market; and

(c) In exercising the option to discontinue the product and in offering the option of coverage under division (b), the carrier acts uniformly without regard to the claims experience of the policyholders or the health status of the certificate holders or their dependents or prospective certificate holders or their dependents;

(2) In the small group market:

(a) The carrier replaces the product with a product that complies with the requirements of this section, including renewability, and with section 2808-B;

(b) The superintendent finds that the replacement is in the best interests of the policyholders; and

(c) The carrier provides notice of the replacement to the policyholder and to the certificate holders at least 90 days before replacement, including notice of the policyholder's right to purchase any other product currently being offered by that carrier in the small group market pursuant to section 2808-B, subsection 4; or

(3) In the individual market:

(a) The carrier replaces the product with a product that complies with the requirements of this section, including renewability, and with section 2736-C;

(b) The superintendent finds that the replacement is in the best interests of the policyholders; and

(c) The carrier provides notice of the replacement to the policyholder and, if a group policy subject to section 2736-C, to a certificate holder at least 90 days before replacement, including notice of the policyholder's or certificate holder's right to purchase any other product currently being offered by that carrier in the individual market pursuant to section 2736-C, subsection 3;

H. In renewing a large group policy in accordance with this section, a carrier may modify the coverage, terms and conditions of the policy consistent with other applicable provisions of state and federal laws as long as the modifications are applied uniformly to all policyholders of the same product; or

I. In renewing an individual or small group policy in accordance with this section, a carrier may make minor modifications to the coverage, terms and conditions of the policy consistent with other applicable provisions of state and federal laws as long as the modifications meet the conditions specified in this paragraph and are applied uniformly to all policyholders of the same product. Modifications not meeting the requirements in this paragraph are considered a discontinuance of the product pursuant to paragraph G.

(1) A modification pursuant to this paragraph must be approved by the superintendent. The superintendent shall approve the modification if it meets the requirements of this section.

(2) A change in a requirement for eligibility is not a minor modification pursuant to this paragraph if the change results in the exclusion of a class or category of enrollees currently covered.

(3) Benefit modifications required by law are deemed minor modifications for purposes of this paragraph.

(4) Benefit modifications other than modifications required by law are minor modifications only if they meet the requirements of this subparagraph. For purposes of this subparagraph, changes in administrative conditions or requirements specified in the policy, such as preauthorization requirements, are not considered benefit modifications.

(a) The total of any increases in benefits may not increase the actuarial value of the total benefit package by more than 5%.

(b) The total of any decreases in benefits may not decrease the actuarial value of the total benefit package by more than 5%.

(c) For purposes of the calculations in divisions (a) and (b), increases and decreases must be considered separately and may not offset one another.

(5) A carrier must give 60 days' notice of any modification pursuant to this paragraph to all affected policyholders and certificate holders.

**Sec. A-18. 24-A MRSA §4233-B**, as amended by PL 2007, c. 514, §§11 to 15, is further amended to read:

**§4233-B. Mandatory offer to extend coverage for dependent children up to 26 years of age**

**1. Dependent child; definition.** As used in this section, "dependent child" means the child of a person covered under an individual or group health maintenance organization contract ~~when that child:~~

~~A. Is unmarried;~~

~~B. Has no dependent of the child's own; and~~

~~C. Is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education.~~

**2. Offer of coverage.** An individual or group health maintenance organization contract that offers coverage for a dependent child ~~shall~~ must offer such coverage, at the option of the ~~contract holder~~ parent, until the dependent child ~~is 25~~ attains 26 years of age. ~~An insurer may require, as a condition of eligibility for coverage in accordance with this section, that a person seeking coverage for a dependent child provide written documentation on an annual basis that the dependent child meets the requirements in subsection 1.~~

**Sec. A-19. 24-A MRSA §4302, sub-§1**, as amended by PL 2017, c. 232, §§3-5, is further amended to read:

**1. Description of plan.** A carrier shall provide to prospective enrollees and participating providers, and to members of the public and nonparticipating providers upon request, information on the terms and conditions of the plan to enable those persons to make informed decisions regarding their choice of plan. A carrier shall provide this information annually to current enrollees, participating providers and the superintendent. This information must be presented in a standardized format acceptable to the superintendent. In adopting rules or developing standardized reporting

formats, the superintendent shall consider the nature of the health plan and the extent to which rules or standardized formats are appropriate to the plan. All written and oral descriptions of the health plan must be truthful and must use appropriate and objective terms that are easy to understand. These descriptions must be consistent with standards developed for supplemental insurance coverage under the United States Social Security Act, Title XVIII, 42 United States Code, Sections 301 to 1397 (1988). Descriptions of plans under this subsection must be standardized so that enrollees may compare the attributes of the plans and be in a format that is substantially similar to the format required for a carrier pursuant to the federal Affordable Care Act as of January 1, 2019. After a carrier has provided the required information, the annual information requirement under this subsection may be satisfied by the provision of any amendments to the materials on an annual basis. A carrier shall post descriptions of its plans on its publicly accessible website and, in addition to the plan description, include a link to the health plan's certificate of coverage. Specific items that must be included in a description are as follows:

A. Coverage provisions, benefits and any exclusions by category of service, type of provider and, if applicable, by specific service, including but not limited to the following types of exclusions and limitations:

(1) Health care services excluded from coverage;

(2) Health care services requiring copayments or deductibles paid by enrollees;

(3) Restrictions on access to a particular provider type;

(4) Health care services that are or may be provided only by referral; and

(5) Childhood immunizations as recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention and the American Academy of Pediatrics;

B. Any prior authorization or other review requirements, including preauthorization review, concurrent review, postservice review, postpayment review and any procedures that may result in the enrollee being denied coverage or not being provided a particular service;

C. A general description of the methods used to compensate providers, including capitation and methods in which providers receive compensation based upon referrals, utilization or cost criteria;

D. An explanation of how health plan limitations affect enrollees, including information on enrollee financial responsibilities for payment of coinsur-

ance or other noncovered or out-of-plan services and limits on preexisting conditions and waiting periods;

E. The terms under which the health plan may be renewed by the plan members or enrollees, including any reservation by the health plan of any right to increase premiums;

F. A statement as to when benefits cease in the event of nonpayment of the prepaid or periodic premium and the effect of nonpayment upon the enrollees who are hospitalized or undergoing treatment for an ongoing condition;

G. A description of the manner in which the plan addresses the following: the provision of appropriate and accessible care in a timely fashion; an effective and timely grievance process and the circumstances in which an enrollee may obtain a 2nd opinion; timely determinations of coverage issues; confidentiality of medical records; and written copies of coverage decisions that are not explicit in the health plan agreement. The description must also include a statement explaining the circumstances under which health status may be considered in making coverage decisions in accordance with state and federal laws and that enrollees may refuse particular treatments without jeopardizing future treatment;

H. Procedures an enrollee must follow to obtain drugs and medicines that are subject to a plan list or plan formulary, if any; a description of the formulary; and a description of the extent to which an enrollee will be reimbursed for the cost of a drug that is not on a plan list or plan formulary. Enrollees may request additional information related to specific drugs that are not on the drug formulary;

I. Information on where and in what manner health care services may be obtained;

J. A description of the independent external review procedures and the circumstances under which an enrollee is entitled to independent external review as required by this chapter;

K. A description of the requirements for enrollees to obtain coverage of routine costs of clinical trials and information on the manner in which enrollees not eligible to participate in clinical trials may qualify for the compassionate use program of the federal Food and Drug Administration for use of investigational drugs pursuant to 21 Code of Federal Regulations, Section 312.34, as amended;

L. A description of a provider profiling program that may be a part of the health plan, including the location of provider performance ratings in the plan materials or on a publicly accessible website, information explaining the provider rating system

and the basis upon which provider performance is measured, the limitations of the data used to measure provider performance, the process for selecting providers and a conspicuous written disclaimer explaining the provider performance ratings should only be used as a guide for choosing a provider and that enrollees should consult their current provider before making a decision about their health care based on a provider rating; and

M. If the health plan is subject to the requirements of section 4318-A, a description of the incentives available to an enrollee and how to earn such incentives if enrolled in a health plan offering a comparable health care service incentive program designed pursuant to section 4318-A.

**Sec. A-20. 24-A MRSA §4303, sub-§4, ¶E,** as enacted by PL 2011, c. 364, §25, is amended to read:

~~E. Health plans subject to the requirements of the federal Affordable Care Act must comply with federal claims and appeal requirements, including, but not limited to, the requirement that benefits for an ongoing course of treatment may not be reduced or terminated without advance notice and an opportunity for advance review, consistent with the requirements of the federal Affordable Care Act reduce or terminate benefits for an ongoing course of treatment, including coverage of a prescription drug, during the course of an appeal pursuant to the grievance procedure used by the carrier or any independent external review in accordance with section 4312.~~

**Sec. A-21. 24-A MRSA §4311, sub-§1-A** is enacted to read:

**1-A. Access to clinically appropriate prescription drugs.** For plan years beginning on or after the effective date of this subsection, a carrier must allow an enrollee, the enrollee's designee or the person who has issued a valid prescription for the enrollee to request and gain access to a clinically appropriate drug not otherwise covered by the health plan. The carrier's process must comply with section 4304 and with this subsection. If the carrier approves a request under this subsection for a drug not otherwise covered by the health plan, the carrier must treat the drug as an essential health benefit, including counting any cost sharing toward the plan's annual limit on cost sharing and including it when calculating the plan's actuarial value.

A. The carrier must determine whether it will cover the drug requested and notify the enrollee, the enrollee's designee, if applicable, and the person who has issued the valid prescription for the enrollee of its coverage decision within 2 business days following receipt of the request. A carrier that grants coverage under this paragraph must

provide coverage of the drug for the duration of the prescription, including refills.

B. The carrier must have a process by which an expedited review may be requested in exigent circumstances. Exigent circumstances exist when an enrollee is suffering from a health condition that may seriously jeopardize the enrollee's life, health or ability to regain maximum function or when an enrollee is undergoing a current course of treatment using a nonformulary drug. When an expedited review has been requested, the carrier must determine whether it will cover the drug requested and notify the enrollee, the enrollee's designee, if applicable, and the person who has provided a valid prescription for the enrollee of its coverage decision within 24 hours following receipt of the request. A carrier that grants coverage under this paragraph must provide coverage of the drug for the duration of the exigency.

**Sec. A-22. 24-A MRSA §4318**, as amended by PL 2011, c. 364, §33, is repealed.

**Sec. A-23. 24-A MRSA §4319**, as enacted by PL 2011, c. 90, Pt. D, §5, is amended to read:

#### **§4319. Rebates**

**1. Rebates required.** Carriers must provide rebates in the large group, small group and individual markets ~~to the extent required by the federal Affordable Care Act and federal regulations adopted pursuant thereto~~ if the medical loss ratio under subsection 2 is less than the minimum medical loss ratio under subsection 3.

**2. Medical loss ratio.** For purposes of this section, the medical loss ratio is the ratio of the numerator to the denominator as described in paragraphs A and B, respectively, plus any credibility adjustment. ~~The period for which the medical loss ratio is determined and the meaning of all terms used in this subsection must be in accordance with the federal Affordable Care Act and federal regulations adopted pursuant thereto.~~ For the purposes of this subsection:

A. The numerator is the amount expended on reimbursement for clinical services provided to enrollees and activities that improve health care quality; and

B. The denominator is the total amount of premium revenue excluding federal and state taxes and licensing and regulatory fees paid and after accounting for payments or receipts for risk adjustment, risk corridors and reinsurance pursuant to federal law.

**3. Minimum medical loss ratio.** The minimum medical loss ratio is:

A. In the large group market, 85%;

B. In the small group market, 80%; and

~~C. In the individual market, 80% or such lower minimum medical loss ratio as the Secretary of the United States Department of Health and Human Services determines based on a finding, pursuant to the federal Affordable Care Act and federal regulations adopted pursuant thereto, that an 80% minimum medical loss ratio might destabilize the individual market in this State.~~

**4. Rules.** The superintendent may adopt rules to implement this section in a substantially similar manner as required under the federal Affordable Care Act in effect as of January 1, 2019, including, but not limited to, rules establishing the period for which the medical loss ratio is calculated. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. A-24. 24-A MRSA §4319-A** is enacted to read:

#### **§4319-A. Guaranteed issue**

A carrier offering a health plan in this State in the individual, small group or large group market must offer to an individual or group in the State all health plans that are approved for sale in the applicable market and must accept any individual or group that applies for any of those health plans in accordance with the requirements of section 2736-C, subsection 3 and section 2808-B, subsection 4 and section 2850-B.

**Sec. A-25. 24-A MRSA §4320**, as enacted by PL 2011, c. 364, §34, is amended to read:

#### **§4320. No lifetime or annual limits on health plans**

~~Notwithstanding the requirements of section 4318,~~ a carrier offering a health plan subject to the federal Affordable Care Act in the individual, small group or large group market, as those markets are defined under applicable federal law, may not:

**1. Establish lifetime limits.** Establish lifetime limits on the dollar value of benefits for any participant or beneficiary; or

**2. Establish annual limits.** Establish annual limits on the dollar value of essential benefits, ~~except that, prior to January 1, 2014, health plans may include restricted annual limits on essential benefits consistent with the requirements of the federal Affordable Care Act and may establish annual limits consistent with waivers granted by the Secretary of the United States Department of Health and Human Services.~~

**3. Application.** This section applies to health plans offered or renewed in this State in the individual, small group and large group markets, as those markets are defined under applicable federal law. A health plan may contain annual dollar limits to the extent allowed under the federal Affordable Care Act as of January 1, 2019 if the plan has been continuously renewed since that date, but the plan may not impose

any new limits or reduce any existing limit in effect as of January 1, 2019.

## PART B

**Sec. B-1. 24-A MRSA §4320-D**, as enacted by PL 2011, c. 364, §34, is amended to read:

### **§4320-D. Comprehensive health coverage**

Notwithstanding any other requirements of this Title, a carrier offering a health plan ~~subject to the requirements of the federal Affordable Care Act in this State~~ shall, at a minimum, provide coverage that incorporates an essential health benefits and cost sharing limitations package consistent with the requirements ~~of the federal Affordable Care Act~~ this section.

**1. Essential health benefits package; definition.** As used in this section, "essential health benefits package" means, with respect to any health plan, coverage that:

A. Provides for the essential health benefits in accordance with subsection 2;

B. Limits cost sharing for coverage in accordance with subsection 3; and

C. Provides for levels of coverage in accordance with subsection 4.

**2. Substantially similar to federal Affordable Care Act; required categories.** With respect to any individual or small group health plan offered on or after January 1, 2020, a carrier shall provide essential health benefits that are substantially similar to that of the essential health benefits required in this State for a health plan subject to the federal Affordable Care Act as of January 1, 2019. Essential health benefits required for a health plan must include at least the following general categories and the items and services covered within the categories:

A. Ambulatory patient services;

B. Emergency services;

C. Hospitalization;

D. Maternity and newborn care;

E. Mental health and substance use disorder services, including behavioral health treatment;

F. Prescription drugs;

G. Rehabilitative and habilitative services and devices;

H. Laboratory services;

I. Preventive and wellness services and chronic disease management; and

J. Pediatric services, including oral and vision care, to the extent required by the federal Affordable Care Act as of January 1, 2019.

**3. Cost-sharing limitations.** With respect to any health plan offered on or after the effective date of this subsection, a carrier shall limit cost sharing on an annual basis in a manner that is consistent with the annual limits established for a health plan subject to the federal Affordable Care Act as of January 1, 2019 and as adjusted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, or, if the Centers for Medicare and Medicaid Services does not establish annual limits on cost sharing, the superintendent shall adopt rules establishing annual limits on cost sharing under this subsection that are calculated in substantially the same manner as the Centers for Medicare and Medicaid Services calculated the annual limit in the most recent year it calculated the annual limit.

**4. Levels of coverage.** Carriers shall offer coverage at levels that are substantially similar to the levels of coverage required for health plans subject to the federal Affordable Care Act as of January 1, 2019. The superintendent may adopt rules defining such levels of coverage. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**5. Rule of construction.** This section may not be construed to prohibit a health plan from providing benefits in excess of the essential health benefits described in this section.

## PART C

**Sec. C-1. 24-A MRSA §2850-C, sub-§3** is enacted to read:

**3. Applicability of section 4320-L.** In addition to the requirements of this section, a carrier is subject to section 4320-L.

**Sec. C-2. 24-A MRSA §4320-L** is enacted to read:

### **§4320-L. Nondiscrimination**

**1. Nondiscrimination.** An individual may not, on the basis of race, color, national origin, sex, sexual orientation, gender identity, age or disability, be excluded from participation in, be denied benefits of or otherwise be subjected to discrimination under any health plan offered in accordance with this Title. A carrier may not in offering, providing or administering a health plan:

A. Deny, cancel, limit or refuse to issue or renew a health plan or other health-related coverage, deny or limit coverage of a claim or impose additional cost sharing or other limitations or restrictions on coverage on the basis of race, color, national origin, sex, sexual orientation, gender identity, age or disability;

B. Have or implement marketing practices or benefit designs that discriminate on the basis of

race, color, national origin, sex, sexual orientation, gender identity, age or disability in a health plan or other health-related coverage;

C. Deny or limit coverage, deny or limit coverage of a claim or impose additional cost sharing or other limitations or restrictions on coverage for any health services that are ordinarily or exclusively available to individuals of one sex to a transgender individual based on the fact that the individual's sex assigned at birth, gender identity or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available;

D. Have or implement a categorical coverage exclusion or limitation for all health services related to gender transition; or

E. Otherwise deny or limit coverage, deny or limit coverage of a claim or impose additional cost sharing or other limitations or restrictions on coverage for specific health services related to gender transition if such denial, limitation or restriction results in discrimination against a transgender individual.

Nothing in this subsection is intended to determine or restrict a carrier from determining whether a particular health service is medically necessary or otherwise meets applicable coverage requirements in any individual case.

**2. Meaningful access for individuals with limited English proficiency.** A carrier shall take reasonable steps to provide meaningful access to each enrollee or prospective enrollee under a health plan who has limited proficiency in English.

**3. Effective communication for persons with disabilities.** A carrier shall take reasonable steps to ensure that communication with an enrollee or prospective enrollee in a health plan who is an individual with a disability is as effective as communication with other enrollees or prospective enrollees.

**PART D**

**Sec. D-1. 24-A MRSA §2749-C, sub-§1,** as amended by PL 2003, c. 20, Pt. VV, §8 and affected by §25, is further amended to read:

**1. Coverage for treatment for certain mental illnesses.** Coverage for medical treatment for mental illnesses listed in paragraph ~~A~~ A-1 by all individual policies is subject to this section.

~~A. All individual policies must make available coverage providing, at a minimum, benefits according to paragraph B, subparagraph (1) for a person receiving medical treatment for any of the following mental illnesses diagnosed by a licensed allopathic or osteopathic physician or a licensed psychologist who is trained and has re-~~

~~ceived a doctorate in psychology specializing in the evaluation and treatment of mental illness:~~

- ~~(1) Schizophrenia;~~
- ~~(2) Bipolar disorder;~~
- ~~(3) Pervasive developmental disorder, or autism;~~
- ~~(4) Paranoia;~~
- ~~(5) Panic disorder;~~
- ~~(6) Obsessive compulsive disorder; or~~
- ~~(7) Major depressive disorder.~~

A-1. All individual contracts must provide, at a minimum, benefits according to paragraph B, subparagraph (1) for a person receiving medical treatment for any of the following categories of mental illness as defined in the Diagnostic and Statistical Manual as defined in section 2843, subsection 3, paragraph A-1, except for those that are designated as "V" codes by the Diagnostic and Statistical Manual:

- (1) Psychotic disorders, including schizophrenia;
- (2) Dissociative disorders;
- (3) Mood disorders;
- (4) Anxiety disorders;
- (5) Personality disorders;
- (6) Paraphilias;
- (7) Attention deficit and disruptive behavior disorders;
- (8) Pervasive developmental disorders;
- (9) Tic disorders;
- (10) Eating disorders, including bulimia and anorexia; and
- (11) Substance use disorders.

For the purposes of this paragraph, the mental illness must be diagnosed by a licensed allopathic or osteopathic physician or a licensed psychologist who is trained and has received a doctorate in psychology specializing in the evaluation and treatment of mental illness.

B. All individual policies and contracts executed, delivered, issued for delivery, continued or renewed in this State must ~~make available~~ provide coverage providing benefits that meet the requirements of this paragraph.

- (1) The offer of coverage must provide benefits for the treatment and diagnosis of mental illnesses under terms and conditions that are

no less extensive than the benefits provided for medical treatment for physical illnesses.

(2) At the request of a reimbursing insurer, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary health care. When making the determination of whether treatment is medically necessary health care, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the individual policy.

**Sec. D-2. 24-A MRSA §2843, sub-§5-A**, as amended by PL 1989, c. 490, §4, is repealed.

**Sec. D-3. 24-A MRSA §4234-A, sub-§6**, as amended by PL 2017, c. 407, Pt. A, §98, is further amended to read:

**6. Coverage for treatment of certain mental illnesses.** Coverage for medical treatment for mental illnesses listed in paragraph A-1 is subject to this subsection.

A-1. All individual and group contracts must provide, at a minimum, benefits according to paragraph B, subparagraph (1) for a person receiving medical treatment for any of the following categories of mental illness as defined in the Diagnostic and Statistical Manual, except for those designated as "V" codes in the Diagnostic and Statistical Manual:

- (1) Psychotic disorders, including schizophrenia;
- (2) Dissociative disorders;
- (3) Mood disorders;
- (4) Anxiety disorders;
- (5) Personality disorders;
- (6) Paraphilias;
- (7) Attention deficit and disruptive behavior disorders;
- (8) Pervasive developmental disorders;
- (9) Tic disorders;
- (10) Eating disorders, including bulimia and anorexia; and
- (11) Substance use disorders.

For the purposes of this paragraph, the mental illness must be diagnosed by a licensed allopathic or osteopathic physician or a licensed psychologist who is trained and has received a doctorate in psychology specializing in the evaluation and treatment of mental illness.

B. All policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State must provide benefits that meet the requirements of this paragraph.

(1) The contracts must provide benefits for the treatment and diagnosis of mental illnesses under terms and conditions that are no less extensive than the benefits provided for medical treatment for physical illnesses.

(2) At the request of a reimbursing health maintenance organization, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary health care. When making the determination of whether treatment is medically necessary health care, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the group contract.

(3) If benefits and coverage for the treatment of physical illness are provided on an expense-incurred basis, the benefits and coverage required under this subsection may be delivered separately under a managed care system.

(4) A policy or contract may not have separate maximums for physical illness and mental illness, separate deductibles and coinsurance amounts for physical illness and mental illness, separate out-of-pocket limits in a benefit period of not more than 12 months for physical illness and mental illness or separate office visit limits for physical illness and mental illness.

(5) A health benefit plan may not impose a limitation on coverage or benefits for mental illness unless that same limitation is also imposed on the coverage and benefits for physical illness covered under the policy or contract.

(6) Copayments required under a policy or contract for benefits and coverage for mental illness must be actuarially equivalent to any coinsurance requirements or, if there are no coinsurance requirements, may not be greater than any copayment or coinsurance required under the policy or contract for a benefit or coverage for a physical illness.

(7) For the purposes of this section, a medication management visit associated with a mental illness must be covered in the same manner as a medication management visit for the treatment of a physical illness and may not be counted in the calculation of any maximum outpatient treatment visit limits.

~~This subsection does not apply to policies, contracts or certificates covering employees of employers with 20 or fewer employees, whether the group policy is issued to the employer, to an association, to a multiple-employer trust or to another entity.~~

**Sec. D-4. 24-A MRSA §4234-A, sub-§7**, as amended by PL 2003, c. 20, Pt. VV, §21 and affected by §25, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 19, 2019.

**CHAPTER 6**

**H.P. 109 - L.D. 127**

**An Act To Amend the Laws  
Governing Maine Potato Board  
Districts**

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

**Sec. 1. 36 MRSA §4602, sub-§3, ¶¶A to C**, as repealed and replaced by PL 2001, c. 164, §2, are amended to read:

A. District ~~One~~ 1: Connor, Cyr Plantation, Eagle Lake, Fort Kent, Fort Kent Mills, Frenchville, Grand Isle, Hamlin, Keegan, Lille, Madawaska, New Canada Plantation, New Sweden, Perham, Sinclair, Soldier Pond, St. Agatha, St. David, St. Francis, St. John, Stockholm, TR 17, Upper Frenchville, Van Buren, Wallagrass, Westmanland, Woodland and Winterville;

B. District 2: Ashland, Caribou, Castle Hill, Caswell Plantation, Connor, Connor Township, Chapman, Crouseville, Easton, Fort Fairfield, Garfield Plantation, Limestone, Perham Mapleton, Nashville Plantation, Portage Lake, Presque Isle, Wade, and Washburn, Westmanland and Woodland; and

C. District 3: Ashland, Blaine, Bridgewater, Castle Hill, Chapman, E Plantation, Easton, Garfield Plantation, Mapleton, Mars Hill, Masardis, Nashville, Presque Isle, Robbinston and Westfield; All municipalities and townships in the State not included in Districts 1 and 2.

**Sec. 2. 36 MRSA §4602, sub-§3, ¶D**, as repealed and replaced by PL 2001, c. 164, §2 and amended by PL 2017, c. 403, Pt. A, §3 and affected by §4, is repealed.

**Sec. 3. 36 MRSA §4602, sub-§3, ¶E**, as repealed and replaced by PL 2001, c. 164, §2, is repealed.

**Sec. 4. 36 MRSA §4603, sub-§2, ¶¶A to C**, as amended by PL 2001, c. 164, §3, are further amended to read:

A. There are ~~5~~ 3 assemblies of tablestock growers, one for each district. Subject to paragraph F, all tablestock growers in any district are entitled to membership in that district's tablestock growers' assembly.

B. There are ~~5~~ 3 assemblies of seed growers, one for each district. Subject to paragraph F, all seed growers in any district are entitled to membership in that district's seed growers' assembly.

C. There are ~~5~~ 3 assemblies of processing growers, one for each district. Subject to paragraph F, all processing growers in any district are entitled to membership in that district's processing growers' assembly.

**Sec. 5. 36 MRSA §4603, sub-§3, ¶¶A to C**, as amended by PL 2001, c. 164, §4, are further amended to read:

A. The executive council for the tablestock growers consists of ~~7~~ 5 members, one elected by the tablestock growers' assembly for each district and 2 additional members appointed by the board.

B. The executive council for the seed growers consists of ~~7~~ 5 members, one elected by the seed growers' assembly for each district and 2 additional members appointed by the board.

C. The executive council for the processing growers consists of ~~7~~ 5 members, one elected by the processing growers' assembly for each district and 2 additional members appointed by the board.

**Sec. 6. 36 MRSA §4603, sub-§3, ¶D**, as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

D. The executive council for the dealers shall consist of ~~7~~ 5 members elected by the dealers' assembly.

**Sec. 7. 36 MRSA §4603, sub-§5**, as amended by PL 2011, c. 7, §1, is further amended to read:

**5. Meetings of executive councils and assemblies.** Executive councils shall annually elect officers, including a chair, vice chair and secretary. Each executive council shall hold meetings from time to time, no less than once a year, upon call of the executive council chair, a majority of the executive council or the board. Each assembly shall hold meetings from time to time, no less than once a year, upon call of a majority of its executive council or upon call of the board, except that district assemblies of growers may hold these meetings jointly in statewide sessions or in concert with other assemblies or groups of assemblies. All meetings of assemblies and executive councils

must be open to the public and otherwise in compliance with Title 1, chapter 13.

**Sec. 8. 36 MRSA §4604, sub-§2**, as amended by PL 2017, c. 288, Pt. A, §48, is further amended to read:

**2. Programs.** The board may make studies; undertake research, development and investment in infrastructure, marketing and promotional programs; publish and disseminate information; and implement other programs in furtherance of its legislative purposes, ~~provided that as long as~~ programs undertaken by the board ~~must be~~ are designed to benefit the Maine potato industry at large or segments of the industry, ~~but may and not be~~ designed to benefit exclusively any one person or entity involved in the industry. ~~The board shall carry out the duties, as set out in Title 7, chapter 103, subchapter 10, article 4 and known as the "Maine Bag Program," and shall use any funds granted by the department to the board or obtained by the board from any other source for the Maine Bag Program to promote the sale of tablestock potatoes, except that revenues from the potato tax under section 4605 may not be used to undertake promotional activities of the board.~~ The board may use funds derived from sources other than the potato tax under section 4605 to carry out advertising and promotional programs in support of the industry.

See title page for effective date.

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## CHAPTER 7

### H.P. 72 - L.D. 86

#### **An Act To Provide That Persons Who Produce Maple Syrup and Honey Commercially Are Eligible for the Sales Tax Refund and Exemption for Commercial Agricultural Production**

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

**Whereas**, expansion of sales tax exemptions and refunds for producers of maple syrup and honey is needed as soon as possible to reduce the cost of production during the production seasons; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 36 MRSA §2013, sub-§1, ¶A**, as amended by PL 2011, c. 657, Pt. N, §2 and affected by §3, is further amended to read:

A. "Commercial agricultural production" means commercial production of crops, maple syrup, honey, plants, trees, compost and livestock.

**Sec. 2. 36 MRSA §2013, sub-§1, ¶C**, as corrected by RR 2011, c. 2, §41, is amended to read:

C. "Depreciable machinery and equipment" means, except as otherwise provided by this paragraph, that part of the following machinery and equipment for which depreciation is allowable under the Code and repair parts for that machinery and equipment:

(1) New or used machinery and equipment for use directly and primarily in commercial agricultural production, including self-propelled vehicles; attachments and equipment for the production of field and orchard crops; new or used machinery and equipment for use directly and primarily in production of milk, maple syrup or honey, animal husbandry and production of livestock, including poultry; new or used machinery and equipment used in the removal and storage of manure; and new or used machinery and equipment not used directly and primarily in commercial agricultural production, but used to transport potatoes from a truck into a storage location;

(2) New or used watercraft, nets, traps, cables, tackle and related equipment necessary to and used directly and primarily in commercial fishing;

(3) New or used watercraft, machinery or equipment used directly and primarily for commercial aquacultural production, including, but not limited to: nets; ropes; cables; anchors and anchor weights; shackles and other hardware; buoys; fish tanks; fish totes; oxygen tanks; pumping systems; generators; water-heating systems; boilers and related pumping systems; diving equipment; feeders and related equipment; power-generating equipment; tank water-level sensors; above-ground piping; water-oxygenating systems; fish-grading equipment; safety equipment; and sea cage systems, including walkways and frames, lights, netting, buoys, shackles, ropes, cables, anchors and anchor weights; and

(4) New or used machinery and equipment for use directly and primarily in commercial

wood harvesting, including, but not limited to, chain saws, skidders, delimiters, forwarders, slashers, feller bunchers and wood chippers.

"Depreciable machinery and equipment" does not include a motor vehicle as defined in section 1752, subsection 7 or a trailer as defined in section 1752, subsection 19-A.

**Sec. 3. Application.** This Act applies to sales made on or after July 1, 2019.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 25, 2019.

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**CHAPTER 8**

**H.P. 98 - L.D. 116**

**An Act To Extend the Duration of Temporary Licenses for Sale and Consumption of Liquor**

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

**Whereas,** this Act extends the permissible duration of a temporary license for the sale of alcoholic beverages that may be issued to an incorporated civic organization from 7 consecutive days to 10 consecutive days; and

**Whereas,** it is necessary that this Act take effect before the expiration of the 90-day period in order to ensure that agricultural fairs that take place in the summer and fall may obtain licenses of the necessary length; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 28-A MRSA §1071, sub-§3,** as amended by PL 1997, c. 373, §97, is further amended to read:

**3. Length of licenses.** One license issued under this section to each incorporated civic organization is valid for up to ~~7~~ 10 consecutive days. The other 4 licenses for which the incorporated civic organization is eligible are valid for one day each. The bureau may not issue separate licenses under this section to the

same incorporated civic organization for events or gatherings held on consecutive days.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 25, 2019.

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**CHAPTER 9**

**H.P. 941 - L.D. 1298**

**An Act To Enhance Fish and Wildlife Laws**

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

**Whereas,** the open-water fishing season is scheduled to begin April 1, 2019 and the Department of Inland Fisheries and Wildlife intends to conduct emergency rulemaking this year regarding that date; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §12456, sub-§2, ¶E,** as enacted by PL 2013, c. 3, §2, is amended to read:

E. In accordance with section 10104, the commissioner may change the established opening date of an ~~open~~ open-water recreational fishing season ~~and may change the established closing date of a recreational ice-fishing season~~ if, in the commissioner's opinion, the change is ~~necessary warranted~~ due to earlier than normal seasonal temperature changes or weather conditions.

**Sec. 2. 12 MRSA §12456, sub-§3,** as enacted by PL 2003, c. 655, Pt. B, §244 and affected by §422, is amended to read:

**3. Rules.** Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and may be adopted by emergency rulemaking pursuant to Title 5, section 8054.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 25, 2019.

**CHAPTER 10  
H.P. 67 - L.D. 81**

**An Act To Clarify Maine Law  
Regarding the Tips of Service  
Employees**

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

**Sec. 1. 26 MRSA §664, sub-§2-A**, as enacted by PL 2011, c. 118, §4, is amended to read:

**2-A. Tip pooling.** This section may not be construed to prohibit an employer from establishing a valid tip pooling arrangement only among service employees that ~~is consistent with~~ **does not violate** the federal Fair Labor Standards Act and regulations made pursuant to that Act.

See title page for effective date.

**CHAPTER 11  
H.P. 263 - L.D. 338**

**An Act To Allow Flexibility in  
the Deposit Labeling of Metal  
Returnable Beverage  
Containers**

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

**Sec. 1. 38 MRSA §3105, sub-§§1 and 2**, as enacted by PL 2015, c. 166, §14, are amended to read:

**1. Labels.** Except as provided under subsections 2 and 4, the refund value and the word "Maine" or the abbreviation "ME" must be clearly indicated on every refundable beverage container sold or offered for sale by a dealer in this State, by embossing, stamping, labeling or other method of secure attachment to the beverage container. The refund value may not be indicated on the bottom of the container. ~~Metal beverage containers must be embossed or stamped on the top of the container.~~

**2. Labels; nonrefillable containers; nonexclusive distributorships.** With respect to nonrefillable beverage containers the deposits for which are initiated pursuant to section 3103, subsection 3, the refund value and the word "Maine" or the abbreviation "ME" must be clearly indicated on every refundable beverage container sold or offered for sale by a dealer in this State, by permanently embossing or permanently stamping the beverage containers, except in instances when the initiator of the deposit has specific permission from the department to use stickers or similar devices. The refund value may not be indicated on the bottom of the container. ~~Metal beverage containers~~

~~must be permanently embossed or permanently stamped on the tops of the containers.~~

See title page for effective date.

**CHAPTER 12  
H.P. 459 - L.D. 630**

**An Act To Clarify That Food,  
Food Additives and Food  
Products Containing  
Hemp-derived Cannabidiol  
Produced and Sold within the  
State Are Not Adulterated and  
To Match the State's Definition  
of "Hemp" to the Definition in  
Federal Law**

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

**Whereas**, the federal Food and Drug Administration, in response to the passage of the federal Agriculture Improvement Act of 2018, released a statement announcing that it is unlawful under the Federal Food, Drug, and Cosmetic Act to introduce food containing added cannabidiol into interstate commerce because it is an active ingredient in a federally approved pharmaceutical drug; and

**Whereas**, the health inspection program within the Maine Centers for Disease Control in the Department of Health and Human Services has sent letters to retail food establishments in the State and regulators from the Department of Agriculture, Conservation and Forestry have contacted pet stores explaining that any food or food products containing hemp-derived cannabidiol must be removed from shelves, even if those food or food products are not introduced into interstate commerce, which has created anxiety and confusion among business owners, stakeholders and consumers alike; and

**Whereas**, any compliance with the letters or statements from the Department of Health and Human Services or the Department of Agriculture, Conservation and Forestry, which expand the federal Food and Drug Administration's authority to regulate only food that enters into interstate commerce, will undermine state sovereignty, diminish the livelihoods of Maine hemp farmers, food producers and retailers and deprive the people of Maine of the food that they consider necessary for their own or their animals' health and well-being; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

### PART A

**Sec. A-1. 22 MRSA §2158-A** is enacted to read:

**§2158-A. Food, food additives and food products containing hemp not adulterated**

Notwithstanding any other provision of law to the contrary, food, food additives or food products that contain hemp, including cannabidiol derived from hemp, are not considered to be adulterated or misbranded under this subchapter based solely on the inclusion of hemp or cannabidiol derived from hemp. The nonpharmaceutical or nonmedical production, marketing, sale or distribution of food, food additives or food products within the State that contain hemp may not be restricted or prohibited within the State based solely on the inclusion of hemp. A food establishment or eating establishment, as defined in section 2491, subsection 7, may not make a claim that food, food additives or food products that contain hemp can diagnose, treat, cure or prevent any disease, condition or injury without approval pursuant to federal law. For the purposes of this section, "hemp" has the same meaning as in Title 7, section 2231, subsection 1.

### PART B

**Sec. B-1. 7 MRSA §2231**, as amended by PL 2015, c. 202, §1, is further amended to read:

**§2231. Hemp**

**1. Definition.** As used in this chapter, unless the context otherwise indicates, "~~industrial~~ hemp" means any variety of the plant Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed of not more than 0.3% on a dry weight basis and that is grown or possessed by a licensed grower in compliance with this chapter. "Hemp" includes agricultural commodities and products derived from hemp and topical or ingestible consumer products, including food, food additives and food products derived from hemp. "Hemp" does not include marijuana for medical use pursuant to Title 22, chapter 558-C or adult use marijuana pursuant to Title 28-B, chapter 1. As used in this chapter, unless the context otherwise indicates, "certified seed source" means a source of hemp seeds that are certified by a 3rd party as producing hemp having a delta-9-tetrahydrocannabinol concentration that does not exceed of not more than 0.3% on a dry weight basis.

**2. Growing permitted.** Notwithstanding any other provision of law, a person may plant, grow, harvest, possess, process, sell and buy ~~industrial~~ hemp if that person holds a license issued pursuant to subsection 4. A person licensed pursuant to subsection 4 may plant, grow and harvest only hemp that is grown from seeds acquired from a certified seed source. A person licensed pursuant to subsection 4 may acquire hemp seeds directly from a certified seed source or from a hemp seed distributor licensed in this State distributing hemp seeds pursuant to subsection 2-A.

**2-A. Seed distribution.** The commissioner may issue a license for a hemp seed distributor if the hemp seeds distributed by the hemp seed distributor are from a certified seed source. The commissioner may issue a license under this subsection to a holder of a seed labeling license pursuant to section 1044-A.

**3. Application.** A person desiring to grow ~~industrial~~ hemp for commercial purposes shall apply to the commissioner for a license on a form prescribed by the commissioner. The application must include the name and address of the applicant, the legal description of the land area to be used for the production of ~~industrial~~ hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating the production fields.

**4. License issued.** Upon review and approval of an application, the commissioner shall notify the applicant and request that the application fee determined under subsection 7 be submitted. Upon receipt of the appropriate fee, the commissioner shall issue a license, which is valid for a period of one year and only for the site or sites specified in the license.

**6. Rules.** The commissioner shall adopt rules to establish an application fee, a license fee, per acre fees for monitoring, sampling and testing and guidelines for monitoring the growth and harvest of ~~industrial~~ hemp. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**7. Fees.** The commissioner shall establish through rulemaking under subsection 6 an application fee, a license fee and per acre fees for monitoring, sampling and testing that are reasonable and necessary to cover the costs of the department. The application fee must be no less than \$50 and no more than \$100, the license fee must be no less than \$100 and no more than \$500, and the fees for monitoring, sampling and testing must be no less than \$1 per acre and no more than \$100 per acre.

All fees received pursuant to this subsection must be paid to the Treasurer of State and credited to a separate, nonlapsing account in the department. Money received pursuant to this subsection must be used for the expenses of administering this chapter.

**Sec. B-2. 17-A MRSA §1101, sub-§22**, as enacted by PL 2003, c. 61, §1, is amended to read:

**22.** "~~Industrial hemp~~ Hemp" means ~~any variety of the plant Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed of not more than 0.3% on a dry weight basis and that is grown under a federal permit in compliance with the conditions of that permit.~~

**Sec. B-3. 17-A MRSA §1103, sub-§7**, as enacted by PL 2003, c. 61, §2, is amended to read:

**7.** It is an affirmative defense to prosecution under this section that the substance trafficked in is ~~industrial~~ hemp.

**Sec. B-4. 17-A MRSA §1105-A, sub-§3**, as enacted by PL 2003, c. 61, §3, is amended to read:

**3.** It is an affirmative defense to prosecution under this section that the substance trafficked in is ~~industrial~~ hemp.

**Sec. B-5. 17-A MRSA §1105-C, sub-§3**, as enacted by PL 2003, c. 61, §4, is amended to read:

**3.** It is an affirmative defense to prosecution under this section that the substance furnished is ~~industrial~~ hemp.

**Sec. B-6. 17-A MRSA §1105-D, sub-§3**, as enacted by PL 2003, c. 61, §5, is amended to read:

**3.** It is an affirmative defense to prosecution under this section that the substance cultivated or grown is ~~industrial~~ hemp.

**Sec. B-7. 17-A MRSA §1106, sub-§6, ¶A**, as enacted by PL 2007, c. 346, Pt. B, §1, is amended to read:

A. ~~Industrial hemp~~ Hemp; or

**Sec. B-8. 17-A MRSA §1107-A, sub-§3, ¶A**, as enacted by PL 2005, c. 430, §4 and affected by §10, is amended to read:

A. The substance possessed is ~~industrial~~ hemp; or

**Sec. B-9. 17-A MRSA §1107-A, sub-§5, ¶A**, as enacted by PL 2007, c. 346, Pt. B, §2, is amended to read:

A. ~~Industrial hemp~~ Hemp; or

**Sec. B-10. 17-A MRSA §1111-A, sub-§10**, as enacted by PL 2003, c. 61, §8, is amended to read:

**10.** It is an affirmative defense to prosecution under this section that the drug paraphernalia used or possessed is used or possessed for the propagation, cultivation or processing of ~~industrial~~ hemp.

**Sec. B-11. 17-A MRSA §1117, sub-§3**, as enacted by PL 2003, c. 61, §9, is amended to read:

**3.** It is an affirmative defense to prosecution under this section that the substance cultivated or grown is ~~industrial~~ hemp.

**Sec. B-12. 28-B MRSA §102, sub-§27**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**27. Marijuana.** "Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include ~~industrial~~ hemp as defined in Title 7, section 2231, subsection 1 or a marijuana product.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 27, 2019.

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**CHAPTER 13**

**H.P. 26 - L.D. 25**

**An Act To Implement the Recommendations of the Government Oversight Committee Regarding Bureau of Alcoholic Beverages and Lottery Operations Reporting Requirements**

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

**Sec. 1. 8 MRSA §372, sub-§2, ¶H**, as amended by PL 1991, c. 780, Pt. Y, §109, is further amended to read:

H. Certify monthly to the ~~Treasurer of State, the~~ commission and the commissioner a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month; ~~submit an annual report, subject to the approval of the commission, that must include a full and complete statement of lottery revenues, prize disbursements and expenses, to the Governor and the Legislature, together with recommendations for changes in this chapter;~~

**Sec. 2. 8 MRSA §372, sub-§2, ¶I**, as amended by PL 2003, c. 673, Pt. MM, §1, is further amended to read:

I. Carry on a continuous study and investigation of the lotteries throughout the State and the operation and administration of similar laws that may be in effect in other jurisdictions. The director, subject to the prior approval of the commission,

may enter into a written agreement with a multi-jurisdictional lottery association for the operation, marketing and promotion of a joint lottery or joint lottery games with other jurisdictions.

Any final agreement entered into with a multi-jurisdictional lottery association must provide that the director has the authority to terminate the agreement upon the provision of reasonable notice, not to exceed 6 months. The final agreement must further provide that the director may terminate the agreement at any time, without prior notice, in the event that the director's authority is withdrawn or limited by law; ~~and~~

**Sec. 3. 8 MRSA §372, sub-§2, ¶J**, as enacted by PL 1991, c. 780, Pt. Y, §112, is amended to read:

J. Assign duties as necessary to a designee; ~~and~~

**Sec. 4. 8 MRSA §372, sub-§2, ¶K** is enacted to read:

K. Beginning February 15, 2020, submit a report annually, subject to the approval of the commission, to the Governor and the joint standing committees of the Legislature having jurisdiction over lottery matters and appropriations and financial affairs. The joint standing committee of the Legislature having jurisdiction over lottery matters may submit to the Legislature legislation based on the report. The report must include:

(1) A list of the decisions made by the commission and resulting actions for the preceding calendar year relevant to lottery operations;

(2) A complete statement of lottery revenues, prize disbursements and expenses and appropriations from the General Fund, if any, for the preceding calendar year;

(3) A 5-year history of the account used to manage lottery operations, which must include the amount of revenues deposited into the State Lottery Fund and the amounts transferred to the General Fund;

(4) A detailed statement of the expenditures made to promote lottery sales through marketing, advertising and recruitment of agents for the preceding calendar year;

(5) A description of the lottery marketing and advertising activities for the preceding calendar year. The description must identify each radio station and television station, if any, that broadcast or distributed the advertising;

(6) For each radio station and television station identified pursuant to subparagraph (5), the format of advertising activity and amount

of the expenditures for the preceding calendar year associated with each station; and

(7) Any recommendations for changes to this chapter.

**Sec. 5. 28-A MRSA §83-B, sub-§11**, as enacted by PL 2013, c. 476, Pt. A, §9, is amended to read:

**11. Certification.** Certify monthly to the ~~Treasurer of State commission~~ and the commissioner a complete statement of expenses and revenues collected in accordance with the licensing and enforcement functions of the bureau including a statement of the revenues collected under chapter 65. The bureau shall submit an annual report that includes a complete statement of expenses and revenues collected in accordance with the licensing and enforcement functions of the bureau to the Governor and the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters, together with recommendations for changes to this Title.

**Sec. 6. 28-A MRSA §83-C, sub-§7**, as enacted by PL 2013, c. 476, Pt. A, §9, is amended to read:

**7. Certification.** Certify monthly to the ~~Treasurer of State commission~~ and the commissioner a complete statement of revenues from and expenses for the sale of spirits by the bureau ~~and submit an annual report that includes a complete statement of the revenues and expenses of the bureau to the Governor and the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters, together with recommendations for changes to this Title;~~

**Sec. 7. 28-A MRSA §84, sub-§5**, as amended by PL 2015, c. 430, §2, is repealed.

**Sec. 8. 28-A MRSA §84, sub-§6**, as enacted by PL 2015, c. 430, §3, is amended to read:

**6. Implement a spirits sales data reporting system.** Collect from reselling agents data on spirits sales made by each reselling agent to establishments licensed to sell spirits for on-premises consumption. The data must include, but is not limited to, the amount and date of sale of each product code sold to on-premises licensees by the reselling agent. For the purposes of this subsection, "product code" has the same meaning as in section 461. For the purposes of collecting on-premises spirits sales data from reselling agents, the director shall enter into a contract with a trade association representing states that control and manage the sale of spirits. The contract must require that neither the bureau nor the trade association may make publicly available any information that would specifically identify the reselling agent, including, but not limited to, the reseller's name, the name of the reseller's agency liquor store, the reseller's agency liquor store's address or the address of any associated storage facility of the reselling agent; and

**Sec. 9. 28-A MRSA §84, sub-§7** is enacted to read:

**7. Annual report.** Beginning February 15, 2020, submit a report annually, subject to the approval of the commission, to the Governor and the joint standing committees of the Legislature having jurisdiction over alcoholic beverage matters and appropriations and financial affairs. The joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters may submit to the Legislature legislation based on the report. The report must include:

- A. A complete statement of the revenues and expenses for the bureau for the preceding calendar year;
- B. A complete statement of the information required by section 83-B, subsection 11 for the preceding calendar year;
- C. A complete statement of the information required by section 83-C, subsection 7 for the preceding calendar year;
- D. The information required by section 83-C, subsection 9; and
- E. Any recommendations for changes to this Title.

See title page for effective date.

**CHAPTER 14  
H.P. 65 - L.D. 79**

**An Act To Protect Shooting Ranges**

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

**Sec. 1. 12 MRSA §11209, sub-§1, ¶A**, as amended by PL 2015, c. 71, §1, is further amended to read:

A. Unless a relevant municipal ordinance provides otherwise and except as provided in ~~subsection~~ subsections 3 and 4 and sections 12401 and 12402, discharge a firearm, including a muzzle-loading firearm, or crossbow or cause a projectile to pass as a result of that discharge within 100 yards of a building or residential dwelling without the permission of the owner or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner; or

**Sec. 2. 12 MRSA §11209, sub-§4** is enacted to read:

**4. Sport shooting ranges.** Unless otherwise prohibited, a person may discharge a firearm on a

sport shooting range as defined in Title 30-A, section 3011, subsection 1 that is within 100 yards of a building if the sport shooting range was established and in regular operation prior to the erection of the building.

See title page for effective date.

**CHAPTER 15  
H.P. 291 - L.D. 382**

**An Act To Fund Services for Blind and Visually Impaired Persons at the Maine State Library**

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

**Sec. 1. 27 MRSA §9** is enacted to read:

**§9. Blind and Visually Impaired News Access Fund**

The Blind and Visually Impaired News Access Fund, referred to in this section as "the fund," is established as a dedicated fund within the Maine State Library to be used to provide access to a news service provided by a national federation for blind and visually impaired persons. The fund is nonlapsing. The fund receives money transferred by the Public Utilities Commission from the state universal service fund pursuant to Title 35-A, section 7104, subsection 9. The Maine State Library may accept gifts or grants, including, but not limited to, federal grants, for the purposes of this section. Funds transferred from the state universal service fund pursuant to Title 35-A, section 7104, subsection 9 and all gifts and grants and authorized appropriations must be deposited in the fund.

**Sec. 2. 35-A MRSA §7104, sub-§9** is enacted to read:

**9. Blind and Visually Impaired News Access Fund.** The commission shall annually transfer \$40,000 from a state universal service fund established pursuant to this section to the Blind and Visually Impaired News Access Fund established under Title 27, section 9.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**LIBRARY, MAINE STATE**

**Blind and Visually Impaired News Access Fund N292**

Initiative: Allocates ongoing funds to support access to the National Federation of the Blind's news network for blind and visually impaired persons.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$40,000	\$40,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$40,000	\$40,000

See title page for effective date.

**CHAPTER 16**

**H.P. 77 - L.D. 91**

**An Act To Eliminate Gross Metering**

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

**Sec. 1. 35-A MRSA §3209-A**, as corrected by RR 2017, c. 1, §32, is amended to read:

**§3209-A. Net energy billing**

The commission may adopt or amend rules governing net energy billing. Rules adopted or amended under this section are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. "Net energy billing" means a billing and metering practice under which a customer is billed on the basis of ~~net energy over the billing period taking into account accumulated unused kilowatt-hour credits from the previous~~ the difference between the kilowatt-hours delivered by a transmission and distribution utility to the customer over a billing period and the kilowatt-hours delivered by the customer to the transmission and distribution utility over the billing period, taking into account accumulated unused kilowatt-hour credits from the previous billing period.

**Sec. 2. Rules.** Within 60 days of the effective date of this Act, the Public Utilities Commission shall amend its net energy billing rules adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to be substantively equivalent to the rules in effect on January 1, 2017. Notwithstanding Title 35-A, section 3209-A, rules adopted for this purpose are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A. The commission may not make any other changes to rules adopted pursuant to Title 35-A, section 3209-A until July 1, 2020. The net energy billing rules adopted pursuant to this section must apply retroactively to all net energy billing customers that entered into a net energy billing arrangement between March 29, 2017 and the effective date of the rules adopted pursuant to this section.

See title page for effective date.

**CHAPTER 17**  
**H.P. 410 - L.D. 566**

**An Act To Protect Vulnerable Adults from Financial Exploitation**

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

**Sec. 1. 32 MRSA c. 135, sub-c. 8** is enacted to read:

**SUBCHAPTER 8**

**PROTECTION OF VULNERABLE ADULTS FROM FINANCIAL EXPLOITATION**

**§16801. Definitions**

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

**1. Eligible adult.** "Eligible adult" means:

A. An individual 65 years of age or older; or

B. An individual protected under the Adult Protective Services Act.

**2. Financial exploitation.** "Financial exploitation" means:

A. The wrongful or unauthorized taking, withholding, appropriation or use of money, assets or property of an eligible adult; or

B. Any act or omission made by a person, including through the use of a power of attorney, guardianship or conservatorship of an eligible adult, to:

(1) Obtain control, through deception, intimidation or undue influence, over the eligible adult's money, assets or property to deprive the eligible adult of the ownership, use, benefit or possession of the eligible adult's money, assets or property; or

(2) Convert money, assets or property of the eligible adult to deprive the eligible adult of the ownership, use, benefit or possession of the eligible adult's money, assets or property.

**3. Qualified individual.** "Qualified individual" means an agent, investment adviser representative or individual who serves in a supervisory, compliance or legal capacity for a broker-dealer or investment adviser.

**§16802. Governmental disclosures**

If a qualified individual reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted or is being attempted, the qualified individual shall promptly notify

the Department of Health and Human Services and the administrator.

**§16803. Immunity for governmental disclosures**

A qualified individual who in good faith and exercising reasonable care makes a disclosure of information pursuant to section 16802 is immune from any administrative or civil liability that might otherwise arise from the disclosure or for a failure to notify the eligible adult of the disclosure.

**§16804. Third-party disclosures**

If a qualified individual reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted or is being attempted, the qualified individual may notify any 3rd party previously designated by the eligible adult. Disclosure may not be made to any designated 3rd party that is suspected of financial exploitation or other abuse of the eligible adult.

**§16805. Immunity for 3rd-party disclosures**

A qualified individual who in good faith and exercising reasonable care complies with section 16804 is immune from any administrative or civil liability that might otherwise arise from a disclosure under section 16804.

**§16806. Delaying disbursements**

A broker-dealer or investment adviser may delay disbursements in accordance with this section.

**1. Disbursement delay authorized.** A broker-dealer or investment adviser may delay a disbursement from an account of an eligible adult or an account on which an eligible adult is a beneficiary if the broker-dealer or investment adviser or a qualified individual reasonably believes, after initiating an internal review of the requested disbursement and the suspected financial exploitation, that the requested disbursement may result in financial exploitation of the eligible adult. If a broker-dealer or investment adviser delays a disbursement under this subsection, the broker-dealer or investment adviser shall:

A. Within 2 business days after the requested disbursement, provide written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, except that notification may not be provided to a 3rd party reasonably believed to have engaged in suspected or attempted financial exploitation of the eligible adult;

B. Within 2 business days after the requested disbursement, notify the Department of Health and Human Services and the administrator; and

C. Continue the broker-dealer's or investment adviser's internal review of the suspected or attempted financial exploitation of the eligible adult, as

necessary, and report the results of the internal review to the Department of Health and Human Services and the administrator within 7 business days after the requested disbursement.

**2. Expiration.** A delay of a disbursement as authorized by this section expires upon the sooner of:

A. A determination by the broker-dealer or investment adviser that the disbursement will not result in financial exploitation of the eligible adult; or

B. Fifteen business days after the date on which the broker-dealer or investment adviser first delayed disbursement of the funds unless the Department of Health and Human Services or the administrator requests that the broker-dealer or investment adviser extend the delay, in which case the delay expires no more than 25 business days after the date on which the broker-dealer or investment adviser first delayed disbursement of the funds unless terminated earlier by the Department of Health and Human Services or the administrator or by an order of a court of competent jurisdiction.

**3. Judicial order.** A court of competent jurisdiction may enter an order extending the delay of the disbursement of funds or may order other protective relief based on a petition from the Department of Health and Human Services or the administrator or from the broker-dealer or the investment adviser that initiated the delay under this section or from another interested party.

**§16807. Immunity for delaying disbursements**

A broker-dealer or investment adviser that in good faith and exercising reasonable care complies with section 16806 is immune from any administrative or civil liability that might otherwise arise from a delay in a disbursement in accordance with section 16806.

**§16808. Records**

A broker-dealer or investment adviser shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to the Department of Health and Human Services and to a law enforcement agency as part of a referral to the department or to a law enforcement agency or upon request of the department or a law enforcement agency pursuant to an investigation. The records may include historical records and records relating to recent transactions that may constitute financial exploitation of an eligible adult. All records made available to agencies under this section are not public records for purposes of Title 1, chapter 13, subchapter 1. Nothing in this section limits or otherwise impedes the authority of the administrator to access or

examine the books and records of broker-dealers and investment advisers as otherwise provided by law.

See title page for effective date.

**CHAPTER 18  
H.P. 56 - L.D. 59**

**An Act To Permit Plantations  
To Fill Vacancies of Town  
Officials**

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

**Whereas,** plantations conduct official business that must be attended to on a daily basis, mostly by a small group of officials; and

**Whereas,** the inability to fill a vacancy when an official is unable or unwilling to fulfill the duties required of the office directly affects the ability of the plantation to conduct its official business, which has a negative effect on the public interest and is of a direct concern to the State; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 30-A MRSA §7006, sub-§1, ¶B,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. Laws relating to the election, appointment, hiring, qualification, filling of vacancies, duties, powers, compensation, liabilities and penalties for official neglect and misconduct of town officials and employees.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 5, 2019.

**CHAPTER 19  
S.P. 155 - L.D. 490**

**An Act To Give the  
Commissioner of Inland  
Fisheries and Wildlife the  
Authority To Extend Any  
Trapping Season Based on  
Weather Conditions or Other  
Factors**

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

**Sec. 1. 12 MRSA §10105, sub-§18** is enacted to read:

**18. Extend a trapping season.** The commissioner, based on sound scientific wildlife management principles, may extend any open trapping season on any game species for up to 21 days if the commissioner has concerns about weather conditions or other unforeseen factors that may prevent publicly derived management goals from being met.

See title page for effective date.

**CHAPTER 20  
S.P. 72 - L.D. 260**

**An Act To Permit Disability  
Insurance To Be Offered  
through the Surplus Lines  
Market**

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

**Whereas,** Maine residents who work in certain professions and occupations are unable to obtain adequate disability insurance coverage; and

**Whereas,** this bill would allow disability insurance to be offered through the surplus lines market if other admitted insurance is not available; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 24-A MRSA §2002-A, sub-§1, ¶B,** as enacted by PL 1993, c. 153, §16, is amended to read:

B. Health insurance, except disability insurance;  
or

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 5, 2019.

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**CHAPTER 21**  
**S.P. 68 - L.D. 256**

**An Act To Ensure Responsible  
Operation of Political Action  
Committees**

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

**Sec. 1. 21-A MRSA §1054-B**, as enacted by PL 2017, c. 98, §1, is amended to read:

**§1054-B. Payments to Legislators by political ac-  
tion committees**

If a Legislator is a principal officer or treasurer of a political action committee or is one of the individuals primarily responsible for raising contributions or making decisions for the political action committee, the committee may not compensate the Legislator for services provided to the committee. The committee may not make payments or distribute, loan, advance, deposit or gift money or anything of value to or compensate a business owned or operated by the Legislator. The committee may reimburse the Legislator for expenses incurred in the proper performance of the duties of the Legislator, for purchases made on behalf of the committee and for travel expenses associated with volunteering for the committee. Allowable reimbursement for expenses does not include payments from the committee that are determined by the commission to be for the purpose of personal financial enrichment of the Legislator. The funds of the committee may not be commingled with the personal funds of the Legislator or the funds of a business owned or operated by the Legislator.

See title page for effective date.

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**CHAPTER 22**  
**H.P. 133 - L.D. 170**

**An Act To Prohibit Questions  
Regarding Criminal History on  
Certain State Employment  
Applications**

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

**Sec. 1. 5 MRSA §792** is enacted to read:

**§792. Application forms for employment**

An application form for employment for a position in State Government may not include any questions regarding an applicant's criminal history except when, due to the nature and requirements of the position, a person who has a criminal history may be disqualified from eligibility for the position. For purposes of this section, "position in State Government" means a position in the legislative, executive or judicial branch of State Government or a position with a quasi-independent state entity or public instrumentality of the State. "Position in State Government" does not include a position in a school administrative unit, municipality, county or other political subdivision of the State.

See title page for effective date.

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**CHAPTER 23**  
**H.P. 377 - L.D. 520**

**An Act To Resolve Tie Votes  
by the Washington County  
Budget Advisory Committee**

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

**Whereas**, county budget advisory committees perform a valuable public service in the development of the budgets of their respective counties; and

**Whereas**, it serves the public interest for county budget advisory committees to resolve disagreements and issues regarding deliberations concerning county budgets and recommendations made by the committees; and

**Whereas**, it is difficult, and sometimes impossible, for a budget advisory committee to perform its duties and issue recommendations with an even number of voting members, as an impasse can result; and

**Whereas**, currently the Washington County Budget Advisory Committee has an even number of voting members and, in order to properly perform its duties regarding the 2019 county budget, a mechanism to prevent future tie votes needs to be in place prior to September of this year; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 30-A MRSA §900-B, sub-§2,** as enacted by PL 1991, c. 777, §1, is amended to read:

**2. Legislative member.** The Washington County legislative delegation shall annually select one member of the delegation who resides in Washington County to serve as a nonvoting member on the budget advisory committee.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 11, 2019.

**CHAPTER 24**

**H.P. 113 - L.D. 131**

**An Act To Permit a Veterans Organization To Lease Its Facility to an Organization That Is Registered To Operate Beano or Bingo Games without Obtaining a Commercial Beano Hall Permit**

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

**Whereas,** this Act exempts a veterans organization from the requirement to obtain a commercial beano hall permit in order to lease its facility to an organization registered to operate "beano" or "bingo" games; and

**Whereas,** it is necessary that this Act take effect before the expiration of the 90-day period in order to ensure that veterans organizations that rent their facilities for "beano" or "bingo" games during the summer may do so without obtaining the permit required under current law; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 17 MRSA §313-C, sub-§1, ¶C,** as enacted by PL 2017, c. 284, Pt. JJJJJ, §7, is amended to read:

C. A bona fide nonprofit, charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans organization that has been in existence and founded, chartered or organized in the State for at least 2 years prior to its registration; and

**Sec. 2. 17 MRSA §328, sub-§1,** as amended by PL 2017, c. 284, Pt. JJJJJ, §29, is further amended to read:

**1. Permit required.** An individual, corporation, partnership or unincorporated association may not rent or lease space for profit to ~~a licensee~~ an organization registered under section 313-C to hold, conduct or operate "Beano" or "Bingo" unless a commercial beano hall permit is obtained from the Gambling Control Unit.

**Sec. 3. 17 MRSA §328, sub-§§6 and 7,** as enacted by PL 1999, c. 74, §7, are amended to read:

**6. Membership in registered organization.** The permittee or the permittee's employee may not be a member of ~~a licensee~~ an organization registered under section 313-C renting or leasing the commercial beano hall.

**7. Rent or lease amount.** The permittee shall charge a ~~licensee~~ registrant under section 313-C fair market value and may not charge based on the percentage of profit ~~which that the licensee~~ registrant makes for the rent or lease of a commercial beano hall.

**Sec. 4. 17 MRSA §328, sub-§8,** as amended by PL 2017, c. 284, Pt. JJJJJ, §30, is further amended to read:

**8. Exceptions.** The requirements of this section do not apply to an agricultural fair association that qualifies for registration and operates "beano" or "bingo" games pursuant to section 313. The requirements of this section do not apply to a veterans organization that leases its facility to another organization that is registered to operate "beano" or "bingo" games pursuant to section 313.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 11, 2019.

**CHAPTER 25**

**H.P. 6 - L.D. 5**

**An Act To Require Notification of Proposed Rate Increases for Long-term Care Policies**

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

**Sec. 1. 24-A MRSA §5084** is enacted to read:  
**§5084. Notice to policyholders of rate increase**

**1. Notice.** An insurer shall notify a policyholder of a long-term care insurance policy issued in accordance with this chapter or chapter 68 of a proposed premium rate increase that affects the policyholder no later than 30 days after the filing by the insurer of the premium rate increase. An insurer shall provide written notice by first-class mail to the last known mailing address of all affected individual and group policyholders and others who are directly billed for group coverage. The notice must:

- A. Show the proposed rate;
- B. State that the rate is subject to regulatory approval;
- C. Inform a policyholder of the policyholder's right to request a hearing pursuant to section 229;
- D. Inform a policyholder of the policyholder's right to provide written comments on the proposed rate increase to the bureau; and
- E. Provide to the policyholder contact information for the bureau, including the bureau's toll-free telephone number.

**2. Implementation of rate increase.** An increase in a premium rate may not be implemented until approved by the bureau or until the effective date of the premium rate increase, whichever is later.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Insurance - Bureau of 0092**

Initiative: Provides allocations to the Department of Professional and Financial Regulation, Bureau of Insurance for costs associated with additional rate hearings.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$11,100	\$14,800
OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,100	\$14,800

See title page for effective date.

**CHAPTER 26**  
**S.P. 21 - L.D. 68**

**An Act To Improve the Record Keeping of Utilities and the Public Utilities Commission**

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

**Sec. 1. 35-A MRSA §716** is enacted to read:  
**§716. Complaints; record retention**

A public utility shall keep a record of every customer complaint and retain that record for a period of 10 years from the date of final resolution of the complaint and shall make all records of customer complaints readily available to the commission for examination. The commission may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 35-A MRSA §1318, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**1. Record.** The commission shall keep a complete and permanent record of:

- A. All proceedings before it;
- B. Investigations; and
- C. Formal public hearings; and
- D. Complaints.

The record must include the results and conclusions of proceedings, investigations, formal public hearings and complaints, including, but not limited to, orders, findings, decisions and settlement agreements.

See title page for effective date.

**CHAPTER 27**  
**H.P. 78 - L.D. 92**

**An Act To Amend Educator Evaluation Requirements**

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

**Sec. 1. 20-A MRSA §13704, sub-§1, ¶A**, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

- A. The department shall provide, by rule, a set of standards of professional practice or a set of criteria for determining acceptable locally determined standards for teachers and a set of standards of professional practice or a set of criteria for deter-

mining acceptable locally determined standards for principals;

**Sec. 2. 20-A MRSA §13704, sub-§1, ¶B** is enacted to read:

B. The rules adopted pursuant to paragraph A may include, but may not require, the use of student learning and growth measures or state assessment results as a measure of educator effectiveness;

**Sec. 3. 20-A MRSA §13704, sub-§2**, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

**2. Multiple measures of effectiveness.** Multiple measures of educator effectiveness, ~~other than standards of including but not limited to~~ professional practice, ~~including but not limited to student learning and growth standards;~~

**Sec. 4. 20-A MRSA §13704, sub-§3, ¶A**, as amended by PL 2015, c. 3, §1, is further amended to read:

~~A. The rating must be based on standards of professional practice and may include other measures of educator effectiveness. The proportionate weight of the standards and the measures is a local decision, but measurements of student learning and growth must be a significant factor in the determination of the rating of an educator. School administrative units shall use state assessment growth data for English language arts, literacy and mathematics as at least one measure of the performance of English language arts and mathematics teachers in tested grades and as a measure for the performance of principals.~~

An educator whose summative effectiveness rating indicates ineffectiveness must receive an annual summative effectiveness evaluation and rating until the rating improves.

An individualized education plan may not be used to measure student growth for the purposes of teacher and principal evaluation, but an individualized education plan may be a source of evidence from which learning objectives and learning targets may be developed.

**Sec. 5. 20-A MRSA §13704, sub-§5, ¶D**, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

D. Formation of a steering committee composed of teachers, administrators and other school administrative unit staff that regularly reviews and refines the performance evaluation and professional growth system to ensure that it is aligned with school administrative unit goals and priorities. A majority of the steering committee members must be teachers and must be chosen by the

local representative of the applicable collective bargaining unit if the teachers in the school administrative unit are covered by a collective bargaining agreement. Any revisions to the performance evaluation and professional growth system made by the steering committee must be reached by consensus; and

**Sec. 6. 20-A MRSA §13706**, as amended by PL 2015, c. 3, §2, is further amended to read:

**§13706. Rules**

The department shall adopt rules to implement this chapter, ~~including but not limited to a rule relating to the method of identifying the educator or educators whose effectiveness ratings are affected by the measurement of learning or growth of a particular student.~~ The department shall also adopt rules pertaining to the approval of performance evaluation and professional growth systems pursuant to section 13702. The department shall also adopt rules pertaining to the ongoing monitoring of the implementation and results of district performance evaluation and professional growth systems. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 7. Rulemaking.** In accordance with the Maine Revised Statutes, Title 20-A, sections 13704 and 13706, the Department of Education shall amend the department's rule Chapter 180: Performance Evaluation and Professional Growth Systems to implement the provisions of this Act and shall submit the provisionally adopted rule to the Legislature by January 10, 2020.

**Sec. 8. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 20-A, section 13704, subsections 1, 2 and 3 take effect September 1, 2021.

See title page for effective date, unless otherwise indicated.

**CHAPTER 28  
H.P. 155 - L.D. 192**

**An Act To Require an Annual Report on the Activities of the Maine Child Welfare Advisory Panel**

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

**Sec. 1. 22 MRSA §4010-D** is enacted to read:

**§4010-D. Child welfare advisory panel; annual report**

The department shall submit a report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the activities of and reports produced by the child welfare advisory panel formed pursuant to the federal Children's Justice Act, 42 United States Code, Section 5106a to make policy and training recommendations for system improvements in the investigative, administrative and judicial handling of child abuse, neglect and exploitation cases and child maltreatment-related fatalities.

See title page for effective date.

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**CHAPTER 29**

**H.P. 209 - L.D. 285**

**An Act To Provide for  
Legislative Review of Federally  
Mandated Major Substantive  
Rules under the Maine  
Administrative Procedure Act**

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

**Sec. 1. 5 MRSA §8074**, as enacted by PL 1995, c. 463, §2, is repealed.

See title page for effective date.

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**CHAPTER 30**

**H.P. 215 - L.D. 291**

**An Act Regarding  
Responsibility for the  
Duplicative or Incorrect  
Payment of Health Insurance  
Claims**

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

**Sec. 1. 24-A MRSA §4303, sub-§23** is enacted to read:

**23. Duplicative or incorrect claims payments.**  
If a carrier has made a duplicative or incorrect payment on a claim with respect to a health plan:

A. If the claim payment was made to a provider, the carrier shall retroactively seek collection related to that payment directly from the provider; and

B. The carrier may not attempt to retroactively seek collection related to the claim payment from an enrollee unless the enrollee was already paid

directly for the services identified in the claim and a provider submits evidence to the carrier that the enrollee did not forward payment to the provider. After a provider has submitted evidence that the enrollee did not forward payment to the provider, a carrier may require an enrollee to provide evidence of payment to the provider.

See title page for effective date.

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**CHAPTER 31**

**H.P. 276 - L.D. 350**

**An Act To Exempt School  
Buses from Snow Tire  
Restrictions**

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

**Sec. 1. 29-A MRSA §1919, sub-§3**, as enacted by PL 2003, c. 452, Pt. Q, §24 and affected by Pt. X, §2, is amended to read:

**3. Application.** Subsection 1 does not apply to fire department vehicles or school buses ~~during the months school is in regular session.~~

See title page for effective date.

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**CHAPTER 32**

**S.P. 119 - L.D. 441**

**An Act To Reduce Childhood  
Exposure to Harmful  
Ultraviolet Radiation by  
Allowing Students To Use  
Sunscreen in Schools**

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

**Sec. 1. 20-A MRSA §254, sub-§5, ¶D** is enacted to read:

D. Rules adopted by the commissioner under this subsection must authorize students who attend public school to possess and use a topical sunscreen product while on school property or at a school-sponsored event without a note or prescription from a licensed health care professional if the product is regulated by the federal Food and Drug Administration for over-the-counter use for the purpose of limiting skin damage from ultraviolet radiation.

See title page for effective date.

**CHAPTER 33**  
**S.P. 134 - L.D. 456**

**An Act To Strengthen the  
Qualifications for County  
Sheriffs**

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

**Sec. 1. 30-A MRSA §371-B, sub-§3, ¶E**, as enacted by PL 2011, c. 342, §34, is amended to read:

E. The candidate swears to or affirms that the candidate has at least 5 years of supervisory employment experience in law enforcement or corrections or a combination of both and submits the name, address and telephone number for the relevant employer or employers.

See title page for effective date.

**CHAPTER 34**  
**H.P. 480 - L.D. 659**

**An Act Regarding the Use of  
Interchangeable Biological  
Products**

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

**Sec. 1. 32 MRSA §13702-A, sub-§1-A** is enacted to read:

**1-A. Biological product.** "Biological product" has the same meaning as in 42 United States Code, Section 262.

**Sec. 2. 32 MRSA §13702-A, sub-§14-A** is enacted to read:

**14-A. Interchangeable biological product.** "Interchangeable biological product" means a biological product that the federal Food and Drug Administration has:

A. Licensed and determined meets the standards for interchangeability pursuant to 42 United States Code, Section 262(k)(4); or

B. Determined is therapeutically equivalent as set forth in the most recent edition of or supplement to the federal Food and Drug Administration's "Approved Drug Products with Therapeutic Equivalence Evaluations" or a successor publication.

**Sec. 3. 32 MRSA §13702-A, sub-§31-A** is enacted to read:

**31-A. Proper name.** "Proper name," as it relates to a biological product, means the nonproprietary

name for a biological product designated by the federal Food and Drug Administration for use on each package of the product.

**Sec. 4. 32 MRSA §13781**, as amended by PL 2007, c. 85, §§1 and 2, is further amended to read:

**§13781. Generic and therapeutically equivalent substitution**

A written prescription issued by a practitioner in this State may contain a box in the lower right-hand corner of the prescription form. The following words must appear to the left of this box: "Any drug ~~which~~ that is the generic and therapeutic equivalent of the drug or any biological product that is an interchangeable biological product of the biological product specified above in this prescription must be dispensed, provided that no check mark ( ) has been handwritten in the box in the lower right-hand corner."

Except with regard to a patient who is paying for a drug or biological product with the patient's own resources, any pharmacist receiving a prescription in which no handwritten check mark ( ) is found in the box provided shall substitute a generic and therapeutically equivalent drug for the drug or interchangeable biological product for the biological product specified on the prescription if the substituted drug or interchangeable biological product is distributed by a business entity doing business in the United States that is subject to suit and the service of legal process in the United States and the price of the substituted drug or interchangeable biological product does not exceed the price of the drug or biological product specified by the practitioner; except that, when the cost of a prescription is to be reimbursed under the MaineCare program pursuant to Title 22, chapter 855, the pharmacist shall substitute a generic and therapeutically equivalent drug or an interchangeable biological product only when the Department of Health and Human Services has determined that the substitute drug or interchangeable biological product would be a more cost-effective alternative than the drug or biological product prescribed by the practitioner. Except for prescribed drugs listed under the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 United States Code, Section 812, as amended, as Schedule II drugs, with regard to a patient who is paying for a drug or biological product with the patient's own resources, a pharmacist shall inquire about the patient's preference for either the brand-name drug or generic and therapeutically equivalent drug or for either the prescribed biological product or interchangeable biological product and dispense the drug or biological product that the patient prefers.

Except with regard to a patient who is paying for a drug or biological product with the patient's own resources, if a written prescription issued by a practitioner in this State does not contain the box described in this section, a pharmacist shall substitute a generic

and therapeutically equivalent drug for the drug or an interchangeable biological product for the biological product specified on the prescription if the substituted drug or interchangeable biological product is distributed by a business entity doing business in the United States that is subject to suit and the service of legal process in the United States and the price of the substituted drug or interchangeable biological product does not exceed the price of the drug or biological product specified by the practitioner, unless a practitioner has handwritten on the prescription form, along with the practitioner's signature, "dispense as written," "DAW," "brand," "brand necessary" or "brand medically necessary"; except that, when the cost of a prescription is to be reimbursed under the MaineCare program pursuant to Title 22, chapter 855, the pharmacist shall substitute a generic and therapeutically equivalent drug or an interchangeable biological product only when the Department of Health and Human Services has determined that the substitute drug or interchangeable biological product would be a more cost-effective alternative than the drug or biological product prescribed by the practitioner. Except for prescribed drugs listed under the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 United States Code, Section 812, as amended, as Schedule II drugs, with regard to a patient who is paying for a drug or biological product with the patient's own resources, a pharmacist shall inquire about the patient's preference for either the brand-name drug or generic and therapeutically equivalent drug or for either the prescribed biological product or interchangeable biological product and dispense the drug or biological product that the patient prefers.

Any pharmacist who substitutes a generic and therapeutically equivalent drug or an interchangeable biological product under this section shall inform the person to whom the drug or interchangeable biological product is dispensed of the substitution. When any substitution is made under this section, the pharmacist shall cause all information as required by section 13794, the name of the generic and therapeutically equivalent drug, and the name or abbreviation of the drug manufacturer or distributor of that substitute drug and all other information as required by section 13794 or, in the case of an interchangeable biological product, the proper name and the name of the manufacturer of the interchangeable biological product, to appear on the container label of the drug or interchangeable biological product dispensed.

This section does not apply to prescriptions ordered by practitioners for patients in hospitals when those prescriptions are filled by a hospital pharmacy or in any institution where a formulary system is established.

Within 5 business days after a pharmacist dispenses a biological product, the dispensing pharmacist or the pharmacist's designee shall enter in an electronic records system that is electronically accessible to the

practitioner who prescribed the biological product the specific biological product dispensed, including the name of the biological product and the manufacturer. For purposes of this paragraph, "electronic records system" means an interoperable electronic medical records system, an electronic prescribing technology, a pharmacist benefit management system or an electronic pharmacy record. Entry into an electronic records system as described in this paragraph is presumed to provide notice to the practitioner. If a pharmacist cannot make an entry in an electronic records system, the pharmacist shall notify the practitioner of the specific biological product dispensed by facsimile, telephone, electronic transmission or other similar means. Notice to a practitioner under this paragraph is not required if the federal Food and Drug Administration has not approved an interchangeable biological product for the product prescribed or a refill prescription is not changed from the biological product dispensed on the prior filling of the prescription.

The board shall maintain a link on the board's publicly accessible website to the current list of all biological products determined by the federal Food and Drug Administration to be an interchangeable biological product.

For the purposes of this section, "drug" does not include biological products.

**Sec. 5. 32 MRSA §13794, first ¶**, as amended by PL 1999, c. 130, §14, is further amended to read:

Every drug dispensed pursuant to prescription, whether for a legend drug or not, must carry on the label the following information: the prescription number; the date of filling; the patient's name; directions for use; the name and strength of the drug and the amount dispensed, including either the brand name of the drug or, if a generic and therapeutically equivalent drug or interchangeable biological product is dispensed # the label must be in accordance with section 13781; the beyond use date of the drug; the name of the practitioner prescribing the drug; and the name, address and telephone number of the pharmacy where the prescription was compounded and dispensed. For purposes of this section, "beyond use date" means a date beyond which the contents of the prescription are not recommended to be used.

See title page for effective date.

**CHAPTER 35**  
**S.P. 90 - L.D. 278**

**An Act Regarding Pay  
Equality**

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

**Sec. 1. 5 MRSA §4577** is enacted to read:

**§4577. Compensation history inquiry as evidence of unlawful discrimination**

**1. Legislative findings and intent.** The Legislature finds that despite requirements regarding equal pay having been a part of the laws of Maine since 1965, wage inequality is an ongoing issue in the State. Wage inequality causes substantial harm to the citizens and to the economy of the State. The Legislature finds that when employers base compensation decisions on compensation history of a prospective employee, it directly perpetuates this wage inequality. An employer's knowledge of a prospective employee's compensation history is directly related to the practice of basing compensation decisions on compensation history. It is the intent of the Legislature to promote the payment of equal compensation for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility and to prevent unlawful employment discrimination with respect to compensation.

**2. Evidence of unlawful employment discrimination.** Evidence of unlawful employment discrimination under section 4572 and Title 26, section 628 includes, but is not limited to, an employer's inquiring, either directly or indirectly, about the compensation history of a prospective employee from the prospective employee or a current or former employer of the prospective employee or otherwise seeking the compensation history of a prospective employee.

**3. Exceptions.** Notwithstanding subsection 2, an employer or employment agency may inquire about or seek compensation history of an employee or prospective employee after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. If an employee or prospective employee has voluntarily disclosed compensation history information, without prompting by the employer or employment agency, the employer or employment agency may seek to confirm or permit a prospective employee to confirm such information prior to an offer of employment. This section does not apply to an employer who inquires about compensation history pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes.

**Sec. 2. 26 MRSA §626-A, first ¶,** as amended by PL 1999, c. 465, §5, is further amended to read:

Whoever violates any of the provisions of sections 621-A to 623 or section 626, 628, ~~628-A~~, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.

**Sec. 3. 26 MRSA §628, first ¶,** as amended by PL 2009, c. 29, §1, is further amended to read:

An employer may not discriminate between employees in the same establishment on the basis of sex by paying wages to any employee in any occupation in this State at a rate less than the rate at which the employer pays any employee of the opposite sex for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility. Differentials that are paid pursuant to established seniority systems or merit increase systems or difference in the shift or time of the day worked that do not discriminate on the basis of sex are not within this prohibition. An employer may not discharge or discriminate against any employee by reason of any action taken by such employee to invoke or assist in any manner the enforcement of this section. An employer may not prohibit an employee from disclosing the employee's own wages or from inquiring about or disclosing another employee's wages if the purpose of the disclosure or inquiry is to enforce the rights granted by this section. Nothing in this section creates an obligation to disclose wages.

**Sec. 4. 26 MRSA §628-A** is enacted to read:

**§628-A. Compensation history inquiry prohibited**

**1. Legislative findings and intent.** The Legislature finds that despite requirements regarding equal pay having been a part of the laws of Maine since 1965, wage inequality is an ongoing issue in the State. Wage inequality causes substantial harm to the citizens and to the economy of the State. The Legislature finds that when employers base compensation decisions on compensation history of a prospective employee, it directly perpetuates this wage inequality. An employer's knowledge of a prospective employee's compensation history is directly related to the practice of basing compensation decisions on compensation history. It is the intent of the Legislature to promote the payment of equal compensation for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility and to prevent unlawful employment discrimination with respect to compensation.

**2. Prohibition.** An employer may not use or inquire about the compensation history of a prospective employee from the prospective employee or a current or former employer of the prospective employee unless an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee, after which the employer may inquire about or confirm the prospective employee's compensation history.

3. Exception. This section does not apply to an employer who inquires about compensation history pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes.

4. Penalty. This section may be enforced pursuant to section 626-A. The civil action provided pursuant to section 626-A may be brought to enforce this section by or on behalf of a person affected by a violation of subsection 2 or by the Department of Labor on behalf of a person affected by a violation of subsection 2, and the plaintiff or plaintiffs may also seek judgment for compensatory damages.

See title page for effective date.

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**CHAPTER 36**  
**H.P. 59 - L.D. 62**

**An Act To Enhance the Senior Volunteer Benefit Program**

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

**Sec. 1. 36 MRSA §6232, sub-§1-A,** as enacted by PL 2007, c. 635, §2, is amended to read:

**1-A. Volunteer program.** A municipality may by ordinance adopt a program that permits claimants who are at least 60 years of age to earn benefits up to a maximum of \$750 ~~\$1,000~~ or 100 times the state minimum hourly wage under Title 26, section 664, subsection 1, whichever is greater, by volunteering to provide services to the municipality. A program adopted under this subsection does not need to meet the requirements of subsection 1, paragraph B or C. Benefits provided under this subsection must be related to the amount of volunteer service provided. Benefits received under this subsection may not be considered income for purposes of Part 8. A municipality may by ordinance establish procedures and additional standards of eligibility for a program adopted under this subsection.

See title page for effective date.

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**CHAPTER 37**  
**H.P. 192 - L.D. 229**

**An Act To Increase the Safety of Home Buyers Concerning Chimney Inspections**

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

**Sec. 1. 33 MRSA §173, sub-§2-A, ¶¶E and F,** as enacted by PL 2005, c. 378, §26 and affected by §29, are amended to read:

E. The annual fuel consumption per heating system or source; ~~and~~

F. Any malfunctions per heating system or source within the past 2 years; ~~and~~

**Sec. 2. 33 MRSA §173, sub-§2-A, ¶G** is enacted to read:

G. The date of the most recent inspection of the chimneys and vents for the heating system or source;

See title page for effective date.

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**CHAPTER 38**  
**H.P. 225 - L.D. 301**

**An Act To Help Older Adults Age in Place through Comprehensive Planning**

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

**Sec. 1. 30-A MRSA §4301, sub-§1-B** is enacted to read:

**1-B. Age-friendly community.** "Age-friendly community" means a community where policies, services, settings and structures support and enable older people to actively age in place and that recognizes the capabilities, resources and needs of older adults, plans to meet the needs of older adults in flexible ways that support healthy and active aging, promotes the inclusion and contributions of older adults in all areas of community life, respects the self-determination and independence of older adults and protects those older adults who are most vulnerable.

**Sec. 2. 30-A MRSA §4312, sub-§3, ¶J,** as amended by PL 2015, c. 349, §1, is further amended to read:

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; ~~and~~

**Sec. 3. 30-A MRSA §4312, sub-§3, ¶K,** as enacted by PL 2015, c. 349, §2, is amended to read:

K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; ~~and~~

**Sec. 4. 30-A MRSA §4312, sub-§3, ¶L** is enacted to read:

L. To encourage municipalities to develop policies that accommodate older adults with aging in place and that encourage the creation of age-friendly communities.

**Sec. 5. 30-A MRSA §4326, sub-§1, ¶H-1** is enacted to read:

H-1. Housing that meets the needs of older residents, including housing that is rehabilitated, adapted or newly constructed to help older adults age in place;

**Sec. 6. 30-A MRSA §4326, sub-§3-A, ¶G**, as amended by PL 2015, c. 349, §4, is further amended to read:

G. Ensure that the municipality's or multimunicipal region's land use policies and ordinances encourage the siting and construction of affordable housing within the community and comply with the requirements of section 4358 pertaining to individual mobile home and mobile home park siting and design requirements. The municipality or multimunicipal region shall seek to achieve a level of at least 10% of new residential development, based on a 5-year historical average of residential development in the municipality or multimunicipal region, that meets the definition of affordable housing. A municipality or multimunicipal region is encouraged to seek creative approaches to assist in the development of affordable housing and housing that meets the needs of older residents, including, but not limited to, cluster housing, reduced minimum lot and frontage sizes, increased residential densities, adaptation, rehabilitation and construction of housing that helps older adults age in place, use of municipally owned land and establishment of policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets;

**Sec. 7. 30-A MRSA §4326, sub-§3-A, ¶J**, as amended by PL 2015, c. 349, §5, is further amended to read:

J. Develop management goals for great ponds pertaining to the type of shoreline character, intensity of surface water use, protection of resources of state significance and type of public access appropriate for the intensity of use of great ponds within the municipality's or multimunicipal region's jurisdiction; ~~and~~

**Sec. 8. 30-A MRSA §4326, sub-§3-A, ¶K**, as enacted by PL 2015, c. 349, §6, is amended to read:

K. Encourage policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; and

**Sec. 9. 30-A MRSA §4326, sub-§3-A, ¶L** is enacted to read:

L. Ensure that land use policies encourage aging in place and appropriate housing options for older residents and address issues of special concern to older adults, including transportation to and accessibility and availability of needed services.

See title page for effective date.

## CHAPTER 39

### S.P. 162 - L.D. 497

#### An Act Regarding the Providing of Human Food Waste to Swine Producers

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

**Sec. 1. 7 MRSA §1814-A, sub-§3-A** is enacted to read:

**3-A. Application.** An individual, organization or institution, including a public school, that donates garbage to a swine producer for use in swine feed is not required to verify that the swine producer has a license under subsection 1. The commissioner shall ensure any guidance about this section issued to individuals, organizations or institutions clearly states that the donating individual, organization or institution is not required to verify that the swine producer has a license under subsection 1 and that the individual, organization or institution cannot be held responsible for the enforcement of this section or for any assessment of penalties under this section.

See title page for effective date.

**CHAPTER 40**  
**H.P. 406 - L.D. 562**

**An Act To Improve Shoreland  
Zoning Rules and Enforcement  
To Support Municipalities**

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

**Sec. 1. 30-A MRSA §4451, sub-§3**, as amended by PL 2011, c. 655, Pt. FF, §8 and affected by §16, is further amended to read:

**3. Training and certification of code enforcement officers.** In cooperation with code enforcement officer professional associations, the Maine Community College System, the Department of Environmental Protection, the Department of Health and Human Services and the Department of Public Safety, except as otherwise provided in paragraph H, the Department of Economic and Community Development, Office of Community Development shall establish a continuing education program for individuals engaged in code enforcement. This program must provide ~~basic~~ training in the technical and legal aspects of code enforcement necessary for certification. The ~~basic~~ training program must include training to provide familiarity with the laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures and enforcement techniques.

H. If funding is not available to support the training and certification program authorized under this subsection, the Department of Economic and Community Development, Office of Community Development shall discontinue training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs A and B and shall adopt by routine technical rules under Title 5, chapter 375, subchapter 2-A a program to register code enforcement officers that meet training and education qualifications. The Department of Economic and Community Development, Office of Community Development shall publish the list of persons registered for code enforcement who have submitted evidence of required qualifications. Persons registered under this paragraph must meet the requirements for training and certification under this subchapter. The Department of Economic and Community Development, Office of Community Development shall consult with the Department of Health and Human Services for the purposes of carrying out training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs C and D. Within one month of discontinuation of training and certification under this paragraph, the Department of Economic and Community Develop-

ment, Office of Community Development shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over state and local government matters a recommendation for funding the training and certification program or for further changes in program requirements.

**Sec. 2. 30-A MRSA §4452, sub-§3, ¶B**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

B. The minimum penalty for a specific violation is \$100, and the maximum penalty is ~~\$2,500~~ \$5,000.

**Sec. 3. 30-A MRSA §4452, sub-§3, ¶B-1**, as enacted by PL 1999, c. 370, §1, is amended to read:

B-1. Notwithstanding paragraph B, the maximum penalty is ~~\$5,000~~ \$10,000 for any violation of a law or an ordinance set forth in subsection 5, paragraph Q, if the violation occurs within an area zoned for resource protection.

**Sec. 4. 30-A MRSA §4452, sub-§3, ¶F**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

F. The maximum penalty may exceed ~~\$2,500~~ the amounts set forth in paragraphs B and B-1, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for a violation of the same law or ordinance.

**Sec. 5. 38 MRSA §439-A, sub-§10** is enacted to read:

**10. Photographic record required.** A municipal ordinance adopted pursuant to this article must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction photographs and, no later than 20 days after completion of the development, postconstruction photographs of the shoreline vegetation and development site.

See title page for effective date.

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**CHAPTER 41**

**H.P. 599 - L.D. 825**

**An Act To Change the Harassment Prevention Training Required for Legislators, Legislative Staff and Lobbyists**

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

**Sec. 1. 3 MRSA §170-B**, as enacted by PL 2017, c. 443, §1, is amended to read:

**§170-B. Required training regarding harassment**

All Legislators, legislative staff and lobbyists shall attend and complete a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" has the same meaning as in section 312-A, subsection 10.

See title page for effective date.

**CHAPTER 42**

**S.P. 77 - L.D. 265**

**An Act To Increase Opportunities for Hunters, Anglers and Sporting Camps by Extending the Seasons on Upland Game**

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

**Whereas**, this Act must become effective before the end of the 90-day period in order for the Commissioner of Inland Fisheries and Wildlife to adopt rules relating to the open season on the hunting of upland game before the 2019 season; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §10954** is enacted to read:

**§10954. Start of open season on upland game**

The open season on upland game must begin on the last Saturday in September. The commissioner, by rule, shall determine the length of the open season on upland game.

As used in this section, "upland game" means snowshoe hare, gray squirrel, ruffed grouse and bobwhite quail.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 22, 2019.

**CHAPTER 43**

**H.P. 179 - L.D. 216**

**An Act To Protect Water Quality by Standardizing the Law Concerning Septic Inspection in the Shoreland Zone**

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

**Sec. 1. 30-A MRSA §4216, sub-§2**, as enacted by PL 2007, c. 568, §2, is amended to read:

**2. Additional requirements; shoreland areas.** In addition to the requirements of subsection 1, the following provisions apply to the transfer of property within a ~~coastal~~ shoreland area as described in Title 38, section 435.

A. A person purchasing property on which a subsurface waste water disposal system is located within a ~~coastal~~ shoreland area, as described in Title 38, section 435, shall prior to purchase have the system inspected by a person certified by the department except that if it is impossible due to weather conditions to perform an inspection of the system prior to the purchase, the inspection must be performed within 9 months after transfer of the property. If the inspection finds that the system is malfunctioning, the system must be repaired or replaced within one year after transfer of the property. For purposes of this paragraph only, indications of a malfunctioning system are limited to the indications specified in the definition of "malfunctioning system" in the department's rules regulating subsurface waste water disposal that are in effect on the effective date of this paragraph.

B. A subsurface waste water disposal system that has been installed pursuant to section 4211 and rules adopted under Title 22, section 42 within 3 years prior to the closing date of the transfer of

property is not subject to the inspection requirements of paragraph A.

C. If the seller of the shoreland property has a written inspection report for an inspection of the subsurface waste water disposal system that was performed within 3 years prior to the date of the transfer of property by a person certified by the department, then the seller shall provide the inspection results to the purchaser, and the purchaser is not required to have the system inspected pursuant to paragraph A.

D. The inspection described in paragraph A is not required if the purchaser certifies to the local plumbing inspector that the purchaser will replace the subsurface waste water disposal system within one year of the transfer of property.

**Sec. 2. Effective date.** This Act takes effect January 1, 2020.

Effective January 1, 2020.

**CHAPTER 44**

**H.P. 180 - L.D. 217**

**An Act To Aid Certain Veterans' Organizations**

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

**Sec. 1. 28-A MRSA §1072, sub-§5,** as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**5. Sale of liquor only to members and guests; exception.** Except as provided in paragraph A or B, licensed clubs may not sell liquor to anyone except members and their guests accompanying them.

A. Licensed veterans' and fraternal organizations and social clubs may sell liquor to members of the same national or affiliated international organization and to members of auxiliaries of the same national or affiliated international organization and their guests accompanying them.

B. At the discretion of and by agreement with the bureau, a licensed veterans' organization may, subject to time-of-day and seasonal limitations defined at the time of license approval, sell liquor to the general public if the organization has a valid license and is located on an island off the coast of the State that is provided with ferry service pursuant to Title 23, Part 6 and Title 35-A, chapter 51. When a licensed veterans' organization sells liquor to the general public pursuant to this paragraph, the premises at which the liquor is sold are deemed a public place for purposes of Title 22, chapter 262 during the time the general public is invited or allowed to be present, and smoking, as

defined in Title 22, section 1541, subsection 6, is prohibited during that time.

See title page for effective date.

**CHAPTER 45**

**S.P. 59 - L.D. 247**

**An Act To Increase the Amount of Time School Counselors and Social Workers Spend Providing Students Direct and Indirect Counseling**

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

**Sec. 1. 20-A MRSA §4008-A** is enacted to read:

**§4008-A. School counselors and school social workers**

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

A. "Direct services" means in-person interactions between a school counselor or school social worker and students that are within the scope of the duties of a school counselor or school social worker as established by the department by rule.

B. "Indirect services" means services provided by a school counselor or school social worker on behalf of students as a result of a school counselor's or school social worker's interactions with the students and others that are within the scope of the duties of a school counselor or school social worker as established by the department by rule.

C. "School counselor" has the same meaning as in section 4008, subsection 1, paragraph B.

D. "School social worker" has the same meaning as in section 4008, subsection 1, paragraph C.

**2. Direct and indirect services to students.** Each school counselor and school social worker shall spend at least 80% of the school counselor's or school social worker's time providing direct services to and indirect services on behalf of students.

**3. Rules.** The commissioner shall adopt rules to implement this section. The rules must include guidelines regarding the duties of school counselors, including that a school counselor deliver a comprehensive school counseling program, and guidelines regarding the duties of school social workers. Rules adopted

pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 46  
S.P. 66 - L.D. 254**

**An Act To Clarify Liquor  
Label Approval and  
Registration Requirements**

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

**Sec. 1. 28-A MRSA §2, sub-§13-B** is enacted to read:

**13-B. Keg.** "Keg" means a container capable of holding at least 5 gallons of liquid.

**Sec. 2. 28-A MRSA §6-A** is enacted to read:

**§6-A. Approval and registration of labels**

**1. Federal approval required; exception.** A person may not import to the State, export from the State or sell in the State malt liquor, wine, hard cider or a low-alcohol spirits product unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is imported, exported or sold bears a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. This subsection does not apply to malt liquor, wine, hard cider or a low-alcohol spirits product that is manufactured in the State and is not distributed, shipped, delivered or sold in interstate commerce.

**2. Bureau registration required; exceptions.** Malt liquor, wine, hard cider or a low-alcohol spirits product may not be sold in the State unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is sold bears a label registered with the bureau. This subsection does not apply to:

A. Liquor sold by the manufacturer for on-premises consumption pursuant to section 1355-A, subsection 2, paragraph E, F or I; or

B. Liquor sold by a Maine manufacturer in a keg to an on-premises retail licensee.

**3. Fees.** The fees for registering a label with the bureau under subsection 2 are as follows.

A. The fee for the initial label registration is \$10.

B. The fee for changing a label registration is \$1.

C. The annual renewal fee is \$1 for each registered label. Renewal of a label registration must coincide with renewal of the relevant license or certificate of approval.

**4. Rulemaking.** The bureau shall adopt rules, consistent with the regulations promulgated by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau pursuant to the Federal Alcohol Administration Act, 27 United States Code, Section 205(e), establishing the requirements for registration of a malt liquor, wine, hard cider or low-alcohol spirits product label and for changing a label registration.

**Sec. 3. 28-A MRSA §714, sub-§1, ¶A,** as amended by PL 2017, c. 167, §14, is repealed.

**Sec. 4. 28-A MRSA §714, sub-§3, ¶¶A and B,** as amended by PL 2003, c. 451, Pt. T, §11, are further amended to read:

A. Every keg of malt liquor offered for sale by an off-premises retail licensee must be tagged in a manner ~~and with a label~~ approved by the commissioner identifying the keg ~~and be labeled in accordance with the requirements of section 6-A.~~ The tag must be supplied for each keg, without fee, by the wholesaler or small brewer of the keg.

B. The retail seller of the keg shall complete a form designed and approved by the commissioner and affix the ~~label tag~~ to each keg supplied to the retail seller by the distributor of the keg. The form must be printed and distributed, without fee, by the wholesaler or small brewer of the keg. The form must include the name, address and date of birth of the purchaser and the identification number of the keg. The form must summarize the requirements of this section, the penalties for violating any provision of this section and the penalties for providing alcohol to a minor. The seller shall retain the form as a record subject to chapter 31.

**Sec. 5. 28-A MRSA §1551, sub-§5,** as enacted by PL 1987, c. 342, §114, is amended to read:

**5. Other fees.** The fees for the following are:

A. Filing fee for license application.....\$10; ~~and,~~

B. Filing fees for registering label:

(1) ~~Original~~ registration.....\$10;

(2) ~~Change of label~~.....\$1; and

(3) ~~Annual renewal of label registration~~.....\$1.

See title page for effective date.

**CHAPTER 47  
H.P. 229 - L.D. 305**

**An Act To Protect Job Applicants from Identity Theft**

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

**Sec. 1. 26 MRSA §598-A is enacted to read:**

**§598-A. Prospective employee's social security number**

Beginning January 1, 2020, an employer may not request a social security number from a prospective employee on an employment application or during the application process for employment except for the purposes of substance abuse testing under subchapter 3-A or a preemployment background check. This section does not apply to an employer's request for a social security number after the employee has been hired.

See title page for effective date.

**CHAPTER 48  
S.P. 106 - L.D. 365**

**An Act To Allow Flexible Business Hours for Certain Agency Liquor Stores**

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

**Sec. 1. 28-A MRSA §356 is enacted to read:**

**§356. Flexible hours for certain agency liquor stores**

If an agency liquor store is subject to a substantial seasonal variation in business or retail customers based upon tourism or other factors, the agency liquor store may have flexibility in setting seasonal hours. An agency liquor store that establishes seasonal hours under this section shall notify the bureau, in writing, of those seasonal hours.

See title page for effective date.

**CHAPTER 49  
H.P. 363 - L.D. 506**

**An Act To Provide Architects, Engineers and Certain Other Professionals Immunity from Civil Liability When Volunteering for Evaluating Damage from Disasters**

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

**Sec. 1. 14 MRSA §172 is enacted to read:**

**§172. Liability related to professional services for natural disaster or catastrophe**

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

A. "Architect" means a person licensed as an architect under Title 32, chapter 3-A.

B. "Building inspection official" means a public official with executive responsibility to coordinate building inspection in the jurisdiction in which a natural disaster or catastrophe has occurred.

C. "Contractor" means a person engaged in the business of designing, developing, constructing, altering, adding to or repairing new or existing structures, buildings, facilities, project utilities, equipment, machines, processes, piping or other engineered systems or infrastructure or their appurtenances.

D. "Engineer" means a person licensed as a professional engineer under Title 32, chapter 19.

E. "Environmental official" means a public official with executive responsibility for coordinating an environmental response in the jurisdiction in which a natural disaster or catastrophe has occurred.

F. "Environmental professional" means a person engaged in the business of providing hazardous waste site clean-up services. "Environmental professional" includes a hazardous waste transporter licensed according to Title 38, section 1319-O.

G. "Land surveyor" means a person licensed as a professional land surveyor according to Title 32, chapter 141.

H. "Landscape architect" means a person licensed as a landscape architect under Title 32, chapter 3-A.

I. "Law enforcement official" means a public official with executive responsibility to coordinate law enforcement in the jurisdiction in which a natural disaster or catastrophe has occurred.

J. "Natural disaster or catastrophe" means an event, whether natural or human-made, that is declared an emergency by the President of the United States or by the Governor and that results in the deployment of emergency response personnel or the displacement of persons from the area of the event.

K. "Planner" means a person certified by the American Institute of Certified Planners, or successor organization, as a certified planner.

L. "Public official" means a federal, state or local appointed or elected official with executive responsibility in the jurisdiction in which a natural disaster or catastrophe has occurred.

M. "Public safety official" means a public official with executive responsibility to coordinate public safety in the jurisdiction in which a natural disaster or catastrophe has occurred.

**2. Immunity.** An architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer who voluntarily, without compensation other than expense reimbursement, and acting in good faith provides, under the applicable license or certification, architectural, structural, electrical, mechanical or other engineering, planning, land surveying, hazardous waste site clean-up, contracting or other professional design services related to a natural disaster or catastrophe at the request of or with the approval of a public official, law enforcement official, public safety official, building inspection official or environmental official believed by the architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer to be acting in an official capacity is not liable for any personal injury, wrongful death, property damage or other loss of any nature related to the architect's, contractor's, environmental professional's, land surveyor's, landscape architect's, planner's or engineer's acts, errors or omissions in the performance of engineering, architectural, planning, land surveying, hazardous waste site clean-up or contracting services for a site, a structure, a building, a facility, a project utility, equipment, a machine, a process, piping or some other engineered system, either publicly or privately owned.

**3. Voluntary services.** The immunity provided in this section applies to only voluntary architectural, structural, electrical, mechanical or other engineering, planning, land surveying, hazardous waste site clean-up, contracting or other professional design services related to a natural disaster or catastrophe that are provided during the natural disaster or catastrophe, unless the period of emergency is extended by an executive order issued by the President of the United States or the Governor under the President's or Governor's emergency executive powers.

**4. Reckless or intentional misconduct.** Nothing in this section provides immunity for reckless or intentional misconduct.

**5. Liability of governmental entities and employees not affected; existing immunity.** When an architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer voluntarily renders services at the request of or with the approval of a state or local official and when such services fall within the immunity of this section, the liability, if any, of governmental entities and their employees under chapter 741 is not affected by this section. The immunity provided in this section is in addition to immunity provided in Title 37-B, section 784-A.

See title page for effective date.

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## CHAPTER 50

### H.P. 378 - L.D. 521

#### An Act To Amend the Archives and Records Management Law

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

**Sec. 1. 5 MRSA §92**, as amended by PL 1997, c. 636, §1, is further amended by adding at the end a new paragraph to read:

It is also the policy of the State to ensure that operational, nonpermanent records of agencies are preserved for the time required by approved records retention schedules established pursuant to section 95-C, subsection 2, paragraph A, subparagraph (3) to meet administrative use, legal, fiscal and audit requirements and to ensure compliance with requests for public records under the Freedom of Access Act.

**Sec. 2. 5 MRSA §92-A, sub-§2**, as amended by PL 1997, c. 636, §2, is further amended to read:

**2. Archives.** "Archives" means government records that have been determined by the State Archivist, with advice from the Archives Advisory Board, to have sufficient value to warrant their continued preservation and that are in the physical and legal custody of the Maine State Archives.

**Sec. 3. 5 MRSA §92-A, sub-§4**, as amended by PL 1995, c. 148, §4 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

**4. State agency or agency.** "State agency" or "agency" means any unit of State Government or local government, including any state board or commission, except and the Legislature and its committees and subcommittees, but not including the Judicial Department, judicial branch, the University of Maine System, the

Maine Community College System and the Maine Maritime Academy.

**Sec. 4. 5 MRSA §92-A, sub-§6**, as enacted by PL 1997, c. 636, §4, is amended to read:

**6. Electronic record.** "Electronic record" means a record whose content is not readable unless retrieved by means of an electronic device such as a computer or an audio or video player. An electronic record can be in a structured database or an individual file.

**Sec. 5. 5 MRSA §92-A, sub-§7** is enacted to read:

**7. Records retention schedule.** "Records retention schedule" means a policy document that defines the minimum time a record must be retained and contains disposition instructions on how the record must be handled when no longer needed for agency business.

**Sec. 6. 5 MRSA §94**, as amended by PL 1989, c. 716, is further amended to read:

#### **§94. Maine State Archives**

The office of the State Archivist is a bureau within the Department of the Secretary of State and consists of at least 2 organizational units as the State Archivist and the Secretary of State determine best suited to the accomplishment of the functions and purposes of this chapter. One organizational unit consists of ~~the State Archivist and immediate support staff~~ archives services and one organizational unit consists of records management. The office is known as the Maine State Archives. The State Archivist is the official custodian of the archival resources of the State and has, upon consent of the Secretary of State, the duties and powers established under section 95-C governing the creation, use, maintenance, retention, preservation and disposal of agency records.

**Sec. 7. 5 MRSA §95**, as amended by PL 2009, c. 509, §§2 to 4, is repealed.

**Sec. 8. 5 MRSA §95-B, sub-§2**, as amended by PL 2001, c. 704, §1, is further amended to read:

**2. Safe or vault for preservation.** Each local government shall provide a fireproof safe or vault for the preservation of all records that must be retained permanently but are not required for business purposes. The official having responsibility for those records shall deposit them in the safe or vault where those records must be kept except when required for use. ~~Beginning in 2002, each local government shall respond to a survey distributed biennially by the State Archivist requesting:~~

~~A. A description of the fireproof safe or vault required by this section;~~

~~B. A statement of the adequacy of the safe or vault for the preservation of records that must be retained permanently; and~~

~~C. A plan, if any, for the establishment or enhancement of a safe or vault to comply with the requirements of this section.~~

~~The State Archivist shall report the results of the survey, with recommendations, to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and over state and local government matters.~~

**Sec. 9. 5 MRSA §95-B, sub-§2-A**, as enacted by PL 2001, c. 704, §2, is repealed.

**Sec. 10. 5 MRSA §95-B, sub-§§7 and 8**, as enacted by PL 1995, c. 148, §10, are amended to read:

**7. Disposition of records.** Records may not be destroyed or otherwise disposed of by any local government official, except as provided by the ~~Archives Advisory Board~~ records retention schedule established by the State Archivist pursuant to section 95-C, subsection 2, paragraph A, subparagraph (3). Records that have been determined ~~by the board~~ to possess ~~sufficient~~ archival value must be preserved by the municipality ~~or deposited with the State Archivist.~~

**8. Rules adopted by State Archivist.** Each local government official shall comply with the standards, procedures and ~~regulations issued~~ rules adopted by the ~~Archives Advisory Board~~ State Archivist.

**Sec. 11. 5 MRSA §95-C** is enacted to read:

#### **§95-C. Powers and duties**

**1. Archives services.** ~~The State Archivist has, upon consent of the Secretary of State, the following duties and powers regarding archives services:~~

A. To administer the office of the State Archivist. In exercising the administration of the office, the State Archivist shall formulate policies, establish organizational and operational procedures and exercise general supervision. The State Archivist shall employ, with the approval of the Secretary of State, and subject to the Civil Service Law, such assistants as are necessary to carry out this chapter. The State Archivist shall adopt a seal for use in the official business of the office. The State Archivist has custody and control of the facilities provided for the administration of this chapter;

B. To have the right of reasonable access to and examination of all state and local government records in the State;

C. To adopt such rules as are necessary to effectuate the purposes of this chapter. No restrictions or limitations may be imposed on the use of records that are defined by law as state and local government records or as records open to public

inspection, unless necessary to protect and preserve them from deterioration, mutilation, loss or destruction. Restrictions or limitations imposed by law on the examination and use of records transferred to the archives under subsection 2, paragraph A, subparagraph (3) remain in effect until the records have been in existence for 75 years unless removed or relaxed by the State Archivist with the concurrence in writing of the head of the agency from which the records were transferred or the successor in function, if any. The State Archivist shall adopt rules governing the transfer of records from the custody of one agency to that of another subject to any applicable provision of law. Rules adopted pursuant to this paragraph are routine technical rules as described in chapter 375, subchapter 2-A;

D. To accept gifts, bequests and endowments for purposes consistent with the objectives of this chapter. The Treasurer of State shall invest such funds if given as an endowment in securities according to the laws governing the investment of trust funds. All gifts, bequests and proceeds of invested endowment funds must be used solely to carry out the purposes for which they were made;

E. To publish archival material, reports, bulletins and other publications that promote the objectives of this chapter. The State Archivist shall establish the price at which publications, photocopies and photoduplication services may be sold and delivered. The income received under this paragraph and paragraph M must be credited to a special revenue account. Amounts in the account must be carried forward and expended by the agency for these purposes;

F. To report biennially to the Governor and Legislature facts and recommendations related to the work and needs of the office of the State Archivist;

G. To authorize and receive confirmation of the destruction of the state records of a state agency that, in the opinion of the head of the agency, are no longer of value to the state agency and that, in the opinion of the State Archivist, with advice from the Archives Advisory Board, have no archival value to the State;

H. To receive all agency records transferred to the Maine State Archives under subsection 2 and to negotiate for the transfer of official records that in the opinion of the State Archivist, with advice from the Archives Advisory Board, have archival value from the custody of any public official. The State Archivist shall charge a fee sufficient to cover the cost of receiving and processing all transfers from the custody of any public official not governed by subsection 2. The fees collected must be deposited in the General Fund. Any pub-

lic official in the State is authorized to turn over to the State Archivist those official records legally in that public official's custody that are not needed for the transaction of the business of that office whenever the State Archivist is willing and able to receive them. Whenever such a transfer is made, the State Archivist shall transmit to the office from which the records are transferred a memorandum in which the records are described in terms sufficient to identify them. The memorandum must be preserved in the transferring office. Unless otherwise directed by law, the state records of any public office, commission or committee in the State must, upon the termination of its existence or functions, be transferred to the custody of the State Archivist;

I. To preserve the records of the Secretary of State to the extent the Secretary of State determines desirable under the Constitution of Maine and the rules of the State Archivist adopted pursuant to paragraph C;

J. To establish such standards concerning the establishment, maintenance and operation of state or local government administered electronic records as are necessary to ensure the preservation of adequate and permanent records of the organization, functions, policies, procedures, decisions and essential transactions of agencies;

K. To receive legislative records. The Secretary of the Senate and the Clerk of the House of Representatives shall obtain the noncurrent records of the Legislature and of each legislative committee at the close of each Legislature and transfer them to the Maine State Archives for preservation, subject to the orders of the Senate or the House of Representatives, respectively, and subject to schedules established in consultation with the Executive Director of the Legislative Council;

L. To make archival material under the State Archivist's supervision available for public use at reasonable times. The State Archivist shall carefully protect and preserve the materials from deterioration, mutilation, loss or destruction. State records maintained by the State Archivist that contain information related to the identity of a patron of the Maine State Archives relative to the patron's use of materials at the Maine State Archives are confidential; those state records and the information contained in them may be released only with the express written consent of the patron involved or as a result of a court order;

M. To furnish copies of archival material upon the request of any person on payment in advance of such fees as may be required. Copies of agency records transferred pursuant to law from the office of their origin to the custody of the State Archivist, if certified by the State Archivist, under the

seal of that office, have the same legal force and effect as if certified by their original custodian. A facsimile of the signature of the State Archivist imprinted by or at the direction of the State Archivist upon any certificate issued by the State Archivist has the same validity as the written signature of the State Archivist;

N. To provide centralized photoduplication and records preservation services for agencies to the extent the State Archivist determines advisable in the administration of the programs under subsection 2 and facilities under paragraph A. The services must be furnished to agencies at cost.

Fees collected under this paragraph must be deposited in the General Fund; and

O. To prepare a detailed explanation of what constitutes a record pursuant to section 92-A, subsection 5 and records belonging to the State or to a local government or any agency of the State pursuant to section 95-A, subsection 1. The State Archivist shall include in the explanation practical examples of such records in plain language. Upon request, the State Archivist shall provide the explanation to an interested party at no cost to the interested party and shall post the explanation on a publicly accessible website.

2. Records management. The following provisions govern records management.

A. The State Archivist shall, upon consent of the Secretary of State, establish and administer for all state agencies an active, continuing program for the economical and efficient management of agency records and for the proper disposition of government records. The State Archivist shall, with due regard for the functions of the agencies concerned:

(1) Provide policies, procedures, standards and techniques for effective management of state and local government records in the conduct of business;

(2) Recommend improvements in records management practices for electronic records, including the use of electronic records management systems, and for physical records, including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing state and local government records;

(3) Establish records retention schedules, in consultation with the heads of agencies and their records officers appointed pursuant to paragraph B. The records retention schedules must define the period of time for which each agency must retain records based on the following 4 criteria:

- (a) Administrative use;
- (b) Legal requirements;
- (c) Fiscal and audit requirements; and
- (d) Historical and research value.

A state agency shall retain records of value, and transfer custody to the Maine State Archives, or dispose, as provided by the records retention schedule, of records no longer possessing sufficient administrative, legal or fiscal value to warrant their further keeping for business purposes; and

(4) Obtain such reports from state agencies as are required for the administration of the program, including a biennial assessment of agency records management programs and currency of agency record schedules, in compliance with policies, procedures and standards set by the Maine State Archives.

B. The head of each state agency shall establish and maintain an active, continuing program for the economical and efficient management of records in compliance with the standards, procedures and regulations issued by the State Archivist. The head of each state agency shall appoint a records officer and the head of each large state agency shall appoint a records officer assistant. The head of each state agency, through that agency's records officer, shall enable and ensure the transfer to the Maine State Archives of those records that, in the opinion of the State Archivist, with advice from the Archives Advisory Board, have archival value.

**Sec. 12. 5 MRSA §96**, as amended by PL 1989, c. 503, Pt. B, §9, is repealed and the following enacted in its place:

**§96. Archives Advisory Board**

**1. Established.** The Archives Advisory Board, established by section 12004-I, subsection 8, shall serve to advise the State Archivist in administration of this chapter and to perform such other duties as may be prescribed by law.

**2. Members.** The Archives Advisory Board consists of 9 voting members with expertise in the administrative, fiscal, legal and historical value of records. Voting members of the board must represent the spectrum of records in the State and are appointed by the Secretary of State as follows:

A. Two public members representing the interests of public access to government records, recommended by a public interest group;

B. Two members from municipal or county government with expertise in local government rec-

ords, recommended by local or county government entities;

C. One member representing a state or local historical society, recommended by a state or local historical society;

D. One member with expertise in the legal requirements of records retention and public records law, recommended by the Attorney General;

E. One member with expertise in the State's fiscal requirements of records retention, recommended by the Governor;

F. One member from the executive branch with expertise in executive branch records, recommended by the Governor; and

G. One member from the Department of Administrative and Financial Services, Office of Information Technology with expertise in electronic records, electronic records management systems and emerging technology related to electronic records, recommended by the Governor.

The State Archivist serves as a nonvoting member.

3. Terms; chair; compensation. The voting members under subsection 2 serve a 3-year term and continue serving until either reappointed or replaced. In case of the termination of a member's service during that member's term, the Secretary of State shall appoint a successor for the unexpired term. The voting members shall elect a chair. Voting members must be compensated as provided in chapter 379.

**Sec. 13. 5 MRSA §97**, as repealed and replaced by PL 1977, c. 696, §33, is amended to read:

**§97. Violation**

Violation of any provision of this chapter or any rules ~~and regulations issued~~ adopted under section 95 ~~95-C, subsection 3 1, paragraph C,~~ except those violations for which specific penalties are provided, is a Class E crime.

**Sec. 14. 5 MRSA §98, sub-§1, ¶¶D and E**, as enacted by PL 2001, c. 704, §3, are amended to read:

D. Work cooperatively with other state historical records advisory boards, especially those in New England; and

E. Report biennially to the joint standing ~~committees~~ committee of the Legislature having jurisdiction over ~~education and cultural affairs and over~~ state and local government matters on the board's activities and on the condition of historical records in the State; ~~and.~~

**Sec. 15. 5 MRSA §98, sub-§1, ¶F**, as enacted by PL 2001, c. 704, §3, is repealed.

**Sec. 16. 5 MRSA §98, sub-§2**, as enacted by PL 2001, c. 704, §3, is amended to read:

**2. Authority.** In order to carry out its mission, the board may make expenditures in accordance with the following:

A. Beginning with the 2004-2005 biennium, the Governor shall include in the budget submitted to the Legislature each biennium a line item to allow the expenditure by the board of any non-General Fund revenues received by the board, including federal funds, grants or gifts; ~~and.~~

~~B. Beginning with the 2004-2005 biennium, the Governor shall include in the budget submitted to the Legislature each biennium a line item to allow the expenditure by the board of any non-General Fund revenues received by the board to fund a full-time position.~~

See title page for effective date.

**CHAPTER 51**

**S.P. 224 - L.D. 780**

**An Act To Change Municipal Campaign Contribution Limits**

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

**Sec. 1. 21-A MRSA §1015, sub-§1**, as amended by PL 2011, c. 382, §1, is further amended to read:

**1. Individuals.** An individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,500 in any election for a gubernatorial candidate, more than \$350 for a legislative candidate, more than ~~\$350~~ \$500 for a candidate for municipal office and beginning January 1, 2012 ~~more than \$750 for a candidate for municipal office~~ or more than \$750 in any election for any other candidate. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner. Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

**Sec. 2. 21-A MRSA §1015, sub-§2**, as amended by PL 2011, c. 382, §2, is further amended to read:

**2. Committees; corporations; associations.** A political committee, political action committee, other committee, firm, partnership, corporation, association or organization may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,500 in any election for a gubernatorial candidate, more than \$350 for a legislative candidate, more than ~~\$350~~ **\$500** for a candidate for municipal office and beginning January 1, 2012 ~~more than \$750 for a candidate for municipal office or more than \$750~~ in any election for any other candidate. Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

**Sec. 3. Effective date.** This Act takes effect January 1, 2020.

Effective January 1, 2020.

**CHAPTER 52**

**H.P. 129 - L.D. 147**

**An Act To Extend Internet Availability in Rural Maine**

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

**Whereas,** this legislation authorizes the use of funds in the telecommunications education access fund to support mobile Internet access technology; and

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period in order for this funding to be available as soon as possible; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 35-A MRSA §7104-B, sub-§4, ¶B,** as enacted by PL 1999, c. 409, §2, is amended to read:

B. Internet access, including mobile Internet access through a portable wireless access point, or

hotspot, that provides Internet access over a cellular network;

**Sec. 2. 35-A MRSA §7104-B, sub-§5, ¶G,** as amended by PL 2001, c. 522, §2, is further amended to read:

G. To provide for the establishment of computer technology training programs in schools to provide training to students in areas such as, but not limited to, electronic commerce, Internet proficiency and World Wide Web-enabled systems; ~~and~~

**Sec. 3. 35-A MRSA §7104-B, sub-§5, ¶H,** as enacted by PL 2001, c. 522, §2, is amended to read:

H. To provide for electronic database content to be used for the purposes of accessing information by schools and libraries; ~~and~~

**Sec. 4. 35-A MRSA §7104-B, sub-§5, ¶I** is enacted to read:

I. To provide, within existing resources, support for qualified libraries in rural areas of the State with greatest need, as determined in consultation with the State Librarian, the Commissioner of Education and the ConnectME Authority, to offer portable wireless access points, or hotspots, for mobile Internet access.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 23, 2019.

**CHAPTER 53**

**H.P. 284 - L.D. 375**

**An Act To Promote the Forest Products Industry in School Construction and Renovation Involving Heating Systems**

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

**Sec. 1. 20-A MRSA §15908-B** is enacted to read:

**§15908-B. Heating systems**

In approving school construction projects, the state board shall ensure that school administrative units have considered heating systems that use renewable, locally sourced wood-based fuels and that benefit the State's economy and reduce carbon dioxide emissions in all planning and design for new or substantially renovated schools or school buildings subject to state board approval.

As used in this section, "substantially renovated" has the same meaning as in section 15908-A, subsection 1.

See title page for effective date.

**CHAPTER 54**

**H.P. 130 - L.D. 167**

**An Act To Prevent Food Shaming in Maine's Public Schools**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA c. 223, sub-c. 11** is enacted to read:

**SUBCHAPTER 11**

**FOOD RIGHTS**

**§6681. Access to food and use of food discipline**

This section governs student access to and school use of food, including as a disciplinary tool, in public schools.

**1. Serving of reimbursable meals.** A public school that provides free and reduced-price meals or other meals to students pursuant to subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture shall provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's inability to pay for the school meal or failure in the past to pay for school meals.

**2. Punishment related to meals.** A public school may not:

A. Because of a student's inability to pay for a meal or because of any payments due for meals served previously to the student, require the student:

(1) To throw away a meal after it has been served to the student; or

(2) To undertake chores or work as a means of paying for one or more meals or as punishment for not paying for one or more meals;

or

B. Refuse a meal to a student as a form of or as part of a disciplinary action.

**3. Stigmatization.** A public school may not openly identify or otherwise stigmatize a student who cannot pay for a meal or who has payments due for previous meals.

**4. Required communications.** A public school's communications about a student's meal debts must be made to the parent or guardian of the student rather than to the student directly except that, if a student inquires about that student's meal debt, the school may answer the student's inquiry. A public school may ask a student to carry to the student's parent or guardian a letter regarding the student's meal debt.

**5. Debt collection; best practices.** The department shall develop guidance for school administrative units relating to the collection of student meal debt, including, but not limited to, best practices and information on how to create an online system for the payment of student meal debt. The department shall post the information under this subsection on its publicly accessible website.

See title page for effective date.

**CHAPTER 55**

**S.P. 86 - L.D. 274**

**An Act To Allow the Sale of Ethanol-free Gasoline Statewide**

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

**Sec. 1. 38 MRSA §585-N**, as amended by PL 2013, c. 453, §1, is further amended to read:

**§585-N. Reformulated gasoline**

Beginning June 1, 2015, a retailer who sells gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County may sell only reformulated gasoline in those counties.

This section is repealed November 1, 2020.

See title page for effective date.

**CHAPTER 56**

**S.P. 45 - L.D. 158**

**An Act To Amend the Laws Governing Beano**

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

**Sec. 1. 17 MRSA §311, sub-§5-A** is enacted to read:

**5-A. Member.** "Member" means a bona fide member of a firm, corporation, association, organization, department or class or a combination thereof who has been duly admitted as a member according to the laws, rules, regulations, ordinances or bylaws governing membership in the firm, corporation, association, organization, department, class or combination thereof.

**Sec. 2. 17 MRSA §313-C, sub-§1**, as enacted by PL 2017, c. 284, Pt. JJJJJ, §7, is amended to read:

**1. Registration eligibility.** The Gambling Control Unit may accept registrations from the following organizations to conduct beano ~~to be conducted by duly authorized members~~ for the exclusive benefit of the organization:

- A. A volunteer fire department;
- B. An agricultural fair association;
- C. A bona fide nonprofit, charitable, educational, political, civic, recreational, fraternal, patriotic, religious or ~~veterans~~ veterans' organization that has been in existence and founded, chartered or organized in the State for at least 2 years prior to its registration; and
- D. An auxiliary organization associated with an organization, department or association described in this subsection that has been in existence for at least 2 years prior to submitting a registration to conduct beano to the Gambling Control Unit.

The Gambling Control Unit may accept a registration submitted by an organization described in paragraph C that has been in existence for less than 2 years in the State if the organization has a charter from a national organization.

**Sec. 3. 17 MRSA §313-C, sub-§3** is enacted to read:

**3. Member must exercise exclusive control of game.** An organization registered under this section may not conduct beano games unless a person at least 18 years of age, who has been a member of good standing of the registrant for at least 2 years, exercises exclusive control of each game played. Other individuals, who are not required to be members of the registrant, may assist the member in operating the game. For purposes of this subsection, a member exercises exclusive control if the member has the final decision-making authority to determine the winner of the game and to address any challenges to the operation of the game.

**Sec. 4. 17 MRSA §319, 2nd ¶**, as enacted by PL 2017, c. 284, Pt. JJJJJ, §21, is repealed.

See title page for effective date.

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## CHAPTER 57

### S.P. 29 - L.D. 76

#### An Act To Strengthen the Integrity of the Legislature

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

**Sec. 1. 1 MRSA §1024, sub-§1**, as enacted by PL 2013, c. 129, §2, is amended to read:

**1. Actions precluded.** Beginning with the convening of the 127th Legislature, a person who has served as a Legislator may not engage in activities that would require registration as a lobbyist or lobbyist associate as defined by Title 3, section 312-A, subsections 10 and 10-A, respectively, until one year after that person's term as a Legislator ends. This subsection may not be construed to prohibit uncompensated lobbying by a former Legislator during the one-year period following the end of that Legislator's most recent term in office.

This subsection is repealed December 1, 2020.

**Sec. 2. 1 MRSA §1024, sub-§1-A** is enacted to read:

**1-A. Actions precluded beginning with the 130th Legislature.** Beginning with the convening of the 130th Legislature, a person who has served as a Legislator may not engage in compensated lobbying until one year after that person's term as a Legislator ends.

**Sec. 3. 1 MRSA §1024, sub-§4** is enacted to read:

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

A. "Compensated lobbying" means lobbying conducted by an individual who is specifically employed by another person other than the State or an agency of the State for that purpose or lobbying conducted by an individual as a regular employee of another person other than the State or an agency of the State. "Compensated lobbying" does not include activities for which the individual receives no compensation other than reimbursement for lobbying-related travel within the State and reimbursement for other out-of-pocket expenditures made by the individual for printing, postage and food and lodging connected with lobbying activities paid for by the individual. For the purposes of this paragraph, "reimbursement for other out-of-pocket expenditures" does not include reimbursement for the individual's time

spent lobbying that would have been otherwise compensated by an employer or in the course of the individual's employment.

B. "Lobbying" has the same meaning as in Title 3, section 312-A, subsection 9.

See title page for effective date.

**CHAPTER 58  
S.P. 17 - L.D. 53**

**An Act To Clarify Local  
Referendum Ballots**

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

**Sec. 1. 30-A MRSA §2501, sub-§4** is enacted to read:

4. **Ballot questions.** Notwithstanding the provision of Title 21-A, section 906, subsection 7 requiring sequential numbering of ballot questions, municipal officers may elect to list municipal initiative and referendum questions on the ballot using sequential capital letters of the alphabet instead of sequential numbers. All other provisions of Title 21-A, section 906, subsection 7 apply.

**Sec. 2. 30-A MRSA §2528, sub-§6, ¶C**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

C. Any question or questions required by law to be submitted to a vote ~~shall~~ **must** be printed either below the list of candidates or on a separate ballot from the ballot listing candidates. Notwithstanding the provision of Title 21-A, section 906, subsection 7 requiring sequential numbering of ballot questions, the questions may be listed on the ballot using sequential capital letters of the alphabet instead of sequential numbers in accordance with section 2501, subsection 4. All other provisions of Title 21-A, section 906, subsection 7 apply. If a separate ballot is used, this ballot must be a different color than the ballot listing candidates.

See title page for effective date.

**CHAPTER 59  
H.P. 142 - L.D. 179**

**An Act To Change the Name of  
Columbus Day to Indigenous  
Peoples Day**

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

**Sec. 1. 4 MRSA §1051, first ¶**, as repealed and replaced by PL 1985, c. 819, Pt. A, §1, is amended to read:

No court may be held on Sunday or any day designated for the annual Thanksgiving; New Year's Day, January 1st; Martin Luther King, Jr., Day, the 3rd Monday in January; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May; the 4th of July; Labor Day, the first Monday of September; ~~Columbus Day~~ Indigenous Peoples Day, the 2nd Monday in October; ~~Veterans'~~ Veterans Day, November 11th; or on Christmas Day. The Chief Justice of the Supreme Judicial Court may order that court be held on a legal holiday when ~~he finds that~~ the interests of justice and judicial economy in any particular case will be served. The public offices in county buildings may be closed to business on the holidays named in this section. When any one of the holidays named in this section falls on Sunday, the Monday following ~~shall~~ **must** be observed as a holiday, with all the privileges applying to any of the days named in this section.

**Sec. 2. 9-B MRSA §145, sub-§1, ¶I**, as enacted by PL 1997, c. 398, Pt. B, §2, is amended to read:

I. The 2nd Monday in October, ~~Columbus Day~~ Indigenous Peoples Day;

**Sec. 3. 20-A MRSA §4802, sub-§1, ¶E**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

E. ~~Columbus Day~~ Indigenous Peoples Day, the 2nd Monday in October;

**Sec. 4. 32 MRSA §4691, sub-§2**, as enacted by PL 1979, c. 571, is amended to read:

**2. Business day.** "Business day" means any day other than Saturday, Sunday or the following ~~national~~ holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; ~~Columbus Day~~ Indigenous Peoples Day; ~~Veteran's~~ Veterans Day; Thanksgiving and Christmas.

See title page for effective date.

**CHAPTER 60  
H.P. 35 - L.D. 34**

**An Act To Clarify Game of  
Chance Licensing  
Requirements**

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

**Sec. 1. 17 MRSA §1831, sub-§17, ¶C**, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

C. Any form of credit or promise directly or indirectly contemplating transfer of money or property, or of any interest therein, ~~or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.~~

**Sec. 2. 17-A MRSA §952, sub-§10**, as enacted by PL 1975, c. 499, §1, is amended to read:

10. "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property, or of any interest therein, ~~or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.~~

See title page for effective date.

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**CHAPTER 61  
S.P. 39 - L.D. 152**

**An Act To Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds**

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

**Sec. 1. 22 MRSA §1578-B, sub-§1, ¶C**, as enacted by PL 1987, c. 687, is repealed.

**Sec. 2. 22 MRSA §1578-B, sub-§1, ¶D**, as enacted by PL 1987, c. 687, is repealed and the following enacted in its place:

D. "Tobacco use" means:

(1) Smoking as defined in section 1541, subsection 6; and

(2) Carrying or having in one's possession a tobacco product as defined in section 1551, subsection 3.

**Sec. 3. 22 MRSA §1578-B, sub-§2**, as amended by PL 2007, c. 156, §2, is repealed and the following enacted in its place:

**2. Prohibition.** A person may not engage in tobacco use in the buildings or on the grounds of any elementary or secondary school, on a school bus or at any school-sponsored event at any time.

**Sec. 4. 22 MRSA §1578-B, sub-§3**, as enacted by PL 1987, c. 687, is repealed.

See title page for effective date.

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**CHAPTER 62  
H.P. 213 - L.D. 289**

**An Act To Prohibit the Use of Certain Disposable Food Service Containers**

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

**Sec. 1. 38 MRSA c. 15-A** is enacted to read:

**CHAPTER 15-A**

**DISPOSABLE FOOD SERVICE CONTAINERS**

**§1571. Definitions**

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

**1. Consumer.** "Consumer" means an individual who purchases or accepts food or beverages for use or consumption.

**2. Covered establishment.** "Covered establishment" includes, but is not limited to:

A. A food establishment, as defined in Title 22, section 2152, subsection 4-A;

B. An eating establishment as defined in Title 22, section 2491, except that "covered establishment" does not include a hospital licensed under Title 22, chapter 405 or a so-called meals on wheels establishment funded in whole or in part directly or indirectly by the Department of Health and Human Services to provide meals at dispersed locations from central kitchen facilities;

C. An agricultural fair as defined in Title 7, section 81, subsection 1;

D. A farmers' market as defined in Title 7, section 415, subsection 1, paragraph A;

E. A food pantry, church or community organization that provides food or beverages without charge; and

F. A boarding home, a retirement home, an independent living place or a nursing home.

**3. Disposable food service container.** "Disposable food service container" means service ware designed for one-time use.

A. "Disposable food service container" includes service ware for take-out foods, packaged meat, eggs, bakery products and leftovers from partially consumed meals prepared by covered establishments.

B. "Disposable food service container" does not include polystyrene foam coolers or ice chests that are used for the processing or shipping of seafood.

**4. Political subdivision.** "Political subdivision" has the same meaning as in Title 14, section 8102, subsection 3.

**5. Polystyrene foam.** "Polystyrene foam" means blown polystyrene and expanded or extruded foams using a styrene monomer.

**6. Service ware.** "Service ware" means a container, bowl, plate, tray, carton, cup, lid, sleeve, stirrer or other item designed to be used to contain, transport, serve or consume prepared foods.

**7. State.** "State" has the same meaning as in Title 14, section 8102, subsection 4.

**§1572. Prohibitions; exemptions**

**1. Prohibition.** Beginning January 1, 2021, a covered establishment may not process, prepare, sell or provide food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam.

**2. Plastic beverage stirrers.** A covered establishment providing beverages at a facility or function of the State or of a political subdivision may not provide beverage stirrers that are composed of plastic. For the purposes of this subsection, "beverage stirrer" means a device that is designed solely to mix liquids that are intended for internal human consumption and are contained in a single-serving container.

**3. Exemptions.** Notwithstanding subsection 1, a covered establishment may:

A. In an emergency for the immediate preservation of the public health or safety, as determined applicable by the department, process, prepare, sell or provide food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam;

B. Sell or provide food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam that a consumer brings to the covered establishment; and

C. Sell at retail food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam that the covered establishment purchases prepackaged at wholesale.

**§1573. Penalty; rules**

**1. Penalty.** A violation of this chapter is a civil violation for which a fine of not more than \$100 may be adjudged.

**2. Rules.** The department may adopt rules to implement the provisions of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 38 MRSA c. 16-A**, as amended, is repealed.

See title page for effective date.

**CHAPTER 63**

**H.P. 278 - L.D. 352**

**An Act Regarding Licensing Fees for Certain Tournament Games**

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

**Sec. 1. 17 MRSA §1836, sub-§3-A**, as amended by PL 2013, c. 306, §1, is further amended to read:

**3-A. License.** The license fees for tournament game licenses are as follows:

A. For tournament games that do not exceed with 51 to 100 players:

- (1) Seventy-five dollars per tournament license;
- (2) Two hundred dollars for a monthly license; and
- (3) Fifteen hundred dollars for an annual license; and

B. For tournament games that exceed 100 players:

- (1) Three hundred dollars for a tournament game with 101 to 150 players;
- (2) Four hundred dollars for a tournament game with 151 to 200 players;
- (3) Five hundred dollars for a tournament game with 201 to 250 players; and
- (4) Six hundred dollars for a tournament game with 251 to 300 players; and

C. For tournament games that do not exceed 50 players:

- (1) Forty dollars per tournament license;
- (2) One hundred dollars for a monthly license; and
- (3) Seven hundred fifty dollars for an annual license.

See title page for effective date.

**CHAPTER 64**  
**H.P. 371 - L.D. 514**

**An Act To Amend the Laws  
Governing the Political Party  
Representation of Election  
Clerks**

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

**Sec. 1. 21-A MRSA §503**, as amended by PL 2013, c. 131, §14, is repealed.

**Sec. 2. 21-A MRSA §503-A** is enacted to read:

**§503-A. Election clerks**

Election clerks are governed by the following provisions.

**1. Qualifications; compensation.** Election clerks must be at least 18 years of age, must be registered to vote and must be residents of the municipality or the county in which they serve, except that residents of a municipality or county who are 17 years of age and who are conditionally registered to vote pursuant to section 155 also qualify to serve as election clerks. Election clerks are entitled to reasonable compensation as determined by the municipal officers.

**2. Nomination.** All nominations for election clerks must be submitted to the municipal officers by April 1st of each general election year. Nominations may be submitted by the municipal, county or state committees of the parties, by the municipal clerk or by any registered voter in the municipality or county.

**3. Appointment.** The municipal officers shall appoint election clerks by May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close. In making the appointments, the municipal officers shall consider all nominations received by April 1st but may appoint any qualified voters. The municipal officers shall appoint a sufficient number of election clerks to meet the requirements of subsections 4 and 5. A list of the election clerks appointed under this subsection must be posted at each voting place for each election during the 2-year term following appointment. For each election, the municipal clerk shall select the election clerks from the list of appointees and assign their duties.

**4. Minimum number of election clerks.** There must be at least 2 election clerks, one from each of the major parties, selected from the list of appointees to serve at each voting place during the entire time the polls are open and as counters after the polls close. The municipal clerk may select additional election clerks for each voting place as needed in accordance with subsection 5.

**5. Selection of additional clerks; representation of parties.** If a municipality requires more election clerks than the minimum number prescribed in subsection 4, the municipal clerk must select additional election clerks from the list of appointees to work at each election as follows.

A. The number of election clerks selected from one major party may not exceed the number of election clerks from another major party by more than one.

B. The number of election clerks selected from the major parties must comprise at least half of the total number of election clerks selected. The remaining number of election clerks may be enrolled in a minor party or may be unenrolled.

C. If the municipal officers did not appoint a sufficient number of election clerks representing the major parties or there is an insufficient number of appointees from the major parties who are available to serve at an election, the municipal clerk may select as many election clerks from minor parties or who are unenrolled as needed to serve at that election.

**6. Vacancies.** Notwithstanding subsection 5, if a sufficient number of appointed election clerks are not available to serve on election day, the municipal clerk may appoint the necessary number of election clerks, without regard to party affiliation, to fill the vacancies at that election.

**7. Oath of office.** Before assuming the duties of office, election clerks are sworn by the municipal clerk or the warden, and the oath is recorded.

**8. Term of office.** An election clerk holds office for 2 years from the date of appointment and until a successor is appointed and qualified.

**9. Duties.** Election clerks shall attend the voting places for which they are appointed at each election during the time the polls are open or during the counting of the ballots after the polls close, as required by the terms of their appointment. They are under the direction of the warden and shall assist the warden as requested.

**Sec. 3. 21-A MRSA §631, sub-§3**, as enacted by PL 1985, c. 161, §6, is amended to read:

**3. Appointment of wardens and ward clerks.** At least 10 days before the election, the municipal officers shall appoint a warden, a ward clerk in a city and at least 2 election clerks for each voting place created by the division. Election clerks must be nominated as provided in section ~~503~~ 503-A.

**Sec. 4. 30-A MRSA §2528, sub-§8**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**8. Ballot clerks.** Before the polls are opened, the ~~selectmen~~ municipal officers shall appoint the necessary number of ballot clerks as provided in Title 21-A, section ~~503~~ 503-A. When there are vacancies after the polls are opened, the moderator shall appoint replacement clerks. The ballot clerks ~~shall~~ must be sworn before assuming their duties.

A. On election day, before the polls are opened, the clerk shall deliver the ballots to the ballot clerks and shall post an instruction card at each voting compartment and at least 3 instruction cards and 5 specimen ballots in the voting room outside the guardrail enclosure.

B. The ballot clerks shall give a receipt to the clerk for the ballots received by them. The clerk shall keep the receipt in the clerk's office for 6 months.

C. Ballots may not be delivered to the voters until the moderator has been elected. The moderator may appoint a qualified person to act as temporary moderator during a temporary absence from the polling place.

D. The ~~selectmen~~ municipal officers shall prepare a duplicate incoming voting list for the use of the ballot clerks. The law pertaining to incoming voting lists applies equally to duplicate incoming voting lists.

See title page for effective date.

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**CHAPTER 65**

**H.P. 385 - L.D. 528**

**An Act To Increase the Number of Clubs That May Be Issued a Special Dog Training Area License**

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

**Whereas,** there are individuals in the State who are unable to obtain a special dog training area license due to the current cap on licenses per county; and

**Whereas,** this Act needs to become effective before 90 days after the adjournment of the First Regular Session of the 129th Legislature in order for those individuals to receive licenses and open their businesses; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-

tion of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §12052, sub-§2,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**2. Application and issuance.** Upon application of a club or organization having 25 or more resident members, the commissioner may issue to the club or organization a license authorizing the following.

A. The licensee may establish and maintain on land owned by the licensee, or over which the licensee has legal control, a special dog training area in which and on which dogs may be trained at any time during the year.

B. The licensee may at any time during the year train the licensee's own dogs or the dogs of other persons on that area.

C. The licensee may hold field trials at any time on that area or permit, in writing, others to hold field trials on that area under such conditions as are mutually agreed on.

No more than ~~5~~ 8 clubs in any one county may be issued a license.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 30, 2019.

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**CHAPTER 66**

**H.P. 121 - L.D. 139**

**An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers**

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

**Sec. 1. 26 MRSA §773-A, sub-§3, ¶E,** as enacted by PL 2017, c. 286, §4, is amended to read:

E. Who has graduated from high school, or who has successfully attained a high school equivalency diploma or its equivalent, and who has graduated from a vocational, career and technical or cooperative education program approved by the Department of Education and is hired by an employer to work in an occupation for which the minor has been trained and certified by the vocational program may work for that employer in that occupation.

**Sec. 2. 26 MRSA §2033, sub-§5, ¶A**, as enacted by PL 2007, c. 352, Pt. A, §3, is amended to read:

A. Is at least 18 years old or has graduated from high school;

**Sec. 3. 26 MRSA §2033, sub-§5-A**, as enacted by PL 2015, c. 257, §1, is amended to read:

**5-A. Secondary student eligibility.** Notwithstanding subsection 5, paragraph A, ~~before January 1, 2020~~, a full-time student at a public secondary school enrolled in a career and technical education program at a career and technical education center or a career and technical education region may be granted enrollment in the program if the student applies for enrollment and meets the requirements of subsection 5, paragraphs B, C, D and E. For the purpose of determining eligibility under subsection 5, paragraph C, "income" includes the income of the student's family as defined by department rule.

The commissioner may not expend, on an annualized basis, more than 15% of the annual revenue to the fund for tuition, other allowable costs and administration and case management for students enrolled in the program under this subsection and the costs for any of these students who continue to participate in the program after attaining 18 years of age.

~~This subsection is repealed January 1, 2020.~~

See title page for effective date.

**CHAPTER 67**

**H.P. 162 - L.D. 199**

**An Act To Create the Water Resources Planning Committee**

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

**Sec. 1. 5 MRSA Pt. 15-C** is enacted to read:

**PART 15-C**

**WATER RESOURCES PLANNING COMMITTEE**

**CHAPTER 357**

**WATER RESOURCES PLANNING COMMITTEE**

**§6401. Water Resources Planning Committee**

**1. Water Resources Planning Committee.** The Water Resources Planning Committee, as established in section 12004-I, subsection 68-C and referred to in this subsection as "the committee," is established in the Department of Agriculture, Conservation and Forestry.

**A. The committee's membership must include, at a minimum:**

**(1) Personnel from:**

(a) The Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning, Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey;

(b) The Department of Agriculture, Conservation and Forestry, Maine Agricultural Water Management Board;

(c) The Public Utilities Commission;

(d) The Department of Environmental Protection;

(e) The Maine Land Use Planning Commission; and

(f) The drinking water program of the Department of Health and Human Services; and

**(2) Members of the public with expertise in:**

(a) Agriculture;

(b) Public water utilities;

(c) Water bottling and the sale of bottled water;

(d) The use of water by private domestic well owners;

(e) The environment and conservation;

(f) The use of water by commercial entities;

(g) Water conservation education; and

(h) Stormwater management or wastewater management.

**B. The committee shall meet at least quarterly and report annually to the Department of Agriculture, Conservation and Forestry, beginning in August 2020. The committee shall plan for the sustainable use of water resources. The committee shall focus on:**

(1) Collecting and reviewing information regarding water withdrawal activities;

(2) Coordinating state water resources information; and

(3) Identifying watersheds at risk by refining the most recent analysis of watersheds at risk performed by the Bureau of Resource Information and Land Use Planning, Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey, including:

(a) Conducting appropriate water resources investigations in watersheds at risk;

(b) Considering projected increased water use by population, agricultural irrigation, commercial users, industrial users and other users;

(c) Considering seasonal use;

(d) Considering potential effects of climate change;

(e) Considering the effects of anticipated future water quality classification changes on the availability of water for withdrawal;

(f) In establishing priorities for further investigations, seeking input from the user community, from towns dealing with multimunicipal aquifers and from towns with significant local aquifers; and

(g) Developing guidelines for consistency in further investigations.

C. The committee shall conduct annual reviews of state policy with regard to:

- (1) Conservation of water resources;
- (2) Development of regional sources and solutions to water use issues;
- (3) Incentives for stewardship of water resources; and
- (4) Effects of surface water quality improvements on water withdrawal opportunities.

D. The committee shall provide guidance to municipalities and water districts and develop and disseminate educational materials on water resources and the regulatory regime.

**Sec. 2. 5 MRSA §12004-I, sub-§68-C** is enacted to read:

**68-C.**

<u>Natural Resources</u>	<u>Water Resources Planning Committee</u>	<u>Not Authorized</u>	<u>5 MRSA §6401</u>
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See title page for effective date.

**CHAPTER 68  
H.P. 266 - L.D. 340**

**An Act To Clarify the Temporary Medical Allowance Relating to Lobster and Crab Fishing Licenses**

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

**Sec. 1. 12 MRSA §6450, sub-§1**, as amended by PL 2017, c. 352, §1, is further amended to read:

**1. Temporary medical allowance.** Notwithstanding section 6421, upon request the commissioner may issue a temporary medical allowance that permits an individual to fish under the authority of the license of a Class I, Class II or Class III lobster and crab fishing license holder ~~but not under the license holder's direct supervision~~ when that license holder is unable to fish if the following criteria are met:

A. The individual who will be fishing has successfully completed an apprentice program under section 6422;

B. The individual who will be fishing is the child ~~or~~ spouse or domestic partner of the individual who holds the Class I, Class II or Class III lobster and crab fishing license;

C. The holder of the Class I, Class II or Class III lobster and crab fishing license is unable to use that license, all or part of the time, due to a substantial illness or medical condition. The holder of the Class I, Class II or Class III lobster and crab fishing license shall provide the commissioner with documentation from a physician describing the illness or other medical condition; and

D. The holder of the Class I, Class II or Class III lobster and crab fishing license documents to the commissioner that the license holder harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary medical allowance.

A request for a temporary medical allowance must be in writing and must specify the dates for which the temporary medical allowance is requested. The holder of the Class I, Class II or Class III lobster and crab fishing license on which the temporary medical allowance is based must maintain a valid license during the duration of the temporary medical allowance. The holder of the Class I, Class II or Class III lobster and crab fishing license is liable for the activities of the individual fishing under the temporary medical allowance, whether or not the license holder is present on the vessel.

See title page for effective date.

**CHAPTER 69  
H.P. 307 - L.D. 398**

**An Act To Allow for Greater  
Flexibility in Addressing  
Energy Efficiency Needs in the  
State**

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

**Sec. 1. 35-A MRSA §10109, sub-§4, ¶A**, as amended by PL 2017, c. 282, §2, is further amended to read:

~~A. The trust shall allocate 50% of the funds for residential programs and 50% for commercial and industrial programs.~~ Trust funds must be allocated for measures, investments, loans, technical assistance and arrangements that reduce electricity consumption, increase energy efficiency or reduce greenhouse gas emissions and lower energy costs at commercial or industrial facilities and for investment in measures that lower residential heating energy demand and reduce greenhouse gas emissions. The measures that lower residential heating demand must be fuel-neutral and may include, but are not limited to, energy efficiency improvements to residential buildings and upgrades to efficient heating systems that will reduce residential energy costs and greenhouse gas emissions, as determined by the board. The trust shall ensure that measures to reduce the cost of residential heating are available for low-income households as defined by the trust. When promoting electricity cost and consumption reduction, the trust may consider measures at commercial and industrial facilities that also lower peak capacity demand. Subject to the apportionment pursuant to this subsection, the trust shall fund conservation programs that give priority to measures with the highest benefit-to-cost ratio, as long as cost-effective collateral efficiency opportunities are not lost, and that:

- (1) Reliably reduce greenhouse gas production and heating energy costs by fossil fuel combustion in the State at the lowest cost in funds from the trust fund per unit of emissions; or
- (2) Reliably increase the efficiency with which energy in the State is consumed at the lowest cost in funds from the trust fund per unit of energy saved.

~~Notwithstanding this paragraph, during fiscal years 2017-18 to 2019-20, the trust is not required to allocate 50% of the funds to residential programs and 50% of the funds to commercial and~~

~~industrial programs and may instead allocate those funds to programs at the trust's discretion.~~

See title page for effective date.

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**CHAPTER 70  
H.P. 315 - L.D. 406**

**An Act To Establish Regional  
School Leadership Academies**

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

**Sec. 1. 20-A MRSA §2651, sub-§2**, as amended by PL 2015, c. 251, §4, is further amended to read:

**2. Use of fund.** The department shall award grants from the fund to school administrative units, municipalities, counties and groups of 2 or more such entities, including such groups that have entered into a collaborative agreement pursuant to chapter 114, to fund the costs of implementing changes in governance, administrative structures or policies that result in the creation of consolidated school administrative units; purchasing alliances; innovative, autonomous public schools, teacher-led schools, innovative public school districts or innovative public school zones; regional delivery of collaborative programs and educational services; regional school leadership academies; or collaborations of municipal-school service delivery or support systems, with the purpose of improving educational opportunity and student achievement. Grants must be used to implement changes that will be sustained by the school administrative unit, municipality or county without the need for additional grants from the fund or other sources.

**Sec. 2. 20-A MRSA §2651, sub-§2**, as amended by PL 2017, c. 284, Pt. VVVVV, §5 and affected by §14, is further amended to read:

**2. Use of fund.** The department shall award grants from the fund to school administrative units, municipalities, counties and groups of 2 or more such entities to fund the costs of implementing changes in governance, administrative structures or policies that result in the creation of consolidated school administrative units; purchasing alliances; innovative, autonomous public schools, teacher-led schools, innovative public school districts or innovative public school zones; regional delivery of collaborative programs and educational services; regional school leadership academies; or collaborations of municipal-school service delivery or support systems, with the purpose of improving educational opportunity and student achievement. Grants must be used to implement changes that will be sustained by the school administrative unit,

municipality or county without the need for additional grants from the fund or other sources.

**Sec. 3. 20-A MRSA §3801, sub-§4, ¶K,** as enacted by PL 2017, c. 284, Pt. VVVVV, §6, is repealed.

**Sec. 4. 20-A MRSA §3807,** as enacted by PL 2017, c. 284, Pt. VVVVV, §6, is repealed.

**Sec. 5. 20-A MRSA c. 502-C** is enacted to read:

#### **CHAPTER 502-C**

#### **REGIONAL SCHOOL LEADERSHIP ACADEMIES**

##### **§13111. Definitions**

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

**1. Collaborative agreement.** "Collaborative agreement" means an agreement for shared staff or staff training, including collaborative programs and support services for preservice and in-service staff training between 2 or more school administrative units to form a collaborative partnership that specifies each school administrative unit's responsibility for and cost of the delivery of certain administrative, instructional and noninstructional functions, including collaborative programs and support services, for preservice and in-service staff training for school principalship and other school leadership positions over a 3-year period.

**2. Collaborative board.** "Collaborative board" means a board created pursuant to section 13112, subsection 2. A collaborative board is composed of one representative from each of the:

- A. School administrative units participating in the collaborative partnership;
- B. Statewide education associations cooperating with the collaborative partnership; and
- C. Educator preparation programs cooperating with the collaborative partnership.

**3. Collaborative partnership.** "Collaborative partnership" means a regional school leadership academy collaborative partnership formed pursuant to this chapter between 2 or more school administrative units and, whenever possible, with educator preparation programs and statewide education associations that provides cohort-based professional development and career pathways, including preservice training for prospective candidates for school principalship and other school leadership positions and in-service training for new employees in school principalship and other school leadership positions.

**4. Educator preparation program.** "Educator preparation program" means an educator preparation program as defined in section 13001-A, subsection 9.

**5. Regional school leadership academy.** "Regional school leadership academy" or "academy" means a professional development consortium formed by a collaborative partnership that combines state and local programs and resources, including the preparation, licensure, certification, professional development and training for educational leadership, into a coherent system that can significantly improve the recruitment and preparation of prospective candidates for school principalship and other school leadership positions, as well as the induction, mentoring and retention of principals and school leaders during the first 2 years of employment in their school leadership positions.

**6. Statewide education association.** "Statewide education association" means a nonprofit education association or corporation in the State, including a principals association, a school superintendents association, a school boards association and an association of administrators of services for children with disabilities.

##### **§13112. Establishment**

Beginning July 1, 2020, a regional school leadership academy may be established under a collaborative agreement.

**1. Regional school leadership academy mission.** The mission of an academy is to enhance the quality of the preservice and in-service staff training programs for school principalship and other school leadership positions, to improve the distribution, supply and quality of school leadership personnel in underserved school administrative units in the State and to develop appropriate professional development pathways at participating schools in the academy. To fulfill its mission, the academy shall work in coordination with educational leadership mentors and coaches and with high-performing educational leaders employed within the collaborative partnership.

**2. Development of collaborative agreements; establishment of collaborative board.** School administrative units may work in cooperation with educator preparation programs and statewide education associations to design a plan for a collaborative agreement that achieves efficiencies and reduces costs in the delivery of programs and support services for preservice and in-service staff training for teachers, principals and other school leaders. School administrative units that work in cooperation with educator preparation programs and statewide education associations to design a plan for a collaborative agreement shall establish a collaborative board. A collaborative board is the governing body of a regional school leadership academy. The plan for the collaborative

agreement must be consistent with the following goals:

A. Improving student learning and development by providing preparation, training and support for teachers, principals and other school leaders that enable students in their schools to graduate ready for college and careers;

B. Identifying and recruiting prospective candidates for school principalship and other school leadership positions;

C. Improving recruitment strategies, including contracting with a marketing or branding firm to build recruitment strategies that coach school administrators how to make effective proposals to prospective candidates that would entice them to consider becoming a principal or school leader;

D. Establishing and maintaining long-term partnerships with school administrative units in the region that create and maintain a skilled and adaptable school principalship and school leadership preparation program;

E. Enhancing the recruitment, preservice training, education and preparation opportunities for teachers, principals and other school leaders in this State to allow them to prepare for future school principalship and other school leadership positions in schools in the State;

F. Providing teachers, principals and other school leaders in this State who seek to upgrade their education, skills and credentials in order to facilitate their career advancement and enhance their job security;

G. Establishing, at a minimum, 2 years of programming to support the implementation of school leadership induction and mentoring programs that promote excellence in school leadership, improve classroom instruction, enhance student achievement, build a supportive environment within school administrative units, increase the retention of promising school leaders and promote the personal and professional well-being of school leaders;

H. Creating and promoting a selection process for mentors that enhances the support for newly hired principals and other school leaders; and

I. Creating a budget to provide resources for the academy's programs, collaborative organizational structures and program evaluation and a plan for the academy's sustainability.

**3. Approval.** The collaborative agreement plan under subsection 2 must be approved by the collaborative board before the collaborative agreement becomes effective.

**4. State assistance.** The department and the state board may provide the following services and resources to assist school administrative units that form a regional school leadership academy:

A. Guidance to help school administrative units create the supports and conditions to promote professional development of their own leadership;

B. Facilitation of partnerships between state education policy officials from the department and the state board and education leadership professionals, educator preparation programs and statewide education associations to enhance the promotion of collaborative partnerships; and

C. Assistance and resources to regional school leadership academies to encourage teachers to become candidates for school leadership positions; to provide pathways for aspiring candidates to explore, study, practice and take on leadership roles in their schools; and to employ mentors and coaches to provide training for newly hired school principals and school leaders that improves their awareness of standards-based instruction and learning and develops their leadership skills. Beginning in fiscal year 2020-21, the department shall consider providing the following resources:

(1) Awarding state grant funds from the Fund for the Efficient Delivery of Educational Services pursuant to chapter 114-A for academies that apply and qualify for such grants; and

(2) Allocating state funding pursuant to section 15688-A, subsection 9 to school administrative units that form a regional school leadership academy.

**5. Gifts, grants and donations.** School administrative units that enter into a collaborative agreement to form a regional school leadership academy may seek and accept public and private gifts, grants and donations to offset the costs of developing and implementing the collaborative agreement plan under subsection 2 for the regional school leadership academy. A gift, grant or donation received pursuant to this subsection must be approved prior to the receipt of the gift, grant or donation by the school boards for the school administrative units that enter into the collaborative agreement.

#### **§13113. Report**

A regional school leadership academy shall provide to the joint standing committee of the Legislature having jurisdiction over education matters an annual report that includes information regarding the regional school leadership academy, including the name and location of the academy; the number of teachers, principals and other school leaders trained, mentored and coached; the dollar amount expended; and, if applica-

ble, the number of teachers who were employed as principals or other school leaders.

Sec. 6. 20-A MRSA §15683-C, sub-§2, ¶B, as enacted by PL 2017, c. 284, Pt. VVVVV, §10, is amended to read:

B. Category 2, education support services, including the following services:

- (1) Substitute teachers and staff augmentation;
- (2) Technology and technology support;
- (3) Staff training and professional development;
- (4) ~~Regional school leadership academies;~~
- (5) Shared support services programs; and
- (6) Shared extracurricular or cocurricular programs.

Sec. 7. 20-A MRSA §15688-A, sub-§9 is enacted to read:

9. Regional school leadership academy. Beginning in fiscal year 2020-21, the commissioner may expend and disburse funds to support the establishment of regional school leadership academies pursuant to chapter 502-C.

Sec. 8. 20-A MRSA §15689-A, sub-§27, as enacted by PL 2017, c. 284, Pt. VVVVV, §12, is repealed.

Sec. 9. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 20-A, section 2651, subsection 2, as amended by Public Law 2017, chapter 284, Pt. VVVVV, section 5 and affected by section 14 takes effect June 30, 2020.

See title page for effective date, unless otherwise indicated.

**CHAPTER 71  
S.P. 243 - L.D. 807**

**An Act Regarding the Duties of  
the Public Advocate**

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

Sec. 1. 35-A MRSA §1702, sub-§5, as amended by PL 1999, c. 398, Pt. A, §26 and affected by §§104 and 105, is further amended to read:

5. Intervention on behalf of public. The Public Advocate may, on behalf of the using and consuming public, or any particular group of consumers, petition to initiate, or intervene and appear in, any proceedings before the commission, appeals from orders of the

commission, or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any utility or competitive service provider doing business in this State, ~~except that the Public Advocate may not intervene in any proceeding in which the commission staff is representing a position substantially similar to that of the Public Advocate, as determined by the Public Advocate.~~

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

**EXECUTIVE DEPARTMENT**

**Public Advocate 0410**

Initiative: Provides an allocation to fund additional staff activities related to the expansion of the Office of the Public Advocate's duties in proceedings before the Public Utilities Commission and other state and federal agencies and courts.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$75,624	\$75,624
OTHER SPECIAL REVENUE FUNDS TOTAL	\$75,624	\$75,624

See title page for effective date.

**CHAPTER 72  
S.P. 253 - L.D. 817**

**An Act To Advance the  
Restoration of the Penobscot  
River**

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

Sec. 1. 38 MRSA §418-A, as enacted by PL 1981, c. 674, is amended to read:

**§418-A. Protection of the Penobscot River**

1. Findings. The Legislature finds that the lower Penobscot River is a unique and valuable natural resource. The lower Penobscot River serves as an example to the Nation that good public policy carefully implemented can restore and preserve our natural resources. The river has supported, and is again beginning to support, the greatest run of Atlantic salmon and 11 other species of anadromous fish in North America, providing a unique fishing opportunity for Maine residents and members of the Penobscot Indian Nation. The Legislature declares that the preservation and restoration of the lower Penobscot River is of the highest priority.

**2. Prohibition.** To protect water quality and aquatic resources, fisheries and fishing opportunities, and as an exercise of the public trust of the State, no person, firm, corporation, municipality or other legal entity may erect, operate, maintain or use any dam on that portion of the Penobscot River downstream from the ~~Bangor Hydroelectric Company Dam located at Veazie Milford Dam located between Milford and Old Town, except that portion of the river known as the Stillwater Branch,~~ to the southernmost point of Verona Island for any purpose not previously authorized by act, resolve or operation of law, unless specifically authorized by the Legislature.

~~**3. Study authorized.** Any person, firm, corporation, municipality or other legal entity may study the feasibility of erecting, operating, maintaining or using a dam for hydroelectric generation on the portion of the Penobscot River described in subsection 2.~~

See title page for effective date.

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## CHAPTER 73

### H.P. 694 - L.D. 939

#### An Act Regarding the Regulation of Rabbit Production for Local Consumption

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

**Sec. 1. 22 MRSA §2511, sub-§40-A** is enacted to read:

**40-A. Rabbit producer.** "Rabbit producer" means a person that raises rabbits offered for sale.

**Sec. 2. 22 MRSA §2512, sub-§1, ¶A,** as amended by PL 2009, c. 354, §2, is further amended to read:

A. Require ante mortem and post mortem inspections, quarantine, segregation and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this State, except those exempted under section 2517-C or 2517-E or exempted by the commissioner under subsection 2, paragraph K, at which livestock or poultry are slaughtered or livestock products or poultry products are prepared for human food solely for distribution in intrastate commerce;

**Sec. 3. 22 MRSA §2514-A, sub-§1, ¶C,** as amended by PL 2015, c. 329, Pt. A, §8, is further amended to read:

C. Poultry producer ~~who~~ that processes fewer than 1,000 birds annually under section 2517-C; ~~or~~

**Sec. 4. 22 MRSA §2514-A, sub-§1, ¶C-1** is enacted to read:

C-1. Rabbit producer that processes fewer than 1,000 rabbits annually under section 2517-E; or

**Sec. 5. 22 MRSA §2517-E** is enacted to read:

#### **§2517-E. Slaughter and inspection; producer exemption for rabbits**

**1. Exemption for processing fewer than 1,000 rabbits annually.** Notwithstanding section 2512 and whether or not the rabbits are intended for human consumption, inspection is not required for the slaughter of rabbits or the preparation of rabbit products as long as the rabbits are slaughtered by the rabbit producer and the rabbit products are prepared on the farm where the rabbits were raised and:

A. Fewer than 1,000 rabbits are slaughtered annually on the farm;

B. No rabbits are offered for sale or transportation in interstate commerce;

C. Any rabbit products sold are sold only as whole rabbit carcasses;

D. The rabbit producer is registered under section 2514-A;

E. The rabbit producer assigns a lot number to all rabbit products sold and maintains a record of assigned lot numbers and the point of sale;

F. The rabbit products are sold in accordance with the restrictions in subsection 2; and

G. The rabbit products are labeled with:

(1) The name of the farm, the name of the rabbit producer and the address of the farm including the zip code;

(2) The registration number issued to the rabbit producer in accordance with section 2514-A and the lot number for the rabbit products pursuant to paragraph E;

(3) The statement "Exempt under the Maine Revised Statutes, Title 22, section 2517-E NOT INSPECTED." The statement must be prominently displayed with such conspicuousness that it is likely to be read and understood; and

(4) Safe handling and cooking instructions as follows: "SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave. Keep raw rabbit meat separate from other foods. Wash working surfaces, including cutting

boards, utensils and hands, after touching raw rabbit meat. Cook thoroughly to an internal temperature of at least 160 degrees Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

**2. Restrictions on point of sale.** Rabbit products sold under this section may be sold only by the rabbit producer and in the following locations or manner:

- A. At the farm on which the rabbits were raised;
- B. At a farmers' market as defined in Title 7, section 415, subsection 1, paragraph A;
- C. Delivered to a consumer's home by the rabbit producer whose name and registration number appear on the label under subsection 1, paragraph G;
- D. Received by an individual who is a member of a community supported agriculture farm that has a direct marketing relationship with the rabbit producer. For the purposes of this paragraph, "community supported agriculture" means an arrangement whereby individual consumers have agreements with a farmer to be provided with food or other agricultural products produced on that farm;
- E. To a locally owned grocery store; or
- F. To a locally owned restaurant.

**3. Rules.** The commissioner shall adopt rules to establish requirements for the physical facilities and sanitary processes used by rabbit producers whose rabbit products are exempt from inspection under this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Enforcement.** The commissioner shall enforce the provisions of this section.

**5. Violation; penalties.** A person that violates this section is subject to penalties under section 2524.

**Sec. 6. 22 MRSA §2518, sub-§1,** as repealed and replaced by PL 2015, c. 329, Pt. A, §11, is amended to read:

**1. Review by inspector.** The commissioner may require establishments that are required to be licensed under section 2514 or registered under section 2514-A but are exempt from inspection under section 2512, subsection 2, paragraph K to be periodically reviewed by inspectors to ensure that the provisions of this chapter and the rules adopted under this chapter are satisfied and that the public health, safety and welfare are protected. The commissioner shall require establishments that are required to be licensed under section 2514 or registered under section 2514-A but are exempt from inspection under section 2517-C or 2517-E to be reviewed annually by inspectors to ensure that

the provisions of this chapter and the rules adopted under this chapter are satisfied and that the public health, safety and welfare are protected.

See title page for effective date.

**CHAPTER 74**

**H.P. 801 - L.D. 1078**

**An Act Regarding the Number of Agency Liquor Store Licenses Permitted in a Municipality**

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

**Sec. 1. 28-A MRSA §453, sub-§1-A** is enacted to read:

**1-A. Limitation on number of agency liquor stores.** The bureau may license up to:

- A. Eleven agency liquor stores in a municipality with a population over 60,000;
- B. Ten agency liquor stores in a municipality with a population over 45,000 but less than 60,001;
- C. Nine agency liquor stores in a municipality with a population over 30,000 but less than 45,001;
- D. Eight agency liquor stores in a municipality with a population over 20,000 but less than 30,001;
- E. Seven agency liquor stores in a municipality with a population over 15,000 but less than 20,001;
- F. Six agency liquor stores in a municipality with a population over 10,000 but less than 15,001;
- G. Four agency liquor stores in a municipality with a population of at least 5,001 but less than 10,001;
- H. Three agency liquor stores in a municipality with a population of at least 2,000 but less than 5,001; and
- I. One agency liquor store in a municipality with a population less than 2,000.

The bureau may issue one additional agency liquor store license beyond those otherwise authorized by this subsection in a municipality with a population of less than 10,000. The bureau may consider the impact of seasonal population or tourism and other related information provided by the municipality requesting an additional agency liquor store license.

This subsection may not be construed to reduce the number of agency liquor stores the bureau may license in a municipality as of June 30, 2009.

**Sec. 2. 28-A MRSA §453, sub-§2-A**, as repealed and replaced by PL 2015, c. 494, Pt. A, §31, is repealed.

See title page for effective date.

## CHAPTER 75

### H.P. 175 - L.D. 212

#### **An Act To Provide a Source of Funding for the ATV Recreational Management Fund and To Establish the ATV Enforcement Fund**

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

**Whereas**, the provisions of this Act need to become effective before 90 days after the adjournment of the First Regular Session of the 129th Legislature in order for changes to all-terrain vehicle registration fees to take effect during 2019; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §10206, sub-§1, ¶A**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9 and amended by PL 2011, c. 657, Pt. W, §5, is further amended to read:

A. After administrative costs and the disbursements required under section 13155, subsection 5, revenues received under the provisions of this Part relating to ATVs, including chapter 939, are credited as undedicated revenue to the General Fund except that 50% of those revenues is credited to the ATV Recreational Management Fund of the Department of Agriculture, Conservation and Forestry. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those administrative costs must be verified by the Department of Agriculture, Conservation and Forestry and the Department of Administrative and Financial Services.

**Sec. 2. 12 MRSA §10267** is enacted to read:

#### **§10267. ATV Enforcement Fund**

**1. Fund established.** The ATV Enforcement Fund, referred to in this section as "the fund," is established in the Bureau of Warden Service to be used by the Game Warden Colonel for the purposes established in subsection 2. All funds collected by the department pursuant to this section must be deposited in the fund. Unexpended balances in the fund at the end of the fiscal year are nonlapsing and must be carried forward to the next fiscal year to be used for the same purposes.

**2. Fund uses.** The Game Warden Colonel may use money in the fund only for:

A. Supplementing other funds appropriated to the enforcement operations program;

B. Regular or overtime personnel services costs of the warden service related to enforcement of ATV laws;

C. Safety or other education programs conducted by the department or authorized by the department that are related to the operation of ATVs; or

D. The purchase of equipment or machinery determined by the Game Warden Colonel as necessary for effective ATV safety and enforcement activities.

**Sec. 3. 12 MRSA §13155, sub-§5**, as repealed and replaced by PL 2011, c. 116, §1 and affected by §2, is amended to read:

**5. Fees.** The ATV registration fee is:

A. For a resident, ~~\$33~~ \$45 annually. The registration for an ATV owned by a resident is valid for one year, beginning on July 1st of each year; and

B. For a nonresident:

(1) ~~Fifty-three~~ Seventy-five dollars for a registration valid for 7 consecutive days. A person may purchase more than one 7-day registration in any season; and

(2) ~~Sixty-eight~~ Ninety dollars for a registration valid for one year.

The registration for an ATV owned by a nonresident must specify the dates for which the registration is valid.

Twelve dollars of each fee collected pursuant to this subsection must be deposited in the ATV Recreational Management Fund established in section 1893, subsection 2.

Ten dollars of each fee collected pursuant to paragraph B must be deposited in the ATV Enforcement Fund established in section 10267.

**Sec. 4. Appropriations and allocations.**  
The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Off-Road Recreational Vehicles Program Z224**

Initiative: Provides allocations to conduct research on issues related to the management of ATVs; to assist in the formation of nonprofit ATV groups; to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, ATV groups and others to construct and maintain ATV trails; to purchase equipment; to assist in the design and development of ATV trails; to purchase, lease or otherwise acquire interests in land, including, but not limited to, fee or easement interests for ATV trails or sport-riding facilities; to provide protection to landowners against ATV-related suit or liability; and to otherwise provide for the wise and orderly management of ATVs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$867,936	\$867,936
	\$867,936	\$867,936
OTHER SPECIAL REVENUE FUNDS TOTAL	\$867,936	\$867,936

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$867,936	\$867,936
DEPARTMENT TOTAL - ALL FUNDS	\$867,936	\$867,936

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

**ATV Enforcement Fund N308**

Initiative: Provides allocations for personnel services costs, safety and education programs and the purchase of equipment or machinery related to the enforcement of ATV laws.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$124,960	\$124,960
	\$124,960	\$124,960
OTHER SPECIAL REVENUE FUNDS TOTAL	\$124,960	\$124,960

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$124,960	\$124,960
DEPARTMENT TOTAL - ALL FUNDS	\$124,960	\$124,960
SECTION TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$992,896	\$992,896
SECTION TOTAL - ALL FUNDS	\$992,896	\$992,896

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 1, 2019.

**CHAPTER 76**

**H.P. 572 - L.D. 767**

**An Act To Ensure the Availability of In-person Visitation in County Jails**

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

**Sec. 1. 30-A MRSA §1556-A** is enacted to read:

**§1556-A. Visitation**

Except as otherwise provided in this section, and subject to any conditions and limitations required for the safety and security of a county jail as determined on a case-by-case basis by the sheriff of the county jail, the sheriff shall provide for in-person visitation between a prisoner and a visitor of the prisoner.

**1. Video-only visitation.** Upon a determination by the sheriff of a county jail that in-person visitation between a particular prisoner and a visitor of the prisoner may jeopardize the safety and security of the jail, the sheriff may restrict that prisoner to video-only visitation. Upon a determination by the sheriff that the jail facility is unable to provide a safe and secure location for any in-person visitation, the sheriff, on a short-term basis only, may restrict all visitation at the jail to video-only visitation.

2. Contact visitation. Subject to any conditions and limitations required for the safety and security of a county jail as determined on a case-by-case basis by the sheriff, the sheriff shall provide opportunities for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, unless the sheriff determines that the jail facility is unable to provide a safe and secure location for any in-person visitation involving physical contact.

See title page for effective date.

**CHAPTER 77  
H.P. 92 - L.D. 110**

**An Act Regarding Credit  
Ratings Related to Overdue  
Medical Expenses**

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

**Sec. 1. 10 MRSA §1310-H, sub-§3**, as enacted by PL 2013, c. 228, §1, is amended to read:

**3. Nonliability.** A person may not be held liable for any violation of this section if the person shows by a preponderance of the evidence that at the time of the alleged violation the person maintained reasonable procedures to ensure compliance with the provisions of subsections 1 ~~and~~ 2 and 4.

**Sec. 2. 10 MRSA §1310-H, sub-§4** is enacted to read:

**4. Reporting of medical expenses on a consumer report.** Notwithstanding any provision of federal law, a consumer reporting agency shall comply with the following provisions with respect to the reporting of medical expenses on a consumer report.

A. A consumer reporting agency may not report debt from medical expenses on a consumer's consumer report when the date of the first delinquency on the debt is less than 180 days prior to the date that the debt is reported.

B. Upon the receipt of reasonable evidence from the consumer, creditor or debt collector that a debt from medical expenses has been settled in full or paid in full, a consumer reporting agency:

- (1) May not report that debt from medical expenses; and
- (2) Shall remove or suppress the report of that debt from medical expenses on the consumer's consumer report.

C. As long as the consumer is making regular, scheduled periodic payments toward the debt from medical expenses reported to the consumer reporting agency as agreed upon by the consumer

and medical provider, the consumer reporting agency shall report that debt from medical expenses on the consumer's consumer report in the same manner as debt related to a consumer credit transaction is reported.

See title page for effective date.

**CHAPTER 78  
H.P. 143 - L.D. 180**

**An Act To Allow for the  
Regulation of Transportation  
Network Companies at  
Airports by Certain  
Municipalities**

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

**Whereas**, most tourism in Maine occurs between Memorial Day and Labor Day each year; and

**Whereas**, this legislation allows certain municipalities to govern transportation operations at local airports; and

**Whereas**, this legislation must take effect before the expiration of the 90-day period in order for it to be in effect during the summer tourist season; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 29-A MRSA §1677**, as enacted by PL 2015, c. 279, §2, is repealed and the following enacted in its place:

**§1677. Municipal action**

**1. Authority restricted.** Notwithstanding any other provision of law to the contrary, a municipality or other political subdivision may not adopt an ordinance, regulation or procedure governing the operations of a transportation network company, driver or motor vehicle used by a transportation network company driver to provide a prearranged ride or impose a tax or fee on or require a license for a transportation network company, driver or motor vehicle used by a transportation network company driver to provide a prearranged ride, except as provided in subsection 2.

**2. Primary airports.** A municipality or other political subdivision operating a public airport that

receives scheduled passenger aircraft service and that had more than 20,000 passenger boardings in the previous year, may in a manner that is consistent with the airport's regulation of other prearranged for-hire transportation services including but not limited to taxicabs and limousines:

A. Regulate the parking and traffic flow of transportation network company drivers at the airport; and

B. Charge a transportation network company a reasonable fee for each trip to pick up a rider at the airport made by a driver for the transportation network company.

For the purposes of this subsection, the term "passenger boardings" means passenger boardings on an aircraft in service at the airport that generate revenue for an airline or the airport.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 8, 2019.

**CHAPTER 79**

**H.P. 542 - L.D. 737**

**An Act To Update Alcohol Taste-testing Requirements**

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

**Whereas,** this Act grants agency liquor stores and other off-premises retail licensees more flexibility to conduct taste-testing events for spirits, wine and malt liquor on their premises; and

**Whereas,** it is necessary that this Act take effect before the expiration of the 90-day period in order to permit off-premises retail licensees to conduct taste-testing events under the flexible provisions of the Act during the summer tourist season; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 28-A MRSA §460,** as amended by PL 2015, c. 129, §§1 and 2, c. 184, §§1 to 3 and c. 329, Pt. D, §1 and affected by §4, is further amended to read:

**§460. Agency liquor store taste testing of spirits**

**1. Taste testing on agency liquor store premises.** Subject to the conditions in ~~subsection~~ subsections 2 and 2-A, the bureau may authorize an agency liquor store stocking at least ~~200~~ 100 different codes of ~~dis-~~ distilled spirits products to conduct taste testing of ~~dis-~~ distilled spirits on that licensee's premises. ~~An agency liquor store may request authority to conduct a taste testing using forms prescribed by the bureau. The request must indicate if a sales representative licensed under section 1502 will be pouring or providing samples, or both, for taste testing and verification that the sales representative has successfully completed an alcohol server education course approved by the commissioner. Any other consumption of alcoholic beverages liquor on an agency liquor store's premises is prohibited, except as permitted under section 1205 or 1207, 1208, 1402-A or 1504.~~

**2. Conditions for conducting taste-testing events.** The conditions under this subsection apply to taste-testing ~~activities~~ events under this section.

A. ~~Distilled spirits~~ Spirits may not be served to persons who have not yet attained 21 years of age.

B. A person may not be served more than a total of 1 1/2 ounces, in 1/2 ounce servings, of ~~distilled~~ distilled spirits having an alcohol content of 80 proof or less; ~~or and,~~ and, for ~~distilled~~ distilled spirits containing an alcohol content of greater than 80 proof, a person may not be served more than a total of 3/4 of an ounce in 1/4 ounce servings.

C. ~~Distilled spirits~~ Spirits must be dispensed using a standard measuring device.

~~D. Distilled spirits having an alcohol content of greater than 80 proof may not be offered for tasting at the same time as distilled spirits having an alcohol content of 80 proof or less.~~

E. A person may not be charged a fee for any ~~dis-~~ distilled spirits served as part of a taste-testing activity event.

F. A person may not be served who is visibly intoxicated.

G. ~~Taste testing~~ A taste-testing event must be limited to a designated area.

H. ~~Taste testing~~ A taste-testing event must be conducted within the hours of retail sale established in this Title.

~~I. The agency liquor store must obtain the written permission of the bureau before conducting any taste testing activity.~~

J. The agency liquor store may conduct up to ~~3 tastings~~ 15 taste-testing events per month, including ~~tastings~~ taste-testing events conducted under sections 1205 and 1207. If the agency liquor store

complies with the applicable requirements of sections 1205 and 1207, the agency liquor store may offer wine and malt liquor for tasting at the same time as spirits.

K. ~~Taste testing~~ A taste-testing event is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

L. ~~The agency liquor store must notify the bureau of the date and time scheduled for all taste testing events. This notification must list the name of any sales representative licensed under section 1502 who will be pouring samples for taste testing.~~

M-1. ~~Distilled spirits~~ Spirits served at a taste testing event must be provided by the agency liquor store or purchased, at the retail list price, by a licensed sales representative participating in the ~~taste testing~~ taste-testing event from existing stock available for purchase at the agency liquor store.

N. Prior to a taste-testing event, the agency liquor store shall post prominently at the entrance to the store a sign that announces the date and time of the event.

O. An agency liquor store, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the agency liquor store's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph N.

2-A. Written permission from the bureau. An agency liquor store must obtain the written permission of the bureau before conducting a taste-testing event using the following procedure.

A. The agency liquor store shall request authority to conduct a taste-testing event using forms prescribed by the bureau.

B. The agency liquor store may submit a separate form for each taste-testing event or a single form listing some or all of the taste-testing events the agency liquor store requests authority to conduct in a calendar month under this section, section 1205 and section 1207.

C. The request must indicate the date and time for each taste-testing event and the liquor product or products that will be offered at each event.

D. The request must indicate whether a sales representative licensed under section 1502 will be pouring or providing samples, or both, for each taste-testing event and include verification that the sales representative has successfully completed an

alcohol server education course approved by the bureau.

3. **Rules.** The bureau may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 28-A MRSA §1205**, as amended by PL 2015, c. 129, §§4 and 5, is further amended to read:

### **§1205. Taste testing of wine**

**1. Taste testing on off-premises retail licensee's premises.** Subject to the conditions in ~~subsection~~ subsections 2 and 2-A, the bureau may authorize an ~~off-premise~~ off-premises retail licensee stocking at least ~~125~~ 100 different wine labels to conduct taste ~~testings~~ testing of wine on that licensee's premises. ~~An off-premise retail licensee may request authority to conduct a taste testing using forms prescribed by the bureau. The request must indicate if a sales representative licensed under section 1502 will be pouring samples for taste testing and verification that the sales representative has successfully completed an alcohol server education course approved by the commissioner.~~ Any other consumption of alcoholic beverages liquor on an ~~off-premise~~ off-premises retail licensee's premises is prohibited, except as permitted under section 460, 1207, 1208, 1402-A or 1504.

**2. Conditions for conducting taste-testing events.** The following conditions apply to taste-testing ~~activities~~ events under this section:

A. Wine may not be served to persons who have not yet attained the age of 21 years;

B. A person may not be served more than a total of 5 ounces of wine having an alcohol content of 14% or less; ~~or and~~, for wine having an alcohol content greater than 14%, a person may not be served more than a total of 3 ounces of wine;

C. A person may not be charged a fee for any wine served as part of a taste-testing ~~activity~~ event;

D. A person may not be served who is visibly intoxicated;

E. ~~Taste testing~~ A taste-testing event must be limited to a designated area;

F. ~~Taste testing~~ A taste-testing event must be conducted within the hours of retail sale established in this Title;

G. ~~The retail licensee must obtain the written permission of the bureau before conducting any taste testing activity;~~

H. The retail licensee may conduct up to ~~3 tastings~~ 15 taste-testing events per month, including ~~tastings~~ taste-testing events conducted under sections 460 and 1207. If the retail licensee complies

with the applicable requirements of sections 460 and 1207, the retail licensee may offer spirits and malt liquor for tasting at the same time as wine;

I. ~~Taste testing~~ A taste-testing event is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5;

J. ~~The retail licensee must notify the bureau of the date and time scheduled for all taste testing events. This notification must list the name of any sales representative licensed under section 1502 who will be pouring samples for taste testing;~~

K. The retail licensee must purchase all wine served at a ~~taste testing~~ taste-testing event from a wholesale licensee;

L. Prior to a taste-testing event, the retail licensee shall post prominently at the entrance to the store a sign that announces the date and time of the event; and

M. An ~~off-premise~~ off-premises retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the ~~off-premise~~ off-premises retail licensee's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph L.

**2-A. Written permission from the bureau. An off-premises retail licensee must obtain the written permission of the bureau before conducting a taste-testing event using the following procedure.**

A. The retail licensee shall request authority to conduct a taste-testing event using forms prescribed by the bureau.

B. The retail licensee may submit a separate form for each taste-testing event or a single form listing some or all of the taste-testing events the retail licensee requests authority to conduct in a calendar month under this section, section 460 and section 1207.

C. The request must indicate the date and time for each taste-testing event and the liquor product or products that will be offered at each event.

D. The request must indicate whether a sales representative licensed under section 1502 will be pouring or providing samples, or both, for each taste-testing event and include verification that the sales representative has successfully completed an alcohol server education course approved by the bureau.

**3. Rules.** The bureau may adopt rules to implement this section. Rules adopted pursuant to this sub-

section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 28-A MRSA §1207**, as amended by PL 2015, c. 129, §§6 and 7, is further amended to read:

**§1207. Taste testing of malt liquor**

**1. Taste testing on off-premises retail licensee's premises.** Subject to the conditions in ~~subsection~~ subsections 2 and 2-A, the bureau may authorize an ~~off-premise~~ off-premises retail licensee stocking at least 100 different labels of malt liquor to conduct taste testing of malt liquor on that licensee's premises. ~~An off-premise retail licensee may request authority to conduct a taste testing using forms prescribed by the bureau. The request must indicate if a sales representative licensed under section 1502 will be pouring samples for taste testing and verification that the sales representative has successfully completed an alcohol server education course approved by the commissioner. Any other consumption of alcoholic beverages liquor on an off-premise off-premises retail licensee's premises is prohibited, except as permitted under section 460 or, 1205, 1208, 1402-A or 1504.~~

**2. Conditions for conducting taste-testing events.** The conditions under this subsection apply to taste-testing ~~activities~~ events under this section.

A. Malt liquor may not be served to persons who have not yet attained 21 years of age.

B. A person may not be served more than a total of 12 ounces of malt liquor having an alcohol content of 6% or less; for malt liquor having an alcohol content greater than 6% but less than 12%, a person may not be served more than a total of 6 ounces; ~~or and~~, for malt liquor having an alcohol content of 12% or greater, a person may not be served more than a total of 3 ounces.

C. A person may not be charged a fee for any malt liquor served as part of a taste-testing ~~activity~~ event.

D. A person may not be served who is visibly intoxicated.

E. ~~Taste testing~~ A taste-testing event must be limited to a designated area.

F. ~~Taste testing~~ A taste-testing event must be conducted within the hours of retail sale established in this Title.

G. ~~The retail licensee must obtain the written permission of the bureau before conducting any taste testing activity.~~

H. The retail licensee may conduct up to ~~3 tastings~~ 15 taste-testing events per month, including ~~tastings~~ taste-testing events conducted under section 460 or 1205. If the retail licensee complies with the applicable requirements of sections 460

and 1205, the retail licensee may offer spirits and wine for tasting at the same time as malt liquor.

I. ~~Taste testing~~ A taste-testing event is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

J. ~~The retail licensee must notify the bureau of the date and time scheduled for all taste-testing events. This notification must list the name of any sales representative licensed under section 1502 who will be pouring samples for taste testing.~~

K. The retail licensee must purchase all malt liquor served at a ~~taste testing~~ taste-testing event from a wholesale licensee.

L. Prior to a taste-testing event, the retail licensee shall post prominently at the entrance to the store a sign that announces the date and time of the event.

M. An ~~off-premise~~ off-premises retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the ~~off-premise~~ off-premises retail licensee's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph L.

**2-A. Written permission from the bureau.** An ~~off-premises~~ retail licensee must obtain the written permission of the bureau before conducting a taste-testing event using the following procedure.

A. The retail licensee shall request authority to conduct a taste-testing event using forms prescribed by the bureau.

B. The retail licensee may submit a separate form for each taste-testing event or a single form listing some or all of the taste-testing events the retail licensee requests authority to conduct in a calendar month under this section, section 460 and section 1205.

C. The request must indicate the date and time for each taste-testing event and the liquor product or products that will be offered at each event.

D. The request must indicate whether a sales representative licensed under section 1502 will be pouring or providing samples, or both, for each taste-testing event and include verification that the sales representative has successfully completed an alcohol server education course approved by the bureau.

**3. Rules.** The bureau may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 8, 2019.

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## CHAPTER 80

### H.P. 829 - L.D. 1140

#### An Act To Improve the Investigation and Prosecution of Sexual Assault Cases

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

Sec. 1. 25 MRSA c. 411 is enacted to read:

#### CHAPTER 411

#### SUBMISSION OF SEXUAL ASSAULT CASES FOR REVIEW FOR PROSECUTION

#### §3851. Submission of sexual assault cases for review for prosecution

A law enforcement agency in possession of a complaint for an alleged sexual assault under Title 17-A, chapter 11 shall within 60 days of receiving the complaint inform the appropriate prosecutor of any evidence and submit the complaint for review and a decision by the prosecutor regarding further investigation and commencement of prosecution. Failure of a law enforcement agency to inform the appropriate prosecutor of any evidence and submit a complaint to the appropriate prosecutor within 60 days as required by this section does not affect the validity of a later submission and prosecution.

See title page for effective date.

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## CHAPTER 81

### H.P. 425 - L.D. 581

#### An Act To Direct Electric Utilities To Provide Comparative Usage Data on Customer Billing Statements

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

Sec. 1. 35-A MRSA §3106 is enacted to read:

#### §3106. Comparative usage data on billing statements

**1. Definitions.** For the purposes of this section, the following terms have the following meanings.

A. "Comparative usage data" means data regarding a customer's energy usage for the previous 24

months that compares each month's usage between the first 12 months and the 2nd 12 months of usage.

B. "Medium commercial customer" means a non-residential customer that meets the availability criteria to take service under a core customer class of the transmission and distribution utility that includes a demand charge and in which a customer's maximum demand does not exceed 500 kilowatts or the utility's kilowatt break-point between classes that is closest to but does not exceed 500 kilowatts, whichever is lower.

C. "Residential customer" means a customer defined as residential under the terms and conditions of the transmission and distribution utility.

D. "Small commercial customer" means a nonresidential customer that meets the availability criteria to take service under a core customer class of the transmission and distribution utility that does not include a demand charge.

2. Billing statements. Except as provided in subsection 3, an investor-owned transmission and distribution utility shall provide comparative usage data on customer billing statements of residential customers, small commercial customers and medium commercial customers.

3. Waiver. The commission, by rule or order, may waive the requirements of this section for an investor-owned transmission and distribution utility for the portion of the service territory of that utility that is located in an area of this State in which the retail market is administered by the independent system administrator for northern Maine if the commission finds that implementation of the requirements of this section is unduly burdensome or cost-prohibitive in that portion of the utility's service territory.

See title page for effective date.

**CHAPTER 82**

**H.P. 9 - L.D. 8**

**An Act To Allow and Recognize a Legal Name Change upon Marriage**

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

**Sec. 1. 19-A MRSA §651, sub-§2,** as repealed and replaced by PL 2013, c. 424, Pt. B, §5, is amended to read:

**2. Application.** The parties wishing to record notice of their intentions of marriage shall submit an application for recording notice of their intentions of marriage. The application may be issued to any 2 per-

sons otherwise qualified under this chapter regardless of the sex of each person and must include the names of both parties. If a party intends to change that party's name upon marriage, the application must include the proposed new name of that party. The application must include a signed certification that the information recorded on the application is correct and that the applicant is free to marry according to the laws of this State. The applicant's signature must be acknowledged before an official authorized to take oaths. An application recording notice of intention to marry is not open for public inspection for 50 years from the date of the application except that:

A. The names of the parties for whom intentions to marry are filed and the intended date of marriage are public records and open for public inspection; and

B. A person with a researcher identification card under Title 22, section 2706, subsection 8 is permitted to inspect records and may be issued a noncertified copy of an application.

**Sec. 2. 19-A MRSA §654, sub-§3,** as amended by PL 2011, c. 111, §1, is further amended to read:

**3. Statement including officiant and witnesses.**

The marriage license returned must contain a statement giving the names of the parties united in marriage, place and date of the marriage, the new name of either party if either party intends to change that party's name, the signature of the person by whom the marriage was solemnized and the names of the 2 witnesses. The person who solemnized the marriage shall add the title of the office by virtue of which the marriage was solemnized, the residence of the person who solemnized the marriage and:

A. The date ordained or authorized by a religious faith to perform marriages;

B. The date the notary public's commission expires;

C. The date the lawyer was admitted to the Maine Bar; or

D. The date the person's temporary registration certificate was issued under section 655, subsection 1-A.

**Sec. 3. 19-A MRSA §656, sub-§3** is enacted to read:

**3. Name change.** If the marriage license indicates that a party intends to change that party's name under section 654, subsection 3, the new name indicated on the license becomes effective upon completion of the marriage license pursuant to subsection 2.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Data, Research and Vital Statistics Z037**

Initiative: Provides a one-time allocation for updates to the marriage license and marriage certificate forms in the online vital records ordering system.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$51,643	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$51,643	\$0

See title page for effective date.

**CHAPTER 83**

**H.P. 191 - L.D. 228**

**An Act To Clarify the  
Licensing of Certified Clinical  
Supervisors**

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

**Sec. 1. 32 MRSA §6212, sub-§12**, as amended by PL 2007, c. 402, Pt. U, §7, is further amended to read:

**12. Clinical supervision.** For purposes of direct clinical supervision of licensed practitioners in the field of alcohol and drug counseling, the board may certify upon receipt of an application and fee under section 6215 licensed psychologists, physicians, registered clinical nurse specialists, clinical professional counselors, clinical social workers and any other licensed or certified mental health professionals who are qualified to provide alcohol and drug counseling services by virtue of the requirements for that profession and who meet the requirements established by board rules license certified clinical supervisors.

**Sec. 2. 32 MRSA §6214-E** is enacted to read:

**§6214-E. Certified clinical supervisors;  
qualifications for licensure**

**1. Eligibility.** To be eligible to practice as a certified clinical supervisor, an applicant must:

A. Meet the requirements of subsection 2 or 3; and

B. Have paid an application and license fee under section 6215.

**2. Certain licensed mental health professionals.** An applicant who is a licensed psychologist, licensed physician, registered clinical nurse specialist,

licensed clinical professional counselor, licensed clinical social worker, licensed or certified mental health professional, licensed marriage and family therapist or licensed pastoral counselor who is qualified to provide alcohol and drug counseling services by virtue of the requirements for that profession is eligible for licensure under this section if the applicant:

A. Possesses documented proof of 24 hours of training in clinical supervision including at least 6 hours of training in each of the following areas: skills assessment and evaluation; counselor development; management and administration; and professional responsibility; and

B. Meets one of the following requirements:

(1) Possesses documented proof of 1,000 hours of practice in alcohol and drug counseling under the applicant's qualifying license; or

(2) Has work experience treating individuals with co-occurring mental health and substance use disorders and at least 3 years of experience supervising clinicians within a program licensed to provide treatment to individuals with co-occurring mental health and substance use disorders.

**3. Licensed alcohol and drug counselors.** An applicant who is a licensed alcohol and drug counselor is eligible for licensure under this section if the applicant possesses documented proof of 24 hours of training in clinical supervision including at least 6 hours of training in each of the following areas: skills assessment and evaluation; counselor development; management and administration; and professional responsibility.

See title page for effective date.

**CHAPTER 84**

**S.P. 139 - L.D. 475**

**An Act Concerning Caller  
Access to E-9-1-1 Call  
Recordings**

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

**Sec. 1. 25 MRSA §2929, sub-§4, ¶B-1** is enacted to read:

B-1. Directly to the clerk's office of a court presiding over a protection from abuse or protection from harassment action if a party in the action made one or more E-9-1-1 calls relevant to the action and that party, or that party's attorney, contacts the custodian of the audio recordings of the call or calls and requests that the recordings be

forwarded to that clerk's office for use in a hearing on the complaint for protection from abuse or complaint for protection from harassment. At its discretion, the court presiding over the action may permit the parties to the action, and their attorneys if the parties are represented, to access the recordings and, on a finding of good cause, may permit copies of the recordings to be provided to the parties and their attorneys if the parties are represented. In making a request for recordings pursuant to this paragraph, the party making the request, or that party's attorney, shall provide to the custodian of the audio recordings the names of the parties to the protection from abuse or protection from harassment action, the name of the court presiding over the action and the docket number of the action. The request must be made in writing, including, but not limited to, by electronic mail, and must be made so as to provide a reasonable amount of time for the custodian to search for, retrieve and send the recordings to the clerk's office of the presiding court. The recordings must be sent in a format used by the custodian of the recordings and the courts;

See title page for effective date.

**CHAPTER 85**

**H.P. 397 - L.D. 540**

**An Act Regarding  
Qualifications for District  
Attorneys**

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

**Sec. 1. 30-A MRSA §251, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10, is further amended to read:

**2. Qualifications.** Only attorneys admitted to the general practice of law in this an attorney who is a member in good standing of the bar of the State and who reside resides in the prosecutorial district may be elected or appointed district attorney. Removal from the prosecutorial district or disbarment or suspension from the practice of law vacates the office. For purposes of this subsection, a person is a "member in good standing of the bar of the State" if that person is admitted to the practice of law in this State, is presently registered with the Board of Overseers of the Bar as an active practitioner and is not currently disbarred or suspended from practice in this State pursuant to Title 4, chapter 17, subchapter 2 or the Maine Bar Rules.

See title page for effective date.

**CHAPTER 86**

**S.P. 177 - L.D. 555**

**An Act To Reduce Colorectal  
Cancer Incidence and  
Mortality by Updating  
Screening Coverage**

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

**Sec. 1. 24-A MRSA §2763, sub-§1**, as enacted by PL 2007, c. 516, §2 and affected by §5, is amended to read:

**1. Colorectal cancer screening.** For the purposes of this section, "colorectal cancer screening" means ~~a all~~ colorectal cancer ~~examination~~ examinations and laboratory ~~test~~ tests recommended by a health care provider in accordance with the most recently published colorectal cancer screening guidelines of a national cancer society.

**Sec. 2. 24-A MRSA §2763, sub-§2, ¶A**, as enacted by PL 2007, c. 516, §2 and affected by §5, is amended to read:

~~A. Fifty years of age or older~~ At average risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of a national cancer society; or

**Sec. 3. 24-A MRSA §2763, sub-§2, ¶B**, as enacted by PL 2007, c. 516, §2 and affected by §5, is amended to read:

~~B. Less than 50 years of age and at~~ At high risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of a national cancer society.

**Sec. 4. 24-A MRSA §2847-N, sub-§1**, as enacted by PL 2007, c. 516, §3 and affected by §5, is amended to read:

**1. Colorectal cancer screening.** For the purposes of this section, "colorectal cancer screening" means ~~a all~~ colorectal cancer ~~examination~~ examinations and laboratory ~~test~~ tests recommended by a health care provider in accordance with the most recently published colorectal cancer screening guidelines of a national cancer society.

**Sec. 5. 24-A MRSA §2847-N, sub-§2, ¶A**, as enacted by PL 2007, c. 516, §3 and affected by §5, is amended to read:

~~A. Fifty years of age or older~~ At average risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of a national cancer society; or

**Sec. 6. 24-A MRSA §2847-N, sub-§2, ¶B**, as enacted by PL 2007, c. 516, §3 and affected by §5, is amended to read:

~~B. Less than 50 years of age and at~~ At high risk for colorectal cancer ~~according to the most recently published colorectal cancer screening guidelines of a national cancer society.~~

**Sec. 7. 24-A MRSA §4254, sub-§1**, as enacted by PL 2007, c. 516, §4 and affected by §5, is amended to read:

**1. Colorectal cancer screening.** For the purposes of this section, "colorectal cancer screening" means a all colorectal cancer ~~examination~~ examinations and laboratory ~~test~~ tests recommended by a health care provider in accordance with the most recently published colorectal cancer screening guidelines of a national cancer society.

**Sec. 8. 24-A MRSA §4254, sub-§2, ¶A**, as enacted by PL 2007, c. 516, §4 and affected by §5, is amended to read:

~~A. Fifty years of age or older~~ At average risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of a national cancer society; or

**Sec. 9. 24-A MRSA §4254, sub-§2, ¶B**, as enacted by PL 2007, c. 516, §4 and affected by §5, is amended to read:

~~B. Less than 50 years of age and at~~ At high risk for colorectal cancer ~~according to the most recently published colorectal cancer screening guidelines of a national cancer society.~~

**Sec. 10. Application.** The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**Sec. 11. Exemption from review.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, this Act is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

See title page for effective date.

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**CHAPTER 87**

**H.P. 494 - L.D. 673**

**An Act To Amend the Laws  
Governing the Circumstances  
of Death That Must Be  
Reported to the Office of Chief  
Medical Examiner**

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

**Sec. 1. 22 MRSA §3025, sub-§1**, as amended by PL 2011, c. 420, Pt. D, §2 and affected by §6, is further amended to read:

**1. Circumstances of death that must be reported.** A medical examiner case may exist and must be reported as provided in section 3026 when remains are found that may be human and raise suspicion that death has occurred under any of the following circumstances:

A. Death is suspected of having been caused by any type of physical injury, including poisoning, regardless of whether the suspected manner of death is homicide, suicide or accident. This circumstance must be reported irrespective of whether the deceased had been attended by a physician, was a patient in a hospital, survived for a considerable time following the physical injury or died from terminal natural causes consequent to and following the physical injury;

B. Suddenly when the person is in apparent good health and has no specific natural disease sufficient to explain death;

C. During diagnostic or therapeutic procedures under circumstances indicating gross negligence or when clearly due to trauma or poisoning unrelated to the ordinary risks of those procedures;

D. Death when the person is in custody pursuant to an arrest, confined in a state correctional or detention facility, county jail, other county correctional or detention facility or local lockup or is on the way to or from a courthouse or any of these places while in the custody of a law enforcement officer or county or state corrections official;

E. Death while the person is a patient or resident of a facility of the Department of Health and Human Services or residential care facility maintained or licensed by the Department of Health and Human Services, unless clearly certifiable by an attending physician as due to specific natural causes;

F. Death suspected of being due to a threat to the public health when the authority of the medical examiner is needed to adequately study the case for the protection of the public health;

G. Death suspected of not having been certified, including, but not limited to, bodies brought into the State and any buried remains uncovered other than by legal exhumation;

H. Deaths suspected of being medical examiner cases which may have been improperly certified or inadequately examined, including, but not limited to, bodies brought into the State under those circumstances;

I. Sudden infant death syndrome deaths and all other deaths of children under the age of 18 unless clearly certifiable by an attending physician as due to specific natural causes unrelated to abuse or neglect;

J. Whenever human or possibly human remains are discovered not properly interred or disposed of, for which the responsibility to do so cannot be readily determined; or

K. Any cause when there is no attending physician capable of certifying the death as due to natural causes. When a person dies who is under the care of a religious practitioner who uses prayer and spiritual means of healing, the fact that the deceased has been under such religious care does not warrant suspicion of foul play or investigation beyond that warranted by the other facts of the case.

In the absence of any of the circumstances outlined in this subsection, the fact that a patient dies within 24 hours of admission to a hospital or other health care facility need not be reported to the Office of Chief Medical Examiner.

In any case in which the necessity of a report is questionable, a report must be made.

**Sec. 2. 22 MRSA §3025, sub-§1-A, ¶A,** as enacted by PL 2003, c. 433, §4, is amended to read:

A. Deaths due to the consequences of ~~long term alcohol use,~~ long-term exposure to environmental or occupational toxins or long-term exposure to carcinogens;

**Sec. 3. 32 MRSA §1405, 2nd ¶,** as amended by PL 2017, c. 284, Pt. GGG, §1, is further amended to read:

The body of a deceased person may not be cremated within 48 hours after death unless the person died of a contagious or infectious disease, and in no event may the body of a deceased person be cremated, buried at sea, used by medical science or removed from the State until the person, firm or corporation in charge of the disposition has received a certificate from a duly appointed medical examiner or medicolegal death investigator appointed pursuant to Title 22, section 3023-A that the medical examiner or medicolegal death investigator has made personal inquiry into the cause and manner of death and is satisfied that further examination or judicial inquiry concerning the cause and manner of death is not necessary. This certificate, a certified copy of the death certificate and a burial transit permit when presented by the authorized person as defined in Title 22, section 2846 is sufficient authority for cremation, burial at sea, use by medical science or removal from the State, and the person, firm or corporation in charge of the disposition may not refuse to cremate or otherwise dispose of the body

solely because these documents are presented by such an authorized person. The certificate must be retained by the person, firm or corporation in charge of the cremation or disposition for a period of 15 years. For the certificate, the medical examiner must receive a fee of \$25 payable by the person requesting the certificate. This fee may be waived at the discretion of the Chief Medical Examiner.

See title page for effective date.

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## CHAPTER 88

### H.P. 745 - L.D. 1003

#### An Act To Ensure Accurate Explanations of Electric Bills

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

**Sec. 1. 35-A MRSA §3106** is enacted to read:

**§3106. Consumer protections; bill information**

The commission by rule shall establish customer bill information requirements for investor-owned transmission and distribution utilities that:

**1. Historical rate information.** Require investor-owned transmission and distribution utilities to include, once per year, as an insert or attachment to customer bills, an informational chart produced by the commission that displays a 10-year history of transmission, distribution and standard-offer service rates available to the customer's rate class, along with a statement of the total percentage change in transmission, distribution and standard-offer service rates over the 10-year period. The commission shall post the informational charts produced pursuant to this subsection on the commission's publicly accessible website;

**2. Consumer assistance.** Require a customer bill issued by an investor-owned transmission and distribution utility to display clearly and prominently the toll-free telephone number for the commission's consumer assistance and safety division and a statement of the consumer assistance services available by calling the division; and

**3. Correction of misleading information.** Establish a process by which, if the commission finds that an investor-owned transmission and distribution utility has included on customer bills, or inserts or attachments to customer bills, information that is misleading, deceptive or inaccurate, the transmission and distribution utility is required to provide to customers a statement that corrects the misleading, deceptive or inaccurate information that was disseminated. Upon request of the Public Advocate, the commission shall investigate the truth and accuracy of information in-

cluded on customer bills, or inserts or attachments to customer bills.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 89**  
**S.P. 324 - L.D. 1092**

**An Act To Amend the Laws  
Governing Critical Incident  
Stress Management Teams**

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

**Sec. 1. 25 MRSA §4201, sub-§1**, as amended by PL 2015, c. 112, §1, is further amended to read:

**1. Critical incident.** "Critical incident" means a work-related incident that causes or has the potential to cause an employee ~~or member of or emergency dispatcher for a criminal justice~~ public safety agency or an organization involved in emergency care or response, a corrections officer as defined in section 2801-A, subsection 2 or an employee of a county jail or a detention or correctional facility operated by the Department of Corrections to experience emotional or physical stress. "Critical incident" includes, but is not limited to, use-of-force encounters that may result in the death of or serious injury to another person or an officer, ~~member or employee,~~ fatal motor vehicle accidents, child abuse investigations, emergency care or response operations and death investigations.

**Sec. 2. 25 MRSA §4201, sub-§§1-A and 1-B** are enacted to read:

**1-A. Critical incident stress management peer support.** "Critical incident stress management peer support" means services provided to an employee or member of a public safety agency or an organization involved in emergency care or response, a corrections officer as defined in section 2801-A, subsection 2 or an employee of a county jail or a detention or correctional facility operated by the Department of Corrections when that person has been involved in a critical incident that can reasonably have a devastating, long-lasting effect on that person. "Critical incident stress management peer support" includes assisting the employee, member or officer to appropriately process the trauma and stress and connecting that person to appropriate resources.

**1-B. Critical incident stress management peer support person.** "Critical incident stress management peer support person" means a person who provides critical incident stress management peer support and is

trained in accordance with national best practices and standards established by rule by the Commissioner of Public Safety. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 25 MRSA §4201, sub-§2**, as amended by PL 2015, c. 112, §1, is repealed and the following enacted in its place:

**2. Critical incident stress management team.** "Critical incident stress management team" means:

A. A team of critical incident stress management peer support persons designated by the chief or director of a public safety agency or of an organization involved in emergency care or response, the sheriff of a county jail or the head of a detention or correctional facility, or that person's designee; or

B. A volunteer team coordinator by a nonprofit entity that is trained, in accordance with national best practices and standards established by rule by the Commissioner of Public Safety, to assist and provide critical incident stress management peer support.

A critical incident stress management team shall have an established relationship with a licensed mental health clinician who is available for consultation with members of the critical incident stress management team as the members determine to be necessary and for at least one meeting annually with the team. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 25 MRSA §4201, sub-§3**, as enacted by PL 2015, c. 112, §2, is repealed.

**Sec. 5. 25 MRSA §4201, sub-§4** is enacted to read:

**4. Public safety agency.** "Public safety agency" has the same meaning as in section 2921, subsection 6-B.

**Sec. 6. 25 MRSA §4202, sub-§1**, as enacted by PL 2009, c. 289, §1, is amended to read:

**1. Information confidential.** Except as provided in subsection 2, all proceedings, communications and records, including, but not limited to, information concerning the identity of a person seeking or being furnished assistance, connected in any way with the work of a critical incident stress management team, including critical incident stress management peer support persons, are confidential and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless the confidentiality is waived by the affected person. Statistical data not identifying a person seeking the assistance of a critical incident stress management team

must be made available for statistical evaluation and may not be made available for any other purpose.

See title page for effective date.

**CHAPTER 90**  
**S.P. 309 - L.D. 1049**

**An Act Regarding the Sale of  
Cats and Dogs with Health  
Problems**

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

**Sec. 1. 7 MRSA §4155, sub-§3, ¶¶B and C,** as enacted by PL 1995, c. 589, §1, are amended to read:

B. Exchange of the animal for an animal of the purchaser's choice of equivalent value, ~~providing if a replacement is available; or~~

C. Retainment of the animal and reimbursement for 1/2 of the reasonable veterinary fees not to exceed 1/2 of the original purchase price of the animal; ~~or~~

**Sec. 2. 7 MRSA §4155, sub-§3, ¶D** is enacted to read:

D. For an animal with less than one year of life expectancy, as determined by a veterinarian pursuant to subsection 1, retainment of the animal and a full refund of the original purchase price of the animal. Reimbursement of veterinary fees by the seller is not required under this paragraph.

**Sec. 3. 7 MRSA §4155, sub-§5,** as amended by PL 2007, c. 702, §27, is further amended to read:

**5. Sellers not exempt.** Sellers may not, contractually or otherwise, exempt themselves from the remedies provided by this section for deaths or health problems in animals caused by infectious, contagious, parasitic or communicable disease or for deaths or health problems in animals caused by hereditary or congenital defects as described in subsection 1.

**Sec. 4. 7 MRSA §4156, sub-§2,** as amended by PL 2007, c. 702, §29, is further amended to read:

**2. Refund.** If the purchaser wishes to receive a full refund for the animal, the purchaser must return the animal no later than 2 business days after receipt of a written statement from a veterinarian indicating that the animal is unfit due to a health problem. With respect to a dead animal, the purchaser must provide the seller with a written statement from a veterinarian indicating that the animal died from a health problem that existed on or before the receipt of the animal by the purchaser. This subsection does not apply to a

refund requested pursuant to section 4155, subsection 3, paragraph D.

See title page for effective date.

**CHAPTER 91**  
**S.P. 223 - L.D. 779**

**An Act To Improve the  
Definition of "Strangulation"  
in the Aggravated Assault  
Laws**

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

**Sec. 1. 17-A MRSA §208, sub-§1, ¶C,** as amended by PL 2015, c. 358, §1, is further amended to read:

C. Bodily injury to another under circumstances manifesting extreme indifference to the value of human life. Such circumstances include, but are not limited to, the number, location or nature of the injuries, the manner or method inflicted, the observable physical condition of the victim or the use of strangulation. For the purpose of this paragraph, "strangulation" means ~~the intentional~~ impeding ~~of~~ the breathing or circulation of the blood of another person by intentionally, knowingly or recklessly applying pressure on the person's throat or neck. Violation of this paragraph is a Class B crime.

See title page for effective date.

**CHAPTER 92**  
**H.P. 509 - L.D. 688**

**An Act To Set Maine Dental  
Provider Licensing Fees**

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

**Sec. 1. 32 MRSA §18323, sub-§3,** as enacted by PL 2015, c. 429, §21, is amended to read:

**3. Fees.** The authority to adopt by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that ~~the fee for any one purpose may not exceed \$550;~~

A. The fee for any one purpose may not exceed \$550 unless another fee is authorized by paragraph B or C;

B. The fee for an initial license or a license renewal under section 18342 or a permit under section 18379 may not exceed \$1,000; and

C. The fee for an initial license or a license renewal under section 18345 may not exceed \$200;

See title page for effective date.

## CHAPTER 93

### S.P. 190 - L.D. 603

#### An Act To Amend the Laws Governing Funding for Landfill Closure Costs

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

**Sec. 1. 38 MRSA §1310-F, sub-§1-B, ¶E**, as amended by PL 2015, c. 302, §1, is further amended to read:

E. Notwithstanding paragraphs B, C and D, the state cost share is 75% of closure costs, including landfill cover costs, incurred on or after July 1, 1994 and before December 31, 2025, if:

(1) The commissioner originally issued a license on or before September 1, 1989 or accepted a license application for processing on or before September 1, 1989 that was approved by the commissioner within one year of acceptance for processing for operation of the landfill and found that the landfill met the design requirements and environmental protection standards at the time of licensing; and

(2) The commissioner has since determined that the landfill or portion of the landfill must be closed based on the finding that the landfill is contaminating groundwater and that corrective actions have not been successful.

See title page for effective date.

## CHAPTER 94

### H.P. 305 - L.D. 396

#### An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored

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

**Sec. 1. 24 MRSA §2986, sub-§3**, as amended by PL 2011, c. 59, §1, is further amended to read:

**3. Completed kit.** If the alleged victim has not reported the alleged offense to a law enforcement agency when the examination is complete, the hospital or health care practitioner shall then notify the nearest law enforcement agency, which shall transport and store the completed forensic examination kit for ~~at least 90 days~~ 8 years. The completed kit may be identified only by the tracking number. If during that ~~90-day storage~~ period an alleged victim decides to report the alleged offense to a law enforcement agency, the alleged victim may contact the hospital or health care practitioner to determine the tracking number. The hospital or health care practitioner shall provide the alleged victim with the tracking number on the forensic examination kit and shall inform the alleged victim which law enforcement agency is storing the kit.

If the alleged victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating agency shall retain custody of the forensic examination kit.

If an examination is performed under subsection 5 and the alleged victim does not, within 60 days, regain a state of consciousness adequate to decide whether or not to report the alleged offense, the State may file a motion in the District Court relating to storing or processing the forensic examination kit. Upon finding good cause and after considering factors, including, but not limited to, the possible benefits to public safety in processing the kit and the likelihood of the alleged victim's regaining a state of consciousness adequate to decide whether or not to report the alleged offense in a reasonable time, the District Court may order either that the kit be stored for additional time or that the kit be transported to the Maine State Police Crime Laboratory for processing, or such other disposition that the court determines just. In the interests of justice or upon motion by the State, the District Court may conduct hearings required under this paragraph confidentially and in camera and may impound pleadings and other records related to them.

**Sec. 2. 25 MRSA §3821, 2nd ¶**, as amended by PL 2017, c. 156, §4, is further amended to read:

If an alleged victim of sexual assault has a forensic examination and has not reported the alleged offense to a law enforcement agency when the examination is complete, the licensed hospital or licensed health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed forensic examination kit, identified only by a tracking number assigned by the kit manufacturer, to its evidence storage facility. The law enforcement agency shall store the forensic examination kit for ~~at least 90 days from the time of receipt~~ 8 years. If during that ~~90-day storage~~ period the alleged victim reports the offense to a law enforcement agency, the

investigating agency shall take possession of the forensic examination kit.

See title page for effective date.

**CHAPTER 95**

**H.P. 258 - L.D. 333**

**An Act To Amend the Laws  
Governing Dangerous Dogs  
and Nuisance Dogs To Allow  
for Flexibility in Protection  
Dog Training**

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

**Sec. 1. 7 MRSA §3954, sub-§1, ¶A,** as enacted by PL 2017, c. 404, §13, is repealed.

See title page for effective date.

**CHAPTER 96**

**S.P. 109 - L.D. 368**

**An Act To Redefine  
Geographic Association for  
Multiple-employer Welfare  
Arrangements**

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

**Sec. 1. 24-A MRSA §2808-B, sub-§2, ¶E,** as corrected by RR 2011, c. 1, §40, is amended to read:

E. The superintendent may authorize a carrier to establish a separate community rate for an association group organized pursuant to section 2805-A or a trustee group organized pursuant to section 2806, as long as association group membership or eligibility for participation in the trustee group is not conditional on health status, claims experience or other risk selection criteria and all small group health plans offered by the carrier through that association or trustee group:

- (1) Are otherwise in compliance with the premium rate requirements of this subsection; and
- (2) Are offered on a guaranteed issue basis to all eligible employers that are members of the association or are eligible to participate in the trustee group except that a professional association may require that a minimum percentage of the eligible professionals employed by a subgroup be members of the association in order for the subgroup to be eligible for issu-

ance or renewal of coverage through the association. The minimum percentage must not exceed 90%. For purposes of this subparagraph, "professional association" means an association that:

- (a) Serves a single profession that requires a significant amount of education, training or experience or a license or certificate from a state authority to practice that profession;
- (b) Has been actively in existence for 5 years;
- (c) Has a constitution and bylaws or other analogous governing documents;
- (d) Has been formed and maintained in good faith for purposes other than obtaining insurance;
- (e) Is not owned or controlled by a carrier or affiliated with a carrier;
- (g) Has at least 1,000 members if it is a national association; 200 members if it is a state or local association;
- (h) All members and dependents of members are eligible for coverage regardless of health status or claims experience; and
- (i) Is governed by a board of directors and sponsors annual meetings of its members.

Producers may only market association memberships, accept applications for membership or sign up members in the professional association where the individuals are actively engaged in or directly related to the profession represented by the professional association.

Except for employers with plans that have grandfathered status under the federal Affordable Care Act, this paragraph does not apply to policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2014 until December 31, 2019. To the extent permitted under the federal Affordable Care Act, this paragraph applies to policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020.

**Sec. 2. 24-A MRSA §6603, sub-§1, ¶¶B and D,** as amended by PL 2001, c. 570, §1, are further amended to read:

B. ~~Except for those associations meeting the criteria of subsection 1-A, must~~ Must be established by a trade association; industry association; as-

sociation with employer members representing multiple trades, industries or professions; political subdivision of the State; religious organization; or professional association of employers or professionals that has a constitution or bylaws and that has been organized and maintained in good faith for a continuous period of one year for purposes other than that of obtaining or providing insurance;

D. May not be offered, advertised or available to employers or other members of the public generally, ~~except as allowed under subsection 1-A;~~

**Sec. 3. 24-A MRSA §6603, sub-§1-A**, as enacted by PL 2001, c. 570, §2, is repealed.

See title page for effective date.

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**CHAPTER 97**

**H.P. 249 - L.D. 324**

**An Act Regarding Forfeiture of Assets of Persons Convicted of Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses, Aggravated Criminal Forced Labor Offenses and Criminal Forced Labor Offenses**

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

**Sec. 1. 15 MRSA §5821, sub-§7-A, ¶A**, as enacted by PL 1999, c. 349, §2, is amended to read:

A. Property may not be forfeited under this subsection, to the extent of the interest of an owner, by reason of an act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner; ~~and~~

**Sec. 2. 15 MRSA §5821, sub-§9**, as enacted by PL 2007, c. 684, Pt. C, §2 and affected by Pt. H, §1, is amended to read:

**9. Assets in human trafficking offenses.** All assets, including money instruments, personal property and real property, used or intended for use in or traceable to a human trafficking offense as defined in Title 5, section 4701, subsection 1, paragraph C;

**Sec. 3. 15 MRSA §5821, sub-§§10 and 11** are enacted to read:

**10. Assets in sex trafficking offenses.** All assets, including money instruments, personal property and real property, used or intended for use in or traceable to an aggravated sex trafficking offense as defined in Title 17-A, section 852 or a sex trafficking offense as defined in Title 17-A, section 853; and

**11. Assets in criminal forced labor offenses.** All assets, including money instruments, personal property and real property, used or intended for use in or traceable to a criminal forced labor offense as defined in Title 17-A, section 304 or an aggravated criminal forced labor offense as defined in Title 17-A, section 305.

**Sec. 4. 15 MRSA §5826, sub-§1**, as enacted by PL 1995, c. 421, §1, is amended to read:

**1. Property subject to criminal forfeiture.** Notwithstanding any other provision of law, a person convicted of a ~~violation of Title 17-A, chapter 45 crime that subjects the person to forfeiture of property under section 5821~~ forfeits to the State all rights, privileges, interests and claims to ~~that property that is subject to forfeiture pursuant to section 5821.~~ All rights, privileges, interest and title in property subject to forfeiture under this section vests in the State upon the commission of the act giving rise to forfeiture pursuant to section 5821.

**Sec. 5. 15 MRSA §5826, sub-§2**, as amended by PL 2015, c. 431, §33, is further amended to read:

**2. Commencement of criminal forfeiture action.** Property subject to forfeiture may be proceeded against by indictment of the grand jury or by complaint in the District Court in any related criminal proceeding in which a person with an interest in the property has been simultaneously charged with a ~~violation of Title 17-A, chapter 45 crime that subjects the person to forfeiture of property under section 5821.~~ At any time prior to trial, the State, with the consent of the court and any defendant with an interest in the property, may file an ancillary charging instrument or information alleging that property is subject to criminal forfeiture. Discovery in the criminal action must be as provided for by the Maine Rules of Unified Criminal Procedure.

**Sec. 6. 15 MRSA §5826, sub-§6**, as amended by PL 2017, c. 460, Pt. F, §1, is further amended to read:

**6. Final order of disposition of property; public education campaign.** Following the entry of a verdict of forfeiture of property pursuant to this section or the entry of a guilty plea in open court on the record and following the court's disposition of all petitions for hearing timely filed by 3rd parties, the State has clear title to property that is the subject of the indictment, information or complaint. The final order must provide for the deposit of the property or the proceeds from the disposition of the property, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, in the General Fund, except that, to the extent that the court finds it reasonable, the court may order forfeiture of as much of the property as is appropriate, less the reasonable expenses of the forfeiture

proceedings, seizure, storage, maintenance of custody, advertising and notice, to a municipality, county or state agency that has made a substantial contribution to the investigation or prosecution of a related criminal case or, upon request of the investigating agency or the prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons ~~with substance use disorders affected by crimes that are subject to forfeiture of property under this chapter.~~

See title page for effective date.

**CHAPTER 98**  
**H.P. 28 - L.D. 27**

**An Act To Allow the Use of a Crossbow for a Limited Duration during the Archery Season on Deer and the Fall Season on Wild Turkey**

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

**Sec. 1. 12 MRSA §10953, sub-§1**, as amended by PL 2017, c. 85, §1, is further amended to read:

**1. Species and seasons.** A person may:

A. Hunt bear with a crossbow during the open season on bear as provided in section 11251;

B. Hunt wild turkey with a crossbow ~~in areas open to wild turkey hunting as established by rule in~~ during the spring open season on hunting wild turkey established by the commissioner in accordance with rules adopted pursuant to section 11701, ~~except that a person may not hunt wild turkey with a crossbow from October 1st until the first day of the open season established by the commissioner in the following year;~~

C. Hunt moose with a crossbow in areas of the State open to moose hunting during the open season on moose established by rule in section 11552, subsections 1 and 2 and according to the rules pertaining to moose hunting permits adopted by the commissioner for the protection of the moose resource under section 11551 and in accordance with the provisions of section 11601; ~~and~~

D. Hunt deer with a crossbow during the open firearm season on deer as provided in section 11401-;

E. Notwithstanding the restriction in section 11403 to hunting with bow and arrow only, hunt deer with a crossbow during the 2020, 2021 and 2022 open archery season on deer established by the commissioner in accordance with rules adopt-

ed pursuant to section 11403. A person may not take an antlerless deer with a crossbow under this paragraph during an open archery season on deer unless that person possesses an antlerless deer permit in accordance with section 11152.

This paragraph is repealed January 1, 2023; and

F. Notwithstanding the prohibition on hunting wild turkey with a crossbow during the fall open season on hunting wild turkey in section 11701 and also notwithstanding paragraph B, hunt wild turkey with a crossbow during the 2020, 2021 and 2022 fall open season on hunting wild turkey established by the commissioner in accordance with rules adopted pursuant to section 11701.

This paragraph is repealed January 1, 2023.

**Sec. 2. 12 MRSA §11701, first ¶**, as amended by PL 2017, c. 85, §3, is further amended to read:

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource. The rules must permit the use of a crossbow during an open season for hunting wild turkey, except that a person may not hunt wild turkey with a crossbow ~~from October 1st until the first day of the open season established by the commissioner in the following year during the fall open season on hunting wild turkey established by the commissioner.~~

**Sec. 3. Report.** By January 15, 2022, the Commissioner of Inland Fisheries and Wildlife shall submit a report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters detailing the impact on the deer population from the use of a crossbow in accordance with the Maine Revised Statutes, Title 12, section 10953, subsection 1, paragraph E and the impact on the turkey population from the use of a crossbow in accordance with Title 12, section 10953, subsection 1, paragraph F. The report must include whether the commissioner allowed the use of a crossbow in any area where a special archery hunting season on deer was established by the commissioner pursuant to Title 12, section 11402, subsection 4 during the 2020, 2021 or 2022 season. The report must detail any issues or conflicts that arose from the use of a crossbow during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey. Lastly, the report must specify if the use of a crossbow should continue to be permitted

during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey. The committee may report out a bill to the Second Regular Session of the 130th Legislature based on the report.

See title page for effective date.

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## CHAPTER 99

### H.P. 61 - L.D. 64

#### An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense

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

**Sec. 1. 17 MRSA §1031, sub-§3-B, ¶B**, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is repealed.

**Sec. 2. 17 MRSA §1031, sub-§3-B, ¶C**, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is amended to read:

C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.

**Sec. 3. 17 MRSA §1031, sub-§3-B, ¶¶D, E and F** are enacted to read:

D. The court, as part of the sentence for a violation of this section:

(1) May prohibit a defendant convicted of a Class D crime under this section from owning, possessing or having on the defendant's premises an animal for a period of time that the court determines to be reasonable, up to and including permanent relinquishment;

(2) Shall prohibit a defendant convicted of a Class C crime under this section from owning, possessing or having on the defendant's premises an animal for a period of at least 5 years, up to and including permanent relinquishment;

(3) May impose any other reasonable restrictions on a defendant's future ownership or custody of an animal as determined by the court to be necessary for the protection of animals, including but not limited to reasonable restrictions on future ownership, possession or custody and prohibiting the person from employment that involves the care of animals or any other contact with animals; and

(4) May order as a condition of probation that probationer be evaluated to determine the

need for psychiatric or psychological counseling and, if it is determined to be appropriate by the court, receive psychiatric or psychological counseling at the defendant's expense.

Upon motion by the defendant and upon completion of conditions specified in an order entered under this paragraph, the court may reduce or modify restrictions or conditions imposed under this paragraph.

E. Intentional or knowing violation of a court order issued under paragraph D is a Class D crime. An animal owned or possessed by the defendant or on the defendant's premises in violation of a court order under paragraph D is subject to immediate forfeiture as ordered by the court.

F. A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having on the probationer's premises an animal is subject to revocation of probation and removal of the animal at the probationer's expense if this condition is intentionally or knowingly violated.

See title page for effective date.

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## CHAPTER 100

### H.P. 261 - L.D. 336

#### An Act To Require That Notice of Lead Abatement Orders Be Filed with the Registry of Deeds

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

**Sec. 1. 22 MRSA §1321, sub-§1**, as amended by PL 2005, c. 530, §4, is further amended to read:

**1. Notice posted.** The department shall post in or upon the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school, in a conspicuous place or places, notice of the existence of environmental lead hazard. Notice may not be removed until the department states that the ~~environmental lead hazard no longer exists~~ property owner has complied with the order issued pursuant to subsection 3 that the lead-based substances be removed, replaced or securely and permanently covered;

**Sec. 2. 22 MRSA §1321, sub-§3**, as amended by PL 1999, c. 790, Pt. A, §23, is further amended to read:

**3. Notice to owner; removal.** The department shall give notice of the existence of the environmental lead hazard to the owner and order that the lead-based substances be removed, replaced or securely and per-

manently covered within 30 days of receipt of the notice. If the lead-based substances can not be removed, replaced or securely and permanently covered within 30 days, the department may grant an extension of reasonable time. All lead-based paint activities must be performed in accordance with rules adopted by the Department of Environmental Protection pursuant to Title 38, chapter 12-B. In the case of an owner-occupied, single-family residence, the department may provide technical assistance and guidance in lieu of enforcement activity at the department's discretion; ~~and~~

**Sec. 3. 22 MRSA §1321, sub-§4**, as amended by PL 2005, c. 530, §4, is further amended to read:

**4. Sale of dwelling, residential facility, child-occupied facility or nursery school.** If, before the end of the 30-day period or extension, the owner sells the dwelling, premises, child care facility, premises of the family child care provider, residential child-occupied facility or nursery school, the owner shall notify the prospective buyer of the environmental lead hazard and the new owner must assume the responsibility of carrying out the requirements of this section within the specified time period; and

**Sec. 4. 22 MRSA §1321, sub-§7** is enacted to read:

**7. Notice filed in registry of deeds.** The department shall file in the registry of deeds in the county in which the property is located a notice of an order issued pursuant to subsection 3 that the lead-based substances be removed, replaced or securely and permanently covered. When the department determines that the property owner has complied with the order, the department shall file a notice in the registry of deeds in the county in which the property is located stating that the property owner has complied with the order. A notice filed pursuant to this subsection must contain:

- A. The name of the property owner;
- B. The book and page in the registry of the property owner's deed; and
- C. A notarized signature of the person from the department filing the notice.

A notice stating that the property owner has complied with the order must also contain the book and page of the original order. The department shall adopt rules to implement this subsection, including, but not limited to, rules establishing the form of the notice to be filed in the registry of deeds. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 101  
H.P. 500 - L.D. 679**

**An Act Regarding the  
Licensing of Funeral  
Practitioners**

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

**Sec. 1. 32 MRSA §1501-B**, as enacted by PL 2015, c. 246, §1, is repealed.

**Sec. 2. 32 MRSA §1501-C** is enacted to read:  
**§1501-C. Licensing of out-of-state licensees**

**1. Issuance of licenses.** The board may issue a license to an applicant who holds an active and unrestricted license to practice funeral service in another state, the license requirements of which are substantially similar to the license requirements under this chapter and board rules, as long as the licensee has not been subjected to disciplinary action under that license.

**2. Rulemaking.** The board shall adopt rules to implement and administer the provisions of this section, including rules that define substantially similar license requirements. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 32 MRSA §1506, sub-§§2 and 3**, as enacted by PL 1991, c. 117, §1, are amended to read:

**2. Requirements.** ~~As a prerequisite to renewal on or after January 1, 1993 of any license subject to this subchapter, licensees must~~ A licensee shall complete 12 hours of continuing education within 2 years prior to the date of renewal in programs or courses approved by the board. The board may, for good cause shown, grant an extension of time to any person to allow that person to comply with this subchapter. No more than 6 of the 12 hours may be completed through online or distance learning programs.

**3. Program approval.** ~~Each application for approval of a continuing education program must be submitted according to the guidelines prescribed by the board.~~ The board may establish by rule criteria for the review and approval of courses and for the determination of the number of continuing education hours to be credited for completion of each course or program.

See title page for effective date.

**CHAPTER 102**  
**H.P. 502 - L.D. 681**

**An Act To Amend the Maine  
Dental Education Loan  
Program**

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

**Sec. 1. 5 MRSA §12004-I, sub-§7-C**, as enacted by PL 1999, c. 401, Pt. NN, §1 and c. 496, §1, is repealed.

**Sec. 2. 20-A MRSA §12301, sub-§4**, as repealed and replaced by PL 2001, c. 471, Pt. B, §11 and amended by PL 2003, c. 689, Pt. B, §§6 and 7, is further amended to read:

**4. Underserved population area.** "Underserved population area" means ~~a population group or geographical area receiving insufficient oral health care, as determined by the Commissioner of Health and Human Services and as defined in rules adopted by the Department of Health and Human Services pursuant to section 12305. The rules must take into consideration factors that include, but are not limited to, family income levels, availability of dental care and percentage of families qualifying for Medicaid coverage~~ an area in the State that is a dental health professional shortage area or medically underserved area or that contains a medically underserved population as defined by the federal Department of Health and Human Services, Health Resources and Services Administration.

**Sec. 3. 20-A MRSA §12302, sub-§4**, as enacted by PL 1999, c. 401, Pt. NN, §2 and affected by §4 and enacted by c. 496, §2, is amended to read:

**4. Maximum amount.** The maximum loan or loan repayment amount available to each participant is \$20,000 per year for a period of up to 4 years. For a loan recipient who receives a first loan after January 1, 2020 or a loan repayment participant who signs a first agreement after January 1, 2020, the maximum loan or loan repayment amount available is \$25,000 per year for a period of up to 4 years.

**Sec. 4. 20-A MRSA §12302, sub-§5, ¶C**, as enacted by PL 1999, c. 401, Pt. NN, §2 and affected by §4 and enacted by c. 496, §2, is amended to read:

C. A loan recipient serving an underserved population area pursuant to paragraph A, subparagraph (2) must serve all patients regardless of ability to pay through insurance or other payment source.

**Sec. 5. 20-A MRSA §12302, sub-§6, ¶¶A and B**, as enacted by PL 1999, c. 401, Pt. NN, §2 and affected by §4 and enacted by c. 496, §2, are amended to read:

A. An applicant will receive payment from the authority on the applicant's outstanding indebted-

ness for dental education at a rate of \$20,000 per year of service for up to 4 years as long as the applicant continues to serve as a practitioner of dental medicine in an underserved population area. A loan repayment participant who signs a first agreement after January 1, 2020 receives payment from the authority on the participant's outstanding indebtedness for dental education at a rate of up to \$25,000 per year of service for up to 4 years as long as the participant continues to serve as a practitioner of dental medicine in an underserved population area.

B. A person receiving loan repayment payments under this subsection must serve all patients regardless of ability to pay through insurance or other payment source.

**Sec. 6. 20-A MRSA §12304**, as amended by PL 2001, c. 471, Pt. B, §12 and PL 2003, c. 689, Pt. B, §6, is repealed.

**Sec. 7. 20-A MRSA §12305**, as enacted by PL 1999, c. 401, Pt. NN, §2 and affected by §4 and enacted by c. 496, §2 and amended by PL 2003, c. 689, Pt. B, §7, is further amended to read:

**§12305. Rules**

The authority shall establish rules necessary to implement this chapter. ~~The Commissioner of Health and Human Services shall develop rules for determining underserved population areas. These rules must include a process for ensuring guaranteed access to dental care through technical assistance and site visits to participating providers. The rules authorized by this section must be adopted in accordance with Title 5, chapter 375, subchapter H 2. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter H-A 2-A.~~

**Sec. 8. 20-A MRSA §12306** is enacted to read:

**§12306. Stakeholder consultation**

In administering the program and assessing its effectiveness, the chief executive officer may consult stakeholders from the dental community, including, but not limited to, representatives of dental education and practitioner communities in the State and organizations representing the interests of low-income communities in the State.

See title page for effective date.

**CHAPTER 103**  
**H.P. 540 - L.D. 735**

**An Act To Create a Seat for a  
Representative of the  
Wabanaki Tribal Governments  
on the Board of Trustees of the  
Maine Criminal Justice  
Academy**

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

**Sec. 1. 25 MRSA §2802**, as amended by PL 2013, c. 147, §7, is further amended to read:

**§2802. Board of trustees**

There is created a board of trustees for the academy consisting of ~~17~~ 18 members as follows: the Commissioner of Public Safety, ex officio, the Attorney General, ex officio, the Game Warden Colonel in the Department of Inland Fisheries and Wildlife, ex officio, the Commissioner of Corrections, ex officio, ~~and~~ the Chief of the State Police, ex officio, and the following to be appointed by the Governor: a county sheriff, a chief of a municipal police department, 2 officers of municipal police departments who are not police chiefs, an educator who is not and has never been a sworn member of a law enforcement agency, a criminal prosecutor from one of the offices of the District Attorney, a representative of a federal law enforcement agency, 3 citizens each of whom is not and has never been a sworn member of a law enforcement agency, a municipal official who is not and has never been a sworn member of a law enforcement agency ~~and~~, one nonsupervisory corrections officer representing a state or county correctional facility and one person knowledgeable about public safety who has been recommended to the Governor by the Wabanaki tribal governments of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkmikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. The member appointed by the Governor based on the recommendation of the Wabanaki tribal governments must be recommended by the tribal governments by a process determined by those governments that provides for the board membership to rotate among the tribal governments.

A designee of an ex officio member is a member of the board only during the term of office of the ex officio member who designated the designee. All of the other members of the board serve for a term of 3 years, except that the member appointed by the Governor based on the recommendation of the Wabanaki tribal governments serves for a term of 2 years. A trustee holds office for the term for which the trustee is appointed or until the trustee's successor ~~had~~ has been appointed and qualified. Members of the board are

entitled to compensation in accordance with Title 5, chapter 379. Any vacancy on the board of trustees must be filled in the same manner as the original appointment, but for the unexpired term.

See title page for effective date.

**CHAPTER 104**  
**H.P. 608 - L.D. 834**

**An Act To Establish Minimum  
Service Standards for Electric  
Utilities**

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

**Sec. 1. 35-A MRSA §3106** is enacted to read:

**§3106. Utility service standards**

Except as provided in subsection 3, the commission by rule shall establish service standards for transmission and distribution utilities in accordance with this section.

**1. Service interruption reporting.** The commission shall adopt rules that require transmission and distribution utilities to track and report service interruptions. The rules must include but are not limited to requirements for the following:

A. Record keeping regarding service interruptions affecting the distribution system of the utility; and

B. Reporting service interruption information to the commission.

**2. Service standards; corrective actions.** The commission shall adopt rules that set standards for transmission and distribution utilities regarding the frequency and duration of service interruptions. The rules must establish performance targets and specify guidelines for the commission to require a transmission and distribution utility to take corrective actions if performance targets are not met.

**3. Exception; small utilities.** Notwithstanding any other provision of this section, the commission may exempt small transmission and distribution utilities from any rule, or portion of a rule, required by this section if the commission determines that the rule would impose unreasonable requirements on the utility due to the small size of the utility. For the purposes of this subsection, "small transmission and distribution utility" means a transmission and distribution utility serving 50,000 or fewer retail customers.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 105**  
**H.P. 685 - L.D. 930**

**An Act To Give Maine Schools  
Additional Options To Make  
Up Missed School Days**

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

**Sec. 1. 20-A MRSA §4801, sub-§1, ¶F**, as enacted by PL 2015, c. 60, §1, is amended to read:

F. A school administrative unit operating under a plan approved by the commissioner may provide for a one-hour extension of the school day for up to 25 days in a school year. Notwithstanding the required number of school days under this subsection, 5 one-hour extensions may be counted as one additional school day. A school administrative unit may, with the approval of the commissioner pursuant to rules adopted in accordance with this subsection, implement extended days pursuant to this paragraph only for the purpose of making up school days missed due to weather or emergency closures. A school administrative unit may develop other ways to make up school days missed due to weather or emergency closures not included in this paragraph as long as they are incorporated into a plan approved by the commissioner.

See title page for effective date.

**CHAPTER 106**  
**S.P. 303 - L.D. 1024**

**An Act To Destigmatize Mental  
Illness through Health  
Instruction That Emphasizes  
the Relationship between  
Physical and Mental Health in  
Schools**

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

**Sec. 1. 20-A MRSA §4711**, as amended by PL 2009, c. 313, §11, is further amended to read:

**§4711. Elementary course of study**

The basic course of study for the elementary schools must provide for the instruction of all students in career and education development, English lan-

guage arts, world languages, health education and physical education, mathematics, science and technology, social studies and visual and performing arts, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209. Health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.

**Sec. 2. 20-A MRSA §4712**, as enacted by PL 2009, c. 313, §12, is amended to read:

**§4712. Junior high school or middle school course of study**

The basic course of study for the junior high schools or middle schools must provide for the instruction of all students in career and education development, English language arts, health education and physical education, mathematics, science and technology, social studies, visual and performing arts and world languages, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209. Health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.

**Sec. 3. 20-A MRSA §4723, first ¶**, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

The secondary course of study ~~shall~~ **must** include instruction in health, safety and physical education, as prescribed by the commissioner, and physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. Health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.

See title page for effective date.

**CHAPTER 107**  
**H.P. 782 - L.D. 1059**

**An Act To Authorize the  
Establishment of an  
Apprentice License for the  
Maine Scallop Fishery**

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

**Sec. 1. 12 MRSA §6702, sub-§7** is enacted to read:

**7. Apprentice license.** The department may adopt rules to establish an apprentice program for entry into the scallop fishery that includes an apprentice license for a resident who is 18 years of age or older to engage in dragging for scallops under the supervision of a person licensed under this section. The fee for an apprentice scallop dragging license is \$250. The commissioner shall deposit license fees collected in this subsection into the Scallop Research Fund under section 6729-A. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 12 MRSA §6706, sub-§3**, as amended by PL 2011, c. 237, §2, is further amended to read:

**3. Scallop license limited entry system.** Notwithstanding subsection 2, the commissioner shall establish by rule a limited entry system under which a person who did not hold a hand fishing scallop license or a scallop dragging license in the previous calendar year may become eligible to obtain that license. The rules for a limited entry system must include provisions for the method and administration of the program system. Rules adopted pursuant to this subsection are major substantive routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 12 MRSA §6729, sub-§1, ¶B**, as amended by PL 2007, c. 607, Pt. A, §12, is further amended to read:

B. For a scallop draggers license, \$100, plus an additional \$250 to sponsor an apprentice pursuant to section 6702, subsection 7;

**Sec. 4. 12 MRSA §6729-A, sub-§1**, as amended by PL 2007, c. 607, Pt. A, §13, is further amended to read:

**1. Uses of fund.** The commissioner shall use the fund for research directly related to scallop fishery management information needs, for implementation of scallop management measures and, for reporting to licensed scallop harvesters on the results of research and the use of fund revenues and for the administration of an apprentice program established pursuant to section 6702, subsection 7. The commissioner may authorize the expenditure of money in the fund for research and development programs that address the restoration, development or conservation of scallop resources. The commissioner shall consult with the Scallop Advisory Council under section 6729-B before deciding upon research projects and awarding grants from the fund. The fund may also be used for support of the Scallop Advisory Council, including reimbursement for travel expenses.

**Sec. 5. 12 MRSA §6729-A, sub-§2**, as enacted by PL 2003, c. 319, §2, is amended to read:

**2. Sources of revenue.** The fund is capitalized by license fees and surcharges assessed under section 6702, subsection 7 and section 6729. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF  
Bureau of Marine Science 0027**

Initiative: Provides an ongoing allocation for the administration of an apprentice license program, research and development programs that address the restoration, development or conservation of scallop resources.

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$0	\$25,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	\$0	\$25,000

See title page for effective date.

**CHAPTER 108**

**H.P. 786 - L.D. 1063**

**An Act To Support the Role of  
Municipalities in Expanding  
Broadband Infrastructure**

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

**Sec. 1. 30-A MRSA §5401, sub-§7, ¶B**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. Any of the following within or outside, or partly within and partly outside the corporate limits of the municipality:

- (1) A water system or part of that system;
- (2) A sewer system or part of that system;
- (3) An airport or part of an airport;
- (4) A telecommunications system or part of that system; or
- (5) An energy facility or part of that facility; or

(6) A community broadband system or part of that system.

**Sec. 2. 30-A MRSA §5402, sub-§1-A** is enacted to read:

**1-A. Need for broadband systems.** Access to affordable, reliable, high-speed broadband Internet is necessary to the general welfare of the public, and the people of the State and its economy require connection to existing publicly built infrastructure as a means of cultivating entrepreneurial activity, attracting business, improving access to modernized methods of education and health care and encouraging people to move to this State;

**Sec. 3. 30-A MRSA §5403, sub-§13**, as amended by PL 2005, c. 556, §1, is further amended to read:

**13. General powers.** Do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter; ~~and~~

**Sec. 4. 30-A MRSA §5403, sub-§14**, as enacted by PL 2005, c. 556, §2, is amended to read:

**14. Community septic systems.** As a means of facilitating compact growth patterns, including cluster developments, construct, maintain and operate a sewer system that is composed of one or more subsurface wastewater collection, treatment and disposal systems. The municipality may construct such a sewer system in anticipation of the establishment of a community sanitary district under Title 38, chapter 11-A, to which the municipality will transfer the system pursuant to Title 38, section 1232. For purposes of this subsection, "cluster development" has the same meaning as in section 4301, subsection 1-A; ~~and~~

**Sec. 5. 30-A MRSA §5403, sub-§15** is enacted to read:

**15. Communications services systems; community broadband systems.** Construct, maintain and operate a municipal or multimunicipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services. For the purposes of this subsection, "communications service" has the same meaning as in Title 35-A, section 9202, subsection 3 and "communications service provider" has the same meaning as in Title 35-A, section 9202, subsection 4.

Nothing in this chapter restricts a municipality from purchasing, leasing, constructing or equipping facilities that are designed to provide communications services. Nothing in this chapter restricts a municipality from using community broadband systems for internal municipal government purposes or, by written contract, leasing, selling capacity in or granting other similar rights to communications service providers to use the facilities in connection with the provider's offering communications services.

**Sec. 6. 30-A MRSA §5413**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**§5413. Exemption from taxation**

As proper revenue-producing municipal facilities are essential for the health and safety of the inhabitants of the municipalities, and as the exercise of the powers conferred to effect these purposes ~~constitute~~ constitutes the performance of essential governmental functions, and as municipal facilities acquired or constructed under this chapter constitute public property and are used for municipal purposes, no municipality may be required to pay any taxes or assessments upon any parking facility or system, water or sewer system, community broadband system or telecommunications system revenue-producing municipal facility, or any part of such a system, whether located within or outside the corporate limits of the municipality, or upon the income from those facilities. Any bonds issued under this chapter, and their transfer and the income from the bonds, including any profit made on the sale of the bonds, ~~shall at all times be~~ are free from taxation within the State, ~~provided~~ except that nothing in this section exempts any lessee or person in possession of a parking facility or part of a parking facility or the property so leased or possessed from taxes or assessments payable under Title 36, section 551.

See title page for effective date.

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**CHAPTER 109**

**H.P. 876 - L.D. 1212**

**An Act To Adopt the Uniform  
Interstate Depositions and  
Discovery Act**

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

**Sec. 1. 14 MRSA c. 15** is enacted to read:

**CHAPTER 15**

**UNIFORM INTERSTATE DEPOSITIONS AND  
DISCOVERY ACT**

**§401. Short title**

This chapter may be known and cited as "the Uniform Interstate Depositions and Discovery Act."

**§402. Definitions**

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

**1. Foreign jurisdiction.** "Foreign jurisdiction" means a state other than this State.

**2. Foreign subpoena.** "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.

**3. Person.** "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.

**4. State.** "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe or any territory or insular possession subject to the jurisdiction of the United States.

**5. Subpoena.** "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to:

A. Attend and give testimony at a deposition;

B. Produce and permit inspection and copying of designated books, documents, records, electronically stored information or tangible things in the possession, custody or control of the person; or

C. Permit inspection of premises under the control of the person.

#### **§403. Issuance of subpoena**

The issuance of a subpoena is governed by this section.

**1. Request issuance.** To request issuance of a subpoena under this section, a party must submit a foreign subpoena to the clerk of a District Court in the district or to the clerk of the Superior Court of the county in which the discovery is to be conducted. A request for the issuance of a subpoena under this Act does not constitute an appearance in the courts of the State.

**2. Submission of foreign subpoena.** When a party submits a foreign subpoena to a clerk of court in the State, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

**3. Requirements.** A foreign subpoena submitted under subsection 2 must:

A. Incorporate the terms used in the foreign subpoena; and

B. Contain or be accompanied by the names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

#### **§404. Service of subpoena**

A subpoena issued by a clerk of court under section 403 must be served in compliance with the Maine Rules of Civil Procedure, Rule 45.

#### **§405. Deposition, production and inspection**

The Maine Rules of Civil Procedure and the provisions of Title 16, sections 101, 102 and 251 apply to depositions and discovery carried out under this Act and subpoenas issued under section 403.

#### **§406. Application to court**

An application to the court for a protective order or to enforce, quash or modify a subpoena issued by a clerk of court under section 403 must comply with the Maine Rules of Civil Procedure and be submitted to the District Court in the district or to the Superior Court of the county in which the discovery is to be or is being conducted.

#### **§407. Uniformity of application and construction**

In applying and construing this Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

#### **§408. Application to pending actions**

Notwithstanding Title 1, section 302, this Act applies to requests for discovery in cases pending on the effective date of this Act.

See title page for effective date.

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## CHAPTER 110

### H.P. 907 - L.D. 1246

#### An Act To Protect the Health and Safety of Maine State Park Visitors and Staff

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

**Sec. 1. 12 MRSA §1804, sub-§5**, as amended by PL 2001, c. 604, §4; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is further amended to read:

**5. Bureau budget.** Prepare and submit to the commissioner the budget for the bureau; ~~and~~

**Sec. 2. 12 MRSA §1804, sub-§6**, as enacted by PL 2001, c. 604, §5 and amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §24, is further amended to read:

**6. Restrictions on public access.** Post notice of any restrictions to public access at points commonly used to access the land or at a facility or structure where such rules and notices are regularly posted. The

director may restrict public access to any portion of the land or waters within the bureau's jurisdiction when the restrictions reasonably relate to protecting public health, safety or welfare or the economic interests or natural resources of the State; and

Sec. 3. 12 MRSA §1804, sub-§7 is enacted to read:

7. Minimum staffing levels. Determine minimum levels of staffing for all state parks, except Baxter State Park, and historic sites and national parks that are controlled and managed by the State. When making a determination of staffing levels under this subsection, the director shall consider for each park and historic site the following:

- A. Visitor capacity limits;
- B. Historical data regarding visitor use;
- C. Availability of local emergency response services;
- D. If local emergency response services are used, response time of emergency response;
- E. Distance to medical services;
- F. Communication capacity of staff to summon emergency response services or assistance;
- G. Relative to emergency response, training and authority levels of staff;
- H. Emergency planning issues specific to a park or historic site;
- I. Historical record of emergency response incidents and near misses; and
- J. Historical record of severe weather emergencies.

For purposes of this subsection, historical data must include 10 years of data at a minimum.

See title page for effective date.

**CHAPTER 111  
S.P. 332 - L.D. 1100**

**An Act To Clarify the Contents  
of the Complete Agency  
Record in the Appeal of an  
Agency's Failure or Refusal To  
Act**

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

**Sec. 1. 5 MRSA §11005**, as enacted by PL 1977, c. 551, §3, is amended to read:

**§11005. Responsive pleading; filing of the record**

No responsive pleading need be filed unless required by order of the reviewing court. The agency shall file in the reviewing court within 30 days after the petition for review is filed, or within such shorter or longer time as the court may allow on motion, the original or a certified copy of the complete record of the proceedings under review. In the case of the alleged failure or refusal of an agency to act, the record must include written, electronic or otherwise memorialized communications, directives, orders and other documentation of all decisions by the agency to act, to refuse to act or to delay action. Within 20 days after the petition for review is filed, all parties to the agency proceeding who wish to participate in the review shall file a written appearance ~~which shall state~~ that states a position with respect to affirmance, vacation, reversal or modification of the decision under review.

See title page for effective date.

**CHAPTER 112  
H.P. 837 - L.D. 1148**

**An Act Regarding the Costs  
Incurred by Municipalities in  
the Administration of  
Aquaculture Lease and License  
Applications**

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

**Sec. 1. 12 MRSA §6088** is enacted to read:

**§6088. Municipal fees**

If a person submits an application to the commissioner for a lease or license under this subchapter and the municipality provides the commissioner with information necessary for the completion of that lease or license application, the municipality may not charge that person a fee of more than \$50 for the administrative costs associated with providing that information to the commissioner on that person's behalf.

See title page for effective date.

**CHAPTER 113  
H.P. 1022 - L.D. 1407**

**An Act To Revise and Recodify  
Certain Provisions of the  
Maine Criminal Code**

**Emergency preamble. Whereas**, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, since the Maine Criminal Code became effective on May 1, 1976, Part 3, addressing punishments, has undergone extensive additions and amendments, each of which was done separately and without reorganization of content; and

**Whereas**, the proposed recodification and revision of Part 3 of the Maine Criminal Code that is contained in this legislation will greatly assist prosecutors, defense attorneys, advocates and judges in their daily work within the criminal justice system; and

**Whereas**, emergency enactment of this legislation is critical to enable the Legislature to consider this recodification and revision when enacting other legislation during the First Regular Session of the 129th Legislature; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1.** 17-A MRSA Pt. 3, as amended, is repealed.

**Sec. A-2.** 17-A MRSA Pts. 6 and 7 are enacted to read:

**PART 6**

**PUNISHMENTS**

**CHAPTER 61**

**GENERAL SENTENCING PROVISIONS**

**§1501. Purposes**

The general purposes of the provisions of this Part are to:

**1. Prevent crime.** Prevent crime through the deterrent effect of sentences, the rehabilitation of persons and the restraint of individuals when required in the interest of public safety;

**2. Encourage restitution.** Encourage restitution in all cases in which the victim can be compensated and other purposes of sentencing can be appropriately served;

**3. Minimize correctional experiences.** Minimize correctional experiences that serve to promote further criminality;

**4. Provide notice of nature of sentences that may be imposed.** Give fair warning of the nature of

the sentences that may be imposed on the conviction of a crime;

**5. Eliminate inequalities in sentences.** Eliminate inequalities in sentences that are unrelated to legitimate criminological goals;

**6. Encourage just individualization of sentences.** Encourage differentiation among persons with a view to a just individualization of sentences;

**7. Elicit cooperation of individuals through correctional programs.** Promote the development of correctional programs that elicit the cooperation of convicted individuals;

**8. Permit sentences based on factors of crime committed.** Permit sentences that do not diminish the gravity of offenses, with reference to the factors, among others, of:

**A.** The age of the victim, particularly of a victim of an advanced age or of a young age who has a reduced ability to self-protect or who suffers more significant harm due to age; and

**B.** The selection by the person of the victim or of the property that was damaged or otherwise affected by the crime because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness of the victim or of the owner or occupant of that property; and

**9. Recognize domestic violence and certified batterers' intervention programs.** Recognize domestic violence as a serious crime against the individual and society and to recognize batterers' intervention programs certified pursuant to Title 19-A, section 4014 as the most appropriate and effective community intervention in cases involving domestic violence.

**§1502. Authorized sentences**

**1. Sentences imposed on individuals and organizations.** Every person convicted of a crime must be sentenced in accordance with the provisions of this Part.

**2. Sentencing alternatives for individuals.** The court shall sentence an individual convicted of a crime to at least one of the following sentencing alternatives:

**A.** Unconditional discharge as authorized by chapter 73;

**B.** A split sentence of imprisonment with probation as authorized by chapter 67, subchapter 1;

**C.** A fine, suspended in whole or in part, with, at the court's discretion, probation as authorized by chapter 67, subchapter 1;

**D.** A suspended term of imprisonment with probation as authorized by chapter 67, subchapter 1;

E. A term of imprisonment as authorized by chapter 63;

F. A fine as authorized by chapter 65, subchapter 1, which may be imposed in addition to the sentencing alternatives in paragraphs B, D, E, G, H, J, K and L;

G. A county jail reimbursement fee as authorized by section 1751;

H. A specified number of hours of community service work as authorized by chapter 71;

I. A fine, suspended in whole or in part, with, at the court's discretion, administrative release as authorized by chapter 67, subchapter 2;

J. A suspended term of imprisonment with administrative release as authorized by chapter 67, subchapter 2;

K. A split sentence of imprisonment with administrative release as authorized by chapter 67, subchapter 2; or

L. A term of imprisonment followed by a period of supervised release as authorized by chapter 67, subchapter 3.

**3. Deferred disposition.** The court may accept a plea agreement between the attorney for the State and the defendant that provides for an agreed-upon authorized sentencing alternative the imposition of which is deferred in accordance with chapter 67, subchapter 4.

**4. Restitution by individuals.** The court may require an individual convicted of a crime to make restitution as authorized by chapter 69. Subject to the limitations of chapter 69, restitution may be imposed as a condition of probation or may be imposed in addition to any other sentencing alternative included within subsection 2 with the exception of an unconditional discharge.

**5. Consideration of sentencing alternative involving fine for individuals.** Except when specifically precluded, in choosing the appropriate punishment for an individual convicted of a crime, the court shall consider imposing a sentencing alternative involving a fine either in conjunction with or in lieu of imposing a sentencing alternative involving imprisonment.

**6. Consideration of substance use disorder treatment for individuals convicted of Class D drug offense.** In choosing the appropriate punishment for an individual convicted of a Class D drug offense, the court shall consider imposing a sentencing alternative that includes medical and mental health treatment for substance use disorder, when appropriate.

**7. Sentencing alternatives for organizations.** The court shall sentence an organization convicted of a crime to at least one of the following sentencing alternatives:

A. Unconditional discharge as authorized by chapter 73;

B. A fine, suspended in whole or in part, with probation as authorized by chapter 67, subchapter 1;

C. A fine as authorized by chapter 65, subchapter 1;

D. A sanction authorized by section 1503, which may be imposed in addition to the sentencing alternatives in paragraphs B, C and E; or

E. A fine, suspended in whole or in part, with administrative release as authorized by chapter 67, subchapter 2.

**8. Restitution by organizations.** The court may require an organization convicted of a crime to make restitution as authorized by chapter 69. Subject to the limitations of chapter 69, restitution may be imposed as a condition of probation or may be imposed in addition to any other sentencing alternative included within subsection 7, with the exception of an unconditional discharge.

**9. Other authority of court, Department of Corrections and jails.** The provisions of this chapter do not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty. An appropriate order exercising such authority may be included as part of the judgment of conviction. The provisions of this chapter do not affect the authority of the Department of Corrections or a county jail granted by statute or the authority to transfer individuals from one facility to another by agreement.

### **§1503. Sanctions for organizations**

**1. Notice to those interested in or affected by conviction.** If an organization is convicted of a crime, the court may, in addition to or in lieu of imposing other authorized penalties, sentence the organization to give appropriate publicity to the conviction by notice to the class or classes of persons or sector of the public interested in or affected by the conviction, by advertising in designated areas or by designated media or otherwise as the court may direct. Failure of the organization to provide the notice required by the court may be punishable as contempt of court.

**2. Disqualification from holding office.** If a director, trustee or managerial agent of an organization is convicted of a Class A or Class B crime committed on behalf of the organization, the court may include in the sentence an order disqualifying that individual from holding office in the same or another organization for a period not exceeding 5 years, if the court finds that the scope or nature of that individual's illegal actions makes it dangerous or inadvisable for such office to be entrusted to that individual.

**3. Deferred disposition.** The court may accept a plea agreement between the attorney for the State and the defendant that provides for an agreed-upon authorized sentencing alternative the imposition of which is deferred in accordance with chapter 67, subchapter 4.

**4. Supplementary proceedings for damages.** Prior to the imposition of sentence, the court may direct the Attorney General, a district attorney or any other attorney specially designated by the court to institute supplementary proceedings in the case in which the organization was convicted of the crime to determine, collect and distribute damages to persons in the class that the statute was designed to protect who suffered injuries by reason of the crime, if the court finds that the multiplicity of small claims or other circumstances make restitution by individual suit impractical. Such supplementary proceedings must be pursuant to rules adopted by the Supreme Judicial Court for this purpose. The court in which proceedings authorized by this subsection are commenced may order the State to make available to the attorney appointed to institute such proceedings all documents and investigative reports as are in the State's possession or control and grand jury minutes as are relevant to the proceedings.

**§1504. Forfeiture of firearms**

**1. Mandatory forfeiture.** As part of every sentence imposed, except as provided in subsection 2, a court shall order that a firearm must be forfeited to the State if:

A. That firearm constitutes the basis for conviction under:

- (1) Title 15, section 393;
- (2) Section 1105-A, subsection 1, paragraph C-1;
- (3) Section 1105-B, subsection 1, paragraph C;
- (4) Section 1105-C, subsection 1, paragraph C-1;
- (5) Section 1105-D, subsection 1, paragraph B-1;
- (6) Section 1105-E, subsection 1, paragraph B; or
- (7) Section 1118-A, subsection 1, paragraph B;

B. The State pleads and proves that the firearm is used by the person or an accomplice during the commission of any murder or Class A, Class B or Class C crime or any Class D crime defined in chapter 9, 11 or 13; or

C. The person, with the approval of the State, consents to the forfeiture of the firearm.

**2. Prohibited forfeiture.** Except as provided in subsection 3, a court may not order the forfeiture of a firearm otherwise qualifying for forfeiture under subsection 1 if, prior to the imposition of the person's sentence:

A. For a crime other than murder or any other unlawful homicide crime, another person satisfies the court by a preponderance of the evidence that the other person, at the time of the commission of the crime, had a right to possess the firearm to the exclusion of the convicted person; or

B. For the crime of murder or any other unlawful homicide crime, another person satisfies the court by a preponderance of the evidence that the other person, at the time of the commission of the crime, was the rightful owner from whom the firearm had been stolen and the other person was not a principal or accomplice in the commission of the crime.

**3. Exceptions to prohibited forfeiture.** Notwithstanding subsection 2, paragraph A, the court shall order the forfeiture of a firearm even if another person meets the requirements of subsection 2, paragraph A if the person being sentenced was convicted of possessing a firearm in violation of Title 15, section 393 and, prior to the imposition of the person's sentence, the State satisfies the court by a preponderance of the evidence that the other person:

A. Knew or should have known that the convicted person was prohibited from owning, possessing or controlling a firearm under Title 15, section 393; and

B. Intentionally, knowingly or recklessly allowed the convicted person to possess or have under the convicted person's control the firearm.

**4. Disposition of forfeited firearms.** The Attorney General shall adopt rules governing the disposition to state, county and municipal agencies of firearms forfeited under this section. A firearm used during a murder or other unlawful homicide crime that does not meet the prohibition from forfeiture under subsection 2, paragraph B must be destroyed by the State.

**CHAPTER 63**

**SENTENCES OF IMPRISONMENT**

**§1601. Definite term of imprisonment required**

In imposing a sentencing alternative pursuant to section 1502 that includes a term of imprisonment, the court shall set a definite term of imprisonment.

**§1602. Sentencing procedure**

**1. Class A, Class B or Class C crimes.** In imposing a sentencing alternative pursuant to section 1502 that includes a term of imprisonment for a Class

A. Class B or Class C crime, in setting the appropriate length of that term as well as any unsuspended portion of that term accompanied by a period of probation or administrative release, the court shall employ the following 3-step process.

A. First, the court shall determine a basic term of imprisonment by considering the particular nature and seriousness of the offense as committed by the individual.

B. Second, the court shall determine the maximum term of imprisonment to be imposed by considering all other relevant sentencing factors, both aggravating and mitigating, appropriate to the case. Relevant sentencing factors include, but are not limited to, the character of the individual, the individual's criminal history, the effect of the offense on the victim and the protection of the public interest.

C. Third, the court shall determine what portion, if any, of the maximum term of imprisonment under paragraph B should be suspended and, if a suspension order is to be entered, determine the appropriate period of probation or administrative release to accompany that suspension.

2. Crime of murder. In imposing a sentence pursuant to section 1603 for the crime of murder, the court shall employ only the first 2 steps of the sentencing process as specified in subsection 1, paragraphs A and B.

3. Imposition of supervised release after imprisonment for violation of gross sexual assault. When the court imposes a period of supervised release after imprisonment for a violation of section 253, subsection 1, paragraph C as required by section 1881, subsection 1 or chooses to impose a period of supervised release after imprisonment for any other violation of section 253, as authorized by section 1881, subsection 2, the court, after employing the first 2 steps of the sentencing process as specified in subsection 1, paragraphs A and B, shall determine the appropriate period of supervised release to follow the maximum term of imprisonment.

#### **§1603. Imprisonment for crime of murder**

1. Sentence. A person convicted of the crime of murder must be sentenced to imprisonment for life or for any term of years that is not less than 25. The sentence of the court must specify the length of the sentence to be served and must commit the person to the Department of Corrections.

2. Factors of domestic violence or victim's age or pregnancy. In setting a term of imprisonment pursuant to subsection 1, the court shall assign special weight to each of the following 3 factors as they relate to the sentencing procedure in section 1602, subsection 2:

A. That the victim is a child who had not in fact attained 6 years of age at the time the crime was committed;

B. That the victim is a woman whom the convicted individual knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed; and

C. That the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4 who is a victim of domestic violence committed by the convicted individual.

This subsection may not be construed to restrict a court in setting a term of imprisonment from considering the age of the victim in other circumstances when relevant.

#### **§1604. Imprisonment for crimes other than murder**

1. Maximum terms of imprisonment dependent on crime class. Unless a different maximum term of imprisonment is specified by statute, the maximum term of imprisonment is as follows:

A. In the case of a Class A crime, 30 years;

B. In the case of a Class B crime, 10 years;

C. In the case of a Class C crime, 5 years;

D. In the case of a Class D crime, less than one year; or

E. In the case of a Class E crime, 6 months.

2. Exceptions to maximum term of imprisonment based on crime class. Notwithstanding subsection 1:

A. In the case of the Class A crime of aggravated attempted murder, the court shall set a term of imprisonment under section 152-A, subsection 2 of life or a definite period of any term of years;

B. If the State pleads and proves that the defendant is a repeat sexual assault offender, the court may set a definite term of imprisonment under section 253-A, subsection 1 for any term of years; and

C. In the case of the Class A crime of gross sexual assault against an individual who had not yet attained 12 years of age, the court shall set a definite term of imprisonment under section 253-A, subsection 2 for any term of years.

3. Mandatory minimum term of imprisonment for crime with use of firearm against an individual. If the State pleads and proves that a Class A, B or C crime was committed with the use of a firearm against an individual, the minimum sentence of imprisonment, which may not be suspended, is as follows:

A. In the case of a Class A crime, 4 years;

B. In the case of a Class B crime, 2 years; and

C. In the case of a Class C crime, one year.

For purposes of this subsection, the applicable sentencing class is determined in accordance with subsection 5, paragraph A.

This subsection does not apply if the State pleads and proves criminal threatening or attempted criminal threatening, as defined in section 209, or terrorizing or attempted terrorizing, as defined in section 210, subsection 1, paragraph A.

**4. Mandatory minimum sentence of imprisonment for certain drug crimes.** For an individual convicted of violating section 1105-A, 1105-B, 1105-C, 1105-D or 1118-A, except as otherwise provided in section 1125, subsections 2 and 3, the court shall impose a minimum sentence of imprisonment, which may not be suspended, as provided in section 1125, subsection 1.

**5. Circumstances elevating class of crime.** The following circumstances elevate the class of a crime.

A. If the State pleads and proves that a Class B, C, D or E crime was committed with the use of a dangerous weapon, then the sentencing class for such crime is one class higher than it would otherwise be. In the case of a Class A crime committed with the use of a dangerous weapon, such use must be assigned special weight by the court in exercising its sentencing discretion. This paragraph does not apply to a violation or an attempted violation of section 208, to any other offenses to which use of a dangerous weapon serves as an element or to any offense for which the sentencing class is otherwise elevated because the actor or an accomplice to that actor's or accomplice's knowledge was armed with a firearm or other dangerous weapon.

B. If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, 12, 13, 27 or 35, excluding section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C was committed, or an attempt of any such crime was committed, the individual had 2 or more prior convictions under chapter 9, 11, 12, 13, 27 or 35, excluding section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C, or for an attempt of any such crime, or for engaging in substantially similar conduct in another jurisdiction, the sentencing class for the crime is one class higher than it would otherwise be.

(1) In the case of a Class A crime, the sentencing class is not elevated, but the prior record must be assigned special weight by the court when imposing a sentence.

(2) Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, for violations under chapter 11, the dates of prior convictions may have occurred at any time.

This paragraph does not apply to section 210-A if the prior convictions have already served to elevate the sentencing class under section 210-A, subsection 1, paragraph C or E or any other offense in which prior convictions have already served to elevate the sentencing class.

C. The sentencing class for a crime that is pled and proved and is subject to elevation pursuant to both paragraphs A and B may be elevated successively pursuant to both of those paragraphs if the crime that is pled and proved contains different class elevation factors.

**6. Special weight required for certain aggravating sentencing factors pleaded and proved.** In exercising its sentencing discretion, a court shall assign special weight to the following aggravating sentencing factors pleaded and proved by the State:

A. In the case of Class A gross sexual assault, the aggravating sentencing factor specified in section 253-A, subsection 3, paragraph A;

B. In the case of gross sexual assault in violation of section 253, subsection 1 or section 253, subsection 2, the aggravating sentencing factor specified in section 253-A, subsection 3, paragraph B; and

C. In the case of sexual exploitation of a minor, the aggravating sentencing factor specified in section 282, subsection 3.

**7. Special weight required for certain aggravating sentencing factors found present by court.** In exercising its sentencing discretion, the court shall assign special weight to the following aggravating sentencing factors if found by the court.

A. In imposing a sentencing alternative involving a term of imprisonment for an individual convicted of aggravated attempted murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained 6 years of age at the time the crime was committed, the court shall assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process specified in section 1602, subsection 1, paragraph A. The court shall assign special weight to any subjective victim impact in determining the maximum term of incarceration in the 2nd step in the sentencing process specified in section 1602, subsection 1, paragraph B. The court may not suspend that portion of the maximum term of imprisonment based on objective or

subjective victim impact in arriving at the final sentence as the 3rd and final step in the sentencing process specified in section 1602, subsection 1, paragraph C. This paragraph may not be construed to restrict a court in setting a sentence from considering the age of the victim in other circumstances when relevant.

B. In imposing a sentencing alternative involving a term of imprisonment for an individual convicted of aggravated attempted murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a woman who the convicted individual knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed, the court shall assign special weight to this fact in determining the basic term of imprisonment as the first step in the sentencing process specified in section 1602, subsection 1, paragraph A. The court shall assign special weight to any subjective victim impact in determining the maximum term of incarceration in the 2nd step in the sentencing process specified in section 1602, subsection 1, paragraph B. The court may not suspend that portion of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence as the 3rd and final step in the sentencing process specified in section 1602, subsection 1, paragraph C. This paragraph may not be construed to restrict a court in setting a sentence from considering the fact that the victim was pregnant in other circumstances when relevant.

C. In imposing a sentencing alternative involving a term of imprisonment for an individual convicted of a Class C or higher crime, the victim of which was at the time of the commission of the crime in fact being stalked by that individual, the court shall assign special weight to this objective fact in determining the basic sentence in the first step of the sentencing process specified in section 1602, subsection 1, paragraph A. The court shall assign special weight to any subjective victim impact caused by the stalking in determining the maximum term of incarceration in the 2nd step in the sentencing process specified in section 1602, subsection 1, paragraph B.

**§1605. Suspension of all or part of the term of imprisonment imposed**

Unless the law that the individual is convicted of violating expressly provides that an authorized term of imprisonment may not be suspended, if the individual is eligible for probation as authorized by chapter 67, subchapter 1 or administrative release as authorized by chapter 67, subchapter 2, a sentencing court may suspend the authorized term of imprisonment in whole or in part and accompany the suspension with a period of probation, which may not exceed the maximum period

of probation authorized for the crime pursuant to section 1804, or a period of administrative release, which may not exceed one year.

**§1606. General inapplicability of deductions under chapter 81 in setting the term of imprisonment**

If a court imposes a sentencing alternative pursuant to section 1502 that includes a term of imprisonment, in setting the appropriate length of that term, as well as an unsuspended portion of that term, if any, the court may not consider the potential impact of deductions under chapter 81 except in the context of a plea agreement in which both parties are recommending to the court a particular disposition under the Maine Rules of Unified Criminal Procedure, Rule 11-A.

**§1607. Prohibition against imprisonment based on incapacity to pay fine**

If a court finds that an individual has met the burden of proving incapacity to pay a fine pursuant to section 1702, subsection 2, the court may not impose a term of imprisonment or any other sentencing alternative involving imprisonment solely for the reason that the individual does not have the present or future capacity to pay the fine.

**§1608. Multiple sentences of imprisonment**

**1. Court to state whether sentence is served concurrently or consecutively; consecutive sentence contingent upon certain factors.** The court shall state in the sentence of imprisonment whether a sentence must be served concurrently with or consecutively to any other sentence previously imposed or to another sentence imposed on the same date. The sentences must be concurrent except that the court may impose the sentences consecutively after considering the following factors:

A. The convictions are for offenses based on different conduct or arising from different criminal episodes;

B. The individual was under a previously imposed suspended or unsuspended sentence and was on probation or administrative release, under incarceration or on a release program or period of supervised release at the time the individual committed a subsequent offense;

C. The individual had been released on bail when that individual committed a subsequent offense, either pending trial of a previously committed offense or pending the appeal of previous conviction; or

D. The seriousness of the criminal conduct involved in either a single criminal episode or in multiple criminal episodes or the seriousness of the criminal record of the individual, or both, re-

quire a sentence of imprisonment in excess of the maximum available for the most serious offense.

**2. Limitations on imposition of consecutive terms for crimes in same criminal episode.** An individual may not be sentenced to consecutive terms for crimes arising out of the same criminal episode if:

- A. One crime is an included crime of the other;
- B. One crime consists only of a conspiracy, attempt, solicitation or other form of preparation to commit, or facilitation of, the other;
- C. The crimes differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of that conduct; or
- D. Inconsistent findings of fact are required to establish the commission of the crimes.

**3. Reason for consecutive sentences must be stated.** If the court decides to impose consecutive sentences, the court shall state its reasons for doing so on the record or in the sentences.

**4. When new sentence is to be served consecutively for individual on probation, administrative release or supervised release.** If an individual has been placed on probation, administrative release or supervised release pursuant to a previously imposed sentence and the court determines that the previously imposed sentence and a new sentence must be served consecutively, the court shall revoke probation or administrative release pursuant to section 1812, subsections 5 and 6 or terminate supervised release pursuant to section 1881, subsection 6. The court may order that the sentence that had been suspended be served at the same institution as that which is specified by the new sentence.

**5. Mandatory resentencing following discovery of previously imposed sentence.** If it is discovered subsequent to the imposition of a sentence of imprisonment that the sentencing court was unaware of a previously imposed sentence of imprisonment that is not fully discharged, the court shall resentence the individual and shall specify whether the sentences are to be served concurrently or consecutively.

**6. Special requirements for individual previously sentenced in another jurisdiction.** If an individual who has been previously sentenced in another jurisdiction has not commenced or completed that sentence, the court may, with consideration of the factors stated in subsection 1, sentence the individual to a term of imprisonment that must be treated as a concurrent sentence from the date of sentencing although the individual is incarcerated in an institution of the other jurisdiction. A concurrent sentence pursuant to this subsection may not be imposed unless the individual being sentenced consents or unless the individual being sentenced executes, at the time of sentencing, a

written waiver of extradition for that individual's return to this State, upon completion of the sentence of the other jurisdiction, if any portion of this State's sentence remains unserved. In the absence of an order pursuant to this subsection requiring concurrent sentences, any sentence of imprisonment in this State commences as provided in section 2303, subsections 1 and 2 and runs consecutively to the sentence of the other jurisdiction.

**7. Sentencing subsequent to probation, administrative release or supervised release.** A court may not impose a sentence of imprisonment, not wholly suspended, to be served consecutively to any split sentence, or to any sentence including supervised release under chapter 67, subchapter 3, previously imposed or imposed on the same date, if the net result, even with the options made available by subsections 4 and 8, section 1804, subsection 12, section 1852, subsection 5 and section 1881, subsection 6, would be to have the individual released from physical confinement to be on probation, administrative release or supervised release for the first sentence and thereafter be required to serve an unsuspended term of imprisonment on the 2nd sentence.

**8. Rearrangement of order of sentences.** A court imposing a sentence of imprisonment to be served consecutively to any other previously imposed sentence that the individual has not yet commenced, in order to comply with subsection 7, may rearrange the order in which the sentences are to be served.

**§1609. Nonconcurrent sentence for crime attempted or committed while in execution of term of imprisonment**

Notwithstanding section 1608, when an individual subject to an undischarged term of imprisonment is convicted of a crime committed while in execution of any term of imprisonment or of an attempt to commit a crime while in execution of any term of imprisonment, the sentence is not concurrent with any undischarged term of imprisonment. The court may order that any undischarged term of imprisonment be tolled and service of the nonconcurrent sentence commence immediately and the court shall so order if any undischarged term of imprisonment is a split sentence. No portion of the nonconcurrent sentence may be suspended. Any sentence that the convicted individual receives as a result of the conviction of a crime or attempt to commit a crime while in execution of a term of imprisonment must be nonconcurrent with all other sentences.

This section applies to prisoners on supervised community confinement pursuant to Title 34-A, section 3036-A.

**§1610. Place of imprisonment**

**1. Class D or Class E crimes.** The court shall specify a county jail as the place of imprisonment for

an individual convicted of a Class D or Class E crime, except that, if a sentence to a term of imprisonment in a county jail is consecutive to or is to be followed by a sentence to a term of imprisonment in the custody of the Department of Corrections, the court imposing either sentence may order that both be served in the custody of the Department of Corrections. If a court imposes consecutive terms of imprisonment for Class D or Class E crimes and the aggregate length of the terms imposed is one year or more, the court may order that they be served in the custody of the Department of Corrections.

**2. Class A, Class B or Class C crimes.** For an individual convicted of a Class A, Class B or Class C crime the court shall:

A. Specify a county jail as the place of imprisonment if the term of imprisonment is 9 months or less; or

B. Commit the individual to the Department of Corrections if the term of imprisonment is more than 9 months.

**3. Intermittent service of county jail sentence.** At the request of or with the consent of a convicted individual, the court may order a sentence of imprisonment under this chapter in a county jail, a sentence of probation involving imprisonment in a county jail under chapter 67, subchapter 1 or a sentence of administrative release involving imprisonment in a county jail under chapter 67, subchapter 2 to be served intermittently.

**§1611. Commitments to Department of Corrections of bound-over juveniles who have not attained 18 years of age at the time of sentencing**

A juvenile who has been bound over, pursuant to Title 15, section 3101, subsection 4, who is subsequently, as to the juvenile crime's adult counterpart, convicted and sentenced to a sentencing alternative involving imprisonment and who has not attained 18 years of age at the time of sentence imposition must be committed to a Department of Corrections juvenile correctional facility for an indeterminate period not to extend beyond the juvenile's 18th birthday to serve the term of imprisonment or any unsuspended portion until discharge from the juvenile correctional facility, and once discharged the juvenile must be transferred to a correctional facility in which adult individuals are confined to serve out the remainder of the imprisonment term or unsuspended portion, if any.

**§1612. Tolling of sentence of noncompliant witness**

In the event a witness in a grand jury or criminal proceeding has been ordered confined by a court in the State as a remedial coercive sanction for refusing to comply with an order of the court to testify or provide evidence, and that witness is already in execution of an

undischarged term of imprisonment on a sentence in the State, that court may order that the undischarged term of imprisonment be tolled for the duration of the coercive imprisonment.

**CHAPTER 65**  
**FINES, FEES, ASSESSMENTS AND**  
**SURCHARGES**  
**SUBCHAPTER 1**  
**FINES**

**§1701. Definite fine amount required**

In imposing a sentencing alternative pursuant to section 1502 that includes a fine, the court shall set a specific amount of money.

**§1702. Criteria for imposing sentencing alternative that includes fine**

**1. Consideration of financial capacity to pay and financial burden.** In determining the amount of a fine, unless the fine amount is mandatory, and in determining the method of payment of a fine, the court shall take into account the present and future financial capacity of the convicted person to pay the fine and the nature of the financial burden that payment of the fine will impose on the person or a dependent, if any, of the person.

**2. Burden of proving financial hardship or incapacity to pay.** A convicted person who asserts a present or future incapacity to pay a fine or asserts that the fine will cause an excessive financial hardship on the person or on a dependent of the person has the burden of proving the incapacity or excessive hardship by a preponderance of the evidence. On appeal of a sentencing alternative involving a fine, the person has the burden of demonstrating that the incapacity or excessive financial hardship was proven as a matter of law.

**§1703. Use of fine relative to individuals**

Except when specifically precluded, in choosing the appropriate punishment for an individual convicted of a crime, the court shall consider the desirability of imposing a sentencing alternative involving a fine either in conjunction with or in lieu of a sentencing alternative involving imprisonment. A sentencing alternative involving imprisonment may not be imposed by a court solely for the reason that the individual does not have the present or future financial capacity to pay a fine.

**§1704. Maximum fine amounts authorized for convicted individuals**

An individual who has been convicted of a Class A, Class B, Class C, Class D or Class E crime may be sentenced to pay a fine. Except as provided in section 1706 and unless a different maximum fine is specified

by statute, the maximum fine that may be imposed by a court on a convicted individual is as follows:

**1. Class A crime.** In the case of a Class A crime, \$50,000;

**2. Class B crime.** In the case of a Class B crime, \$20,000;

**3. Class C crime.** In the case of a Class C crime, \$5,000;

**4. Class D crime.** In the case of a Class D crime, \$2,000; and

**5. Class E crime.** In the case of a Class E crime, \$1,000.

**§1705. Maximum fine amounts authorized for convicted organizations**

An organization that has been convicted of murder or a Class A, Class B, Class C, Class D or Class E crime may be sentenced to pay a fine. Except as provided in section 1706 and unless a different maximum fine is specified by statute, the maximum fine that may be imposed by a court on a convicted organization is as follows:

**1. Crime of murder.** In the case of the crime of murder, any amount;

**2. Class A crime.** In the case of a Class A crime, \$100,000;

**3. Class B crime.** In the case of a Class B crime, \$40,000;

**4. Class C crime.** In the case of a Class C crime, \$20,000; and

**5. Class D crime or Class E crime.** In the case of a Class D crime or a Class E crime, \$10,000.

**§1706. Exceptions to maximum fine amounts**

Notwithstanding the maximum fine amounts specified in sections 1704 and 1705, a court may impose fines as provided in this section.

**1. Pecuniary gain.** Regardless of the classification of the crime, the court may impose a fine on a convicted person that is in an amount greater than the maximum fine amounts specified in section 1704 for an individual and section 1705 for an organization as long as the fine does not exceed twice the pecuniary gain derived from the crime by the convicted person. The State must plead and prove the amount of money or the value of the property obtained by the person at the time of the commission of the crime. At sentencing, if the court is considering imposing a fine based upon pecuniary gain, it shall hold a hearing in order to determine the pecuniary gain. At the hearing the court shall determine whether any money or property was returned to the victim of the crime or was seized by or surrendered to a lawful authority prior to the time of sentencing, and shall determine the value of any such

property. If the court finds that money or property was returned, seized or surrendered, the court shall reduce the pecuniary gain pleaded and proved by the State by the amount of money or the value of property returned, seized or surrendered in order to arrive at the net amount of pecuniary gain upon which a fine may be based pursuant to this subsection. If the court determines that no money or property was returned, seized or surrendered, the court shall base the fine on the amount pleaded and proved by the State.

As used in this subsection, "pecuniary gain" means the amount of money or the value of property at the time of the commission of the crime derived by the person from the commission of the crime.

**2. Fine based on quantity of item illegally possessed by convicted person.** Whenever a statute makes the possession of a particular item, whether animate or inanimate, a criminal offense and provides that the amount of the fine depends upon the quantity of the item possessed by the person, if the State pleads and proves the quantity of the item possessed by the person, the fine is as provided for in the statute and is not subject to the maximum limits placed on fines by sections 1704 and 1705.

**3. Fine based on value of scheduled drug at time of offense.** Whenever a statute authorizes that the amount of the fine for a specific drug offense be based on the value of the scheduled drug at the time of the offense upon which the conviction is based, if the State pleads and proves the value of the scheduled drug at the time of the offense, the fine may be as provided for in the statute and is not subject to the maximum limits placed on fines by sections 1704 and 1705.

**§1707. Multiple fines imposed on convicted person**

When multiple fines are imposed on a convicted person at the same time or when a fine is imposed on a convicted person already subject to an unpaid or partly unpaid fine, the fines must be cumulative, unless the court specifies that only the highest single fine must be paid in the case of offenses based on the same conduct or arising out of the same criminal episode or for other good cause stated on the record or in the sentences.

**§1708. Time and method of payment of fines imposed on convicted person**

**1. Timing of fine payment.** If a convicted person is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments. If such permission is not included in the sentence, the fine must be paid immediately to the clerk of the court.

**2. Payment as condition of probation or administrative release.** If a convicted person sentenced to pay a fine is also placed on probation or administrative release, the court may make the payment of the fine a condition of probation or administrative release.

In the case of probation, the court may order that the fine be paid to the convicted person's probation officer.

**§1709. Post-conviction relief invalidating conviction; potential return of fine payments**

If, in any judicial proceeding following conviction, a court issues a final judgment invalidating the conviction, the judgment may include an order that a fine payment or any part of a fine payment that the convicted person paid pursuant to the sentence for that conviction be returned to that person.

**§1710. Modification of payment of fine**

If a convicted person who has been sentenced to pay a fine is in danger of default, that person shall move the court for a modification of time or method of payment to avoid a default. The court may modify its prior order to allow additional time for payment or to reduce the amount of each installment.

**§1711. Default**

**1. Return to court upon default.** A convicted person who has been sentenced to pay a fine and who fails to pay part or all of that fine is in default and must be returned to court to explain the failure to pay the fine.

**2. Court authorized to conduct default hearing.** A convicted person who has defaulted on the payment of a fine and is required to be returned to a court pursuant to a warrant may be returned to the court that issued the warrant or to the court having jurisdiction over the area where the warrant was executed. Either court is authorized to conduct the default hearing pursuant to subsection 4.

For purposes of this subsection, "convicted person" includes an individual or individuals authorized to make disbursements from the assets of a convicted organization.

**3. Reporting of default; motion to revoke probation, revoke administrative release or enforce payment.** A probation officer having knowledge of a default in payment of a fine by a convicted person shall report the default to the office of the attorney for the State. An attorney for the State having knowledge of a default in payment of a fine by a convicted person shall report the default to the court. If the fine was a condition of probation, the attorney for the State may file a motion to enforce payment of the fine or, with the written consent of the probation officer, a motion to revoke probation under section 1811. If the fine was a requirement of administrative release, the attorney for the State may file a motion to enforce payment of the fine or a motion to revoke administrative release under section 1855. If the fine was not a condition of probation or a requirement of administrative release,

the attorney for the State may file a motion to enforce payment of the fine.

**4. Procedure for motion to enforce payment.**

Either the attorney for the State or the court may initiate a motion to enforce payment of a fine. Notification for the hearing on the motion must be sent by regular mail to the convicted person's last known address. If the person does not appear for the hearing after proper notification has been sent, the court may issue a bench warrant. A court need not bring a motion to enforce payment of a fine nor notify the person by regular mail of the date of the hearing if at the time of sentence imposition the court's order to pay the fine and accompanying warnings to the person comply with Title 14, section 3141, subsection 3 or 4; in this case, if the person fails to appear as directed by the court's fine order, the court may issue a bench warrant.

A. Unless the person shows by a preponderance of the evidence that the default was not attributable to an intentional or knowing refusal to obey the court's order or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment, the court shall find that the default was unexcused and may:

(1) Commit the person to the custody of the sheriff until all or a specified part of the fine is paid. The length of confinement in a county jail for unexcused default must be specified in the court's order and may not exceed 6 months. A person committed for nonpayment of a fine is given credit toward the payment of the fine for each day of confinement that the person is in custody at the rate specified in the court's order, which may not be less than \$25 or more than \$100 of unpaid fine for each day of confinement. The person is also given credit for each day that the person is detained as the result of an arrest warrant issued pursuant to this section. A person is responsible for paying any fine remaining after receiving credit for confinement and detention. A default on the remaining fine is also governed by this section; or

(2) If the unexcused default relates to a fine imposed for a Class C, Class D or Class E crime, as authorized by this subchapter, order the person to perform a specified number of hours of community service work for the benefit of the State, a county, a municipality, a school administrative district or other public entity, a charitable institution or other entity approved by the court until all or a specified part of the fine is paid. The number of hours of community service work must be specified in the court's order and the person must receive a credit against the unpaid fine at a rate equal to the current hourly minimum wage.

A person ordered to perform community service work pursuant to this subparagraph is given credit toward the payment of the fine for each 8-hour day of community service work performed. The person is also given credit toward the payment of the fine for each day that the person is detained as a result of an arrest warrant issued pursuant to this section at a rate specified in the court's order that is up to \$100 of unpaid fine per day of confinement. A person who fails to complete the work in the manner ordered by the court must be returned to the court to explain the failure. A person is responsible for paying any fine remaining after receiving credit for any detention and for community service work performed. A default on the remaining fine is also governed by this section.

The Department of Corrections is not responsible for supervision of community service work performed pursuant to this subparagraph.

B. If it appears that the default is excusable, the court may give the person additional time for payment, may reduce the amount of each installment or may permit the person to perform community service work at the rate authorized by paragraph A, subparagraph (2), supervised by the sheriff of the county in which the court that assessed the fine is located or by a community confinement monitoring agency with which that sheriff has contracted under Title 30-A, section 1659-A.

C. If the court commits a person to the custody of the sheriff for nonpayment of a fine pursuant to paragraph A, subparagraph (1), the court may authorize, at the time of its order only, participation of the person in a project under Title 30-A, section 1606 with the agreement of the sheriff of the county jail where the person is committed. The person must be given credit according to Title 30-A, section 1606, subsection 2.

D. The confinement ordered under paragraph A, subparagraph (1) must be nonconcurrent with any judgment of conviction involving a term of imprisonment.

**5. Levy of execution or other civil measures authorized; consequence of levy of execution.** Upon any default, the court may order execution to be levied and may order other measures authorized for the collection of unpaid civil judgments to be taken to collect the unpaid fine. A levy of execution does not discharge a convicted person confined to a county jail or performing community service work under subsection 4 for unexcused default until the full amount of the fine has been collected or credited.

**6. Payment of fine imposed on organization; consequence of failure.** When a fine is imposed on an organization, the individual or individuals authorized to make disbursements from the assets of the organization shall pay the fine from the organization's assets. Failure to do so may subject the individual or individuals to court action pursuant to this section.

**§1712. Deposit of certain fines in Maine Military Family Relief Fund**

Notwithstanding any provision of law to the contrary, if a person is convicted under section 354, subsection 2, paragraph A of theft by deception due to that person's intentional creation or reinforcement of a false impression that the person is a veteran or a member of the Armed Forces of the United States or a state military force, any fine imposed on that person by the court must be deposited in the Maine Military Family Relief Fund established in Title 37-B, section 158.

**SUBCHAPTER 2**

**FEES, ASSESSMENTS AND SURCHARGES**

**§1751. County jail reimbursement fee**

**1. Assessment of reimbursement fee.** When an individual is sentenced to incarceration in a county jail, the sentencing court shall consider and may assess as part of the sentence a jail reimbursement fee, referred to in this section as "the reimbursement fee," to help defray the expenses of the individual's room and board.

**2. Evidence.** The court, in determining whether a reimbursement fee as set out in subsection 1 is to be assessed and in establishing the amount of that fee, shall consider evidence relevant to the individual's ability to pay that fee, including, but not limited to, the factors set forth in section 2005, subsection 2, paragraph D, subparagraphs (1) to (5). The court may not consider as evidence the following:

A. Joint ownership, if any, that the individual may have in real property;

B. Joint ownership, if any, that the individual may have in any assets, earnings or other sources of income; and

C. The income, assets, earnings or other property, both real and personal, owned by the individual's spouse or family.

**3. Amount of reimbursement fee; collection.** After considering all relevant evidence on the issue of the individual's ability to pay under subsection 2, the court may enter, as part of its sentence, a reimbursement fee that must be paid by the individual for incarceration in the county jail. The reimbursement fee may not exceed the cost of incarcerating the individual or \$80 per day, whichever is less, and must bear a reasonable relationship to the individual's ability to pay. Upon petition by the individual, the amount may be

modified to reflect any changes in the financial status of the individual.

Any reimbursement fee assessed must be collected by the county treasurer of the county in which the individual is incarcerated, paid into the treasury of that county and credited to the county responsible for paying for the incarceration of the individual.

**4. Timing of fee payment.** If an individual is sentenced to pay a reimbursement fee, the court may allow the individual to pay the reimbursement fee within a specified time or in specified installments. If such permission is not contained in the sentence, the reimbursement fee is payable immediately.

**5. Default.** An individual who has been sentenced to pay a reimbursement fee and who fails to pay part or all of that fee is in default and must be returned to court to explain the failure to pay that fee.

A probation officer who knows of a default in payment of a reimbursement fee by an individual shall report the default to the office of the attorney for the State or the attorney for the county. If the reimbursement fee was a condition of probation, the attorney for the State or the attorney for the county may file a motion to enforce payment of the reimbursement fee or, with the written consent of the probation officer, the attorney for the State may file a motion to revoke probation under section 1811. If the reimbursement fee was a requirement of administrative release, the attorney for the State or the attorney for the county may file a motion to enforce payment of the reimbursement fee or the attorney for the State may file a motion to revoke administrative release under section 1855. If the reimbursement fee was not a condition of probation or a requirement of administrative release, the attorney for the State or the attorney for the county may file a motion to enforce payment of the reimbursement fee.

**6. Motion to enforce payment of reimbursement fee.** The attorney for the State, the attorney for the county or the court may initiate a motion to enforce payment of a reimbursement fee. Notification for the hearing on the motion must be sent by regular mail to the individual's last known address. If the individual does not appear for the hearing after proper notification has been sent, the court may issue a bench warrant.

A. Unless the individual shows by a preponderance of the evidence that the default was not attributable to an intentional or knowing refusal to obey the court's order or to a failure on the individual's part to make a good faith effort to obtain the funds required to make payment, the court shall find that the default was unexcused and may commit the individual to the custody of the sheriff until all or a specified part of the reimbursement fee is paid. The length of confinement in a county

jail for unexcused default must be specified in the court's order and may not exceed 6 months. An individual committed for nonpayment of a reimbursement fee is given credit toward the payment of a reimbursement fee for each day of confinement that the individual is in custody, at the rate specified in the court's order, which may not be less than \$25 or more than \$100 of unpaid reimbursement fee for each day of confinement. The individual is also given credit for each day that the individual has been detained as the result of an arrest warrant issued pursuant to this section. An individual is responsible for paying any reimbursement fee remaining after receiving credit for confinement and detention.

B. If it appears that the default is excusable, the court may give the individual additional time for payment or may reduce the amount of each installment.

C. The confinement ordered under this subsection must be nonconcurrent with any judgment of conviction involving a term of imprisonment.

#### **§1752. Supervision fee as condition of probation**

If a court imposes a sentencing alternative authorized under section 1502 that includes a period of probation, it must attach as a condition of probation that the convicted individual pay, through the Department of Corrections, a supervision fee imposed pursuant to section 1807, subsection 6 for the term of probation.

#### **§1753. Electronic monitoring fee and substance testing fee as conditions of probation**

If a court imposes a sentencing alternative authorized under section 1502 that includes a period of probation, upon the request of the Department of Corrections, the court shall attach as a condition of probation an electronic monitoring fee, a substance testing fee or both, as governed by section 1807, subsection 7.

#### **§1754. Fee for applying to Department of Corrections to temporarily or periodically leave jurisdiction**

If a court requires as a condition of probation that the convicted individual remain within the jurisdiction of the court, unless permission to leave temporarily is granted in writing by the convicted individual's probation officer, the Department of Corrections may impose on the individual applying for permission to leave either temporarily or periodically an application fee, as governed by section 1807, subsection 8.

#### **§1755. Administrative supervision fee as nonmandatory requirement of administrative release**

If a court imposes a suspended sentence with administrative release pursuant to section 1853 and attaches requirements for the term of the administrative

release, the court-imposed requirements of administrative release may include an administrative supervision fee, as governed by section 1854, subsection 2, paragraph A.

**§1756. Administrative supervision fee as nonmandatory requirement of deferred disposition**

If an individual consents to a deferred disposition pursuant to section 1901 and a court orders sentencing to be deferred and imposes requirements to be in effect during the period of deferment, the court-imposed deferment requirements may include an administrative supervision fee, as governed by sections 1902 and 1903.

**§1757. Surcharges and assessments outside the code**

In addition to the fees authorized by this subchapter, the court shall impose, as applicable, the following surcharges and assessments.

**1. Surcharge and assessment applicable to all criminal cases.** The court shall impose on all persons convicted of a crime:

A. The surcharges for the Government Operations Surcharge Fund and the General Fund authorized under Title 4, section 1057, subsection 2-A;

B. The assessment for the Victims' Compensation Fund authorized under Title 5, section 3360-I; and

C. The surcharge for the County Jail Operations Fund authorized under Title 34-A, section 1210-D, subsection 5.

**2. Surcharge applicable to violation of animal welfare laws or operating under the influence laws.** The court shall impose:

A. The surcharge authorized under Title 17, section 1015 for a violation of Title 17, chapter 42; and

B. The surcharge authorized under Title 29-A, section 2411, subsection 7 for a violation of Title 29-A, section 2411.

**§1758. Authority to impose fees, surcharges and assessments by Supreme Judicial Court**

Nothing in this chapter limits the authority of the Supreme Judicial Court to impose fees, surcharges or assessments by administrative order or rule.

**CHAPTER 67**  
**CONDITIONAL RELEASE**  
**SUBCHAPTER 1**  
**PROBATION**

**§1801. Definitions**

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

**1. Dating partner.** "Dating partner" has the same meaning as in Title 19-A, section 4002, subsection 3-A.

**2. Family or household member.** "Family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4.

**3. Victim.** "Victim" means:

A. A person who is the victim of a crime;

B. The immediate family of a victim of a crime if:

(1) The underlying crime is one of domestic violence or sexual assault or one in which the family suffered serious physical trauma or serious financial loss; or

(2) Due to death, age, physical or mental disease, disorder or defect, the victim is unable to participate as allowed by law; or

C. A person who has obtained under Title 19-A, section 4007 an active protection order or approved consent agreement against the defendant.

**§1802. Eligibility for sentencing alternative that includes period of probation**

**1. General eligibility.** A person who has been convicted of a crime may be sentenced to a sentencing alternative under section 1502 that includes a period of probation, unless:

A. The conviction is for murder;

B. The conviction is for a Class D or Class E crime other than:

(1) A Class D or Class E crime relative to which, based upon both the written agreement of the parties and a court finding, the facts and circumstances of the underlying criminal episode giving rise to the conviction generated probable cause to believe the person had committed a Class A, Class B or Class C crime in the course of that criminal episode and, as agreed upon in writing by the parties and found by the court, the person does not have a prior conviction for murder or for a Class A, Class B or Class C crime and has

not been placed on probation pursuant to this subparagraph on any prior occasion;

(2) A Class D crime that the State pleads and proves was committed against a family or household member or a dating partner under chapter 9 or 13 or section 554, 555 or 758;

(3) A Class D crime under Title 5, section 4659, subsection 1; Title 15, section 321, subsection 6; or Title 19-A, section 4011, subsection 1;

(4) A Class D or Class E crime in chapter 11 or 12;

(5) A Class D crime under section 210-A;

(6) A Class E crime under section 552;

(7) A Class D or Class E crime under section 556, section 853, section 854, excluding subsection 1, paragraph A, subparagraph (1), or section 855;

(8) A Class D crime in chapter 45 relating to a schedule W drug;

(9) A Class D or Class E crime under Title 29-A, section 2411, subsection 1-A, paragraph B;

(10) A Class D crime under Title 17, section 1031; or

(11) A Class E crime under Title 15, section 1092, subsection 1, paragraph A, if the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) and the underlying crime involved domestic violence;

C. The court sentences the person to a sentencing alternative under section 1502 that includes a period of administrative release;

D. The court sentences the individual to a term of imprisonment followed by a period of supervised release as authorized by subchapter 3;

E. The statute that the person is convicted of violating expressly provides that the fine or imprisonment penalties it authorizes may not be suspended, in which case the person must be sentenced to the imprisonment and required to pay the fine authorized in that statute; or

F. The court finds that such a sentence would diminish the gravity of the crime for which that person was convicted.

**2. Eligibility for persons needing supervision or assistance.** A person who is eligible for sentence under this subchapter, as provided in subsection 1, may be sentenced to a sentencing alternative that includes a period of probation if the person is in need of

the supervision, guidance, assistance or direction that probation can provide.

### **§1803. Definite period of probation required**

In imposing a sentencing alternative under section 1502 that includes a period of probation, the court shall set a definite period of probation.

### **§1804. Period of probation; modification; termination and discharge**

**1. Limit on length of probation.** Except as provided in subsections 2, 3, 4, 5 and 6, the period of probation for a person may not exceed:

A. For a Class A crime, 4 years;

B. For a Class B crime, 3 years;

C. For a Class C crime, 2 years; and

D. For a Class D or Class E crime, one year.

**2. Exception to limits when victim is less than 12 years of age.** If the State pleads and proves that at the time of the crime the victim had not attained 12 years of age or, in the case of a crime under sections 283 and 284, the victim had not attained 12 years of age at the time the sexually explicit conduct occurred, the period of probation for a person convicted under chapter 11 or 12 may not exceed:

A. For a Class A crime, 18 years;

B. For a Class B crime, 12 years; and

C. For a Class C crime, 6 years.

**3. Exception to limits when victim is family or household member.** If the State pleads and proves that the person was convicted of committing against a family or household member a crime under chapter 9 or 13 or section 554 or if the person was convicted under chapter 11 or 12 or section 556, the period of probation may not exceed:

A. For a Class A crime, 6 years; and

B. For a Class B or Class C crime, 4 years.

**4. Exception to limits when person sentenced as repeat sexual assault offender.** The period of probation for a person sentenced as a repeat sexual assault offender pursuant to section 253-A, subsection 1 is any term of years.

**5. Exception to limits when person sentenced for nonsupport of dependents.** The period of probation for a person sentenced for the crime of nonsupport of dependents under section 552 is as provided under section 552, subsection 4.

**6. Exception to limits when person ordered to complete batterers' intervention program and pay restitution.** If the State pleads and proves that the enumerated Class D or Class E crime was committed by the person against a family or household member

and the court orders the person to complete a certified batterers' intervention program as defined in Title 19-A, section 4014, the person may be placed on probation for a period not to exceed 2 years, except that, on motion by the person's probation officer, the person or the court, the term of probation must be terminated by the court when the court determines that the person has:

- A. Served at least one year of probation;
- B. Completed the certified batterers' intervention program;
- C. Paid in full any victim restitution ordered; and
- D. From the time the period of probation commenced until the motion for termination is heard, met all other conditions of probation.

As used in this subsection, "enumerated Class D or Class E crime" means any Class D crime in chapter 9, any Class D or Class E crime in chapter 11, the Class D crimes described in sections 302 and 506-B and the Class D crimes described in sections 554, 555 and 758.

**7. Modification of probation requirements authorized.** During the period of probation specified in the sentence made pursuant to this section, and upon application of the person on probation or the person's probation officer, or upon the court's own motion, the court may, after a hearing upon notice to the probation officer and the person on probation, modify the requirements imposed by the court or a community reparations board, add further requirements authorized by section 1807 or relieve the person on probation of any requirement imposed by the court or a community reparations board that, in the court's opinion, imposes on the person an unreasonable burden. If the person on probation cannot meet a requirement imposed by the court or a community reparations board, the person shall bring a motion under this subsection.

**8. Ex parte motion for modification by probation officer in advance of hearing.** Notwithstanding subsection 7, the court may grant, ex parte, a motion brought by the probation officer of the person on probation to add further requirements if the court determines that all reasonable efforts have been made to give written or oral notice to the person on probation and the requirements are immediately necessary to protect the safety of an individual or the public. Any requirements added pursuant to an ex parte motion do not take effect until written notice of the requirements, along with written notice of the scheduled date, time and place when the court will hold a hearing on the added requirements, is given to the person on probation.

**9. Conversion of probation to administrative release.** Once the period of probation has commenced, on motion of the person on probation or the

person's probation officer, or on the court's own motion, the court may at any time convert a period of probation for a Class D or Class E crime or a Class C crime under Title 29-A, section 2557-A to a period of administrative release. A conversion to administrative release may not be ordered unless notice of the motion is given to the probation officer and the attorney for the State. The provisions of subchapter 2 apply when probation is converted to administrative release. Conversion to administrative release in accordance with this subsection relieves the person on probation of any obligations imposed by the probation conditions.

**10. Early termination of probation and discharge authorized.** Once the period of probation has commenced, on motion of the person on probation or the person's probation officer, or on the court's own motion, the court may at any time terminate a period of probation and discharge the person at any time earlier than that provided in the sentence made pursuant to this section, if warranted by the conduct of the person. A termination and discharge may not be ordered unless notice of the motion is given to the probation officer and the attorney for the State. Termination and discharge in accordance with this subsection relieves the person on probation of any obligations imposed by the sentence of probation.

**11. Justice or judge authorized to hear motions regarding probation.** A motion and hearing pursuant to subsection 7, 8, 9 or 10 need not be before the justice or judge who originally imposed probation. Any justice or judge may initiate and hear a motion, and any justice or judge may hear a motion brought by the person on probation or the person's probation officer.

**12. Termination of probation to prevent delay of consecutive term of imprisonment.** Any court, in order to comply with section 1608, subsection 7, shall terminate a period of probation that would delay commencement of a consecutive unsuspended term of imprisonment.

**§1805. Partially suspended term of imprisonment with probation or split sentence**

**1. Determination of date probation begins; revocation; place of imprisonment.** Unless prohibited pursuant to section 1802, subsection 1, paragraphs A to F, the court may impose a split sentence by sentencing an individual to a term of imprisonment not to exceed the maximum term authorized for the crime, an initial portion of which is to be served and the remainder of which is to be suspended, and accompany the suspension with a period of probation not to exceed the maximum period authorized for the crime. The period of probation commences on the date the individual is released from the unsuspended portion of the term of imprisonment, unless the court orders it to commence on an earlier date.

A. If the period of probation commences upon release of the individual from an unsuspended portion of the term of imprisonment, the court may revoke probation for any criminal conduct committed during that unsuspended portion of the term of imprisonment.

B. If execution of the sentence is stayed, the court may revoke probation for criminal conduct committed during the period of stay or for failure to report as ordered.

C. The court may revoke probation if, during any unsuspended portion of the term of imprisonment, an individual sentenced as a repeat sexual assault offender, pursuant to section 1804, subsection 4, refuses to actively participate in a sex offender treatment program in accordance with the expectations and judgment of the treatment providers, when requested to do so by the Department of Corrections.

D. The court may revoke probation if, during an unsuspended portion of the term of imprisonment:

(1) The individual has contact with a victim with whom the individual has been ordered not to have contact as a condition of probation;

(2) In the case of an individual who has been committed to the Department of Corrections, the individual has contact with any victim with whom the individual has been prohibited to have contact by the Department of Corrections; or

(3) In the case of an individual who has been committed to a county or regional jail, the individual has contact with any victim with whom the individual has been prohibited to have contact by the county or regional jail.

E. As to both the suspended and unsuspended portions of the sentence, the place of imprisonment must be as follows.

(1) For a Class D or Class E crime, the court must specify a county jail as the place of imprisonment.

(2) For a Class A, Class B or Class C crime, the court must:

(a) Specify a county jail as the place of imprisonment for any portion of the sentence that is 9 months or less; and

(b) Commit the individual to the Department of Corrections for any portion of the sentence that is more than 9 months.

**2. Applicability to prosecution of crime committed prior to September 23, 1983.** In any prosecution

for a crime committed prior to September 23, 1983, the court may, with the consent of the defendant, impose a sentence under subsection 1.

### **§1806. Wholly suspended term of imprisonment with probation**

Unless prohibited pursuant to section 1802, subsection 1, paragraphs A to F, the court may sentence an individual to a term of imprisonment not to exceed the maximum term authorized for the crime, suspend the entire term of imprisonment and accompany the suspension with a period of probation not to exceed the maximum period authorized for the crime, to commence on the date the individual goes into actual execution of the sentence.

### **§1807. Conditions of probation**

**1. Purpose of conditions.** If the court imposes a sentencing alternative under section 1502 that includes a period of probation, it shall attach conditions of probation, as authorized by this section, as it considers to be reasonable and appropriate to assist the person to lead a law-abiding life, including, without exception, a condition of probation that the person refrain from criminal conduct.

**2. Specific conditions of probation authorized.** As a condition of probation, the court in its sentence may require the person to:

A. Support the person's dependents and to meet the person's family responsibilities;

B. Make restitution pursuant to chapter 69 to each victim of the person's crime, or to the county where the offense is prosecuted if the identity of the victim cannot be ascertained or if the victim voluntarily refuses the restitution. If the court orders as a condition of probation that the person forfeit and pay a specific amount of restitution, that order, as a matter of law, also constitutes the imposition of restitution pursuant to chapter 69 as a sentencing alternative and an additional order regarding restitution is unnecessary;

C. Pursue and maintain approved employment or an approved occupation;

D. Undergo, as an outpatient, available medical or psychiatric treatment, or to enter and remain, as a voluntary patient, in a specified institution when required for that purpose. Failure to comply with this condition is considered only as a violation of probation and may not, in itself, authorize involuntary treatment or hospitalization. The court may not order and the State may not pay for the person to attend a batterers' intervention program unless the program is certified under Title 19-A, section 4014;

E. Pursue a prescribed secular course of study or vocational training;

F. Refrain from frequenting specified places or consorting with specified persons;

G. Refrain from possessing any firearm or other dangerous weapon;

H. Remain within the jurisdiction of the court, unless permission to leave temporarily is granted in writing by the person's probation officer, and to notify the probation officer of any change in the person's address or employment;

I. Refrain from drug use and use or excessive use of alcohol;

J. Report as directed to the court or the person's probation officer, to answer all reasonable inquiries by the probation officer and to permit the probation officer to visit at reasonable times at the person's home or elsewhere;

K. Pay any monetary penalty imposed by the court as part of the sentence;

L. Perform specified work for the benefit of the State, a county, a municipality, a school administrative district, other public entity or a charitable institution;

M. Participate in an electronic monitoring program, if available; or

N. Satisfy any conditions reasonably related to the rehabilitation of the person or the public safety or security.

**3. Opportunity to address court regarding probation conditions; written statement required.**

The person must be given an opportunity to address the court on the conditions that are proposed to be attached and, after sentence, must be given a written statement setting forth the particular conditions on which the person is released on probation.

**4. Findings or explanation required in certain cases when completion of batterers' intervention program is not ordered as a condition of probation.**

If an individual is convicted of a crime under chapter 9 or 13 or section 758 that the State pleads and proves was committed by the individual against a spouse, domestic partner or sexual partner; a former spouse, domestic partner or sexual partner; a victim with whom the individual is living or lived as a spouse; or a victim who is or was a dating partner of the individual and the court does not order as a condition of probation that the individual complete a batterers' intervention program certified pursuant to Title 19-A, section 4014, the court shall make findings on the record of the court's reasons for not ordering the individual to complete a batterers' intervention program. If a plea agreement submitted to the court in accordance with Rule 11A(b) of the Maine Rules of Unified Criminal Procedure does not contain a provision ordering the individual to complete a batterers' intervention pro-

gram, the attorney for the State shall indicate, in a writing submitted to the court, the basis for the plea agreement's not including completion of a batterers' intervention program as a condition of probation. For purposes of this subsection, "dating partner" means a victim currently or formerly involved in dating the individual, whether or not the individual and the victim are or were sexual partners. For purposes of this subsection, "domestic partner" means one of 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.

**5. Condition of probation that includes psychiatric treatment or mental health counseling; notice by court to Department of Health and Human Services.**

Before imposing any condition of psychiatric outpatient or inpatient treatment or mental health counseling, the court may request that a report be submitted by an agent of the Department of Health and Human Services who has been designated pursuant to Title 34-B, section 1220 for the purpose of assessing the appropriateness of psychiatric treatment or mental health counseling for the individual and the availability of this treatment or counseling. Whether or not a report is requested, the court shall notify the designated agent of the Department of Health and Human Services when any conditions of probation are imposed that include psychiatric outpatient or inpatient treatment or mental health counseling. This notification must include the name and last known address of the individual placed on probation, the name and address of the attorney of record for that individual and the conditions of probation.

**6. Supervision fee; determination of amount by court; failure to pay.**

The court shall attach as a condition of probation that the person pay, through the Department of Corrections, a supervision fee of between \$10 and \$50 per month, as determined by the court, for the term of probation. If the court does not set a supervision fee, the supervision fee is \$10 per month. Notwithstanding the attachment of supervision fee conditions on more than one sentence, a person on probation on concurrent sentences is required to pay only one supervision fee. In determining whether to set an amount higher than \$10 per month, the court shall take into account the financial resources of the person and the nature of the burden its payment imposes. A person may not be sentenced to imprisonment without probation solely for the reason the person is not able to pay the fee. When a person on probation fails to pay the supervision fee, the court may revoke probation as specified in section 1812, unless the person shows that failure to pay was not attributable to a willful refusal to pay or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment. The court, if it determines that revocation of probation is not warranted,

shall issue a judgment for the total amount of the fee and shall issue an order attaching a specified portion of money received by or owed to the person on probation until the total amount of the fee has been paid. If the person makes this showing, the court may allow additional time for payment within the remaining period of probation or reduce the size of the fee to no less than \$10 per month, but may not revoke the requirement to pay the fee unless the remaining period of probation is 30 days or less.

**7. Electronic monitoring and substance testing fees; determination of amount by court; failure to pay; use of fees.** Upon the request of the Department of Corrections, the court shall attach as a condition of probation that the person pay, through the department, an electronic monitoring fee, a substance testing fee or both, as determined by the court, for the term of probation. In determining the amount of the fees, the court shall take into account the financial resources of the person and the nature of the burden the payment imposes. A person may not be sentenced to imprisonment without probation solely for the reason the person is not able to pay the fees. When a person on probation fails to pay the fees, the court may revoke probation as specified in section 1812, unless the person shows that failure to pay was not attributable to a willful refusal to pay or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment. The court, if it determines that revocation of probation is not warranted, shall issue a judgment for the total amount of the fees and shall issue an order attaching a specified portion of money received by or owed to the person on probation until the total amount of the fees has been paid. If the person makes this showing, the court may allow additional time for payment within the remaining period of probation or reduce the size of the fees, but may not revoke the requirement to pay the fees unless the remaining period of probation is 30 days or less. Fees received from a person on probation must be deposited into the department's adult community corrections account, unless the department has required the person to pay fees directly to a provider of electronic monitoring, substance testing or other services. Funds from the adult community corrections account do not lapse and must be used to defray costs associated with the purchase and operation of electronic monitoring and substance testing programs.

**8. Condition of probation that includes staying within jurisdiction of court; application fee; use of fees.** Whenever the court requires as a condition of probation that the person remain within the jurisdiction of the court, unless permission to leave temporarily is granted in writing by the person's probation officer, the Department of Corrections may impose on a person applying for such permission an application fee of \$25. The department may impose on a person an additional fee of \$25 per month if permission is sought

and granted to leave the jurisdiction of the court on a periodic basis. Permission to leave may not be denied or withdrawn solely because the person is not able to pay the application fee or the additional fee. When a person fails to pay a fee imposed under this subsection, the department may refuse to process the application or may withdraw permission to leave if the failure to pay is attributable to the person's willful refusal to pay or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment. Fees received from a person pursuant to this subsection must be deposited into the department's adult community corrections account, which does not lapse, and must be used to defray costs associated with processing the applications, including, but not limited to, the cost of materials, equipment, training for probation officers and administration, and for the department's share of the costs of extraditing persons on probation who are fugitives from justice.

#### **§1808. Community reparations boards**

**1. Persons required to appear before board.** If the court imposes a sentencing alternative that includes a period of probation, the court shall require as a condition of probation that the person appear before a community reparations board, referred to in this section as "the board," and abide by any requirement imposed by the board if:

- A. The person has been sentenced to a suspended term of imprisonment with probation or a split sentence of imprisonment with probation the initial portion of which must be served in a county jail under section 1805;
- B. The person has not been convicted of a crime under chapter 11 or a crime of domestic violence;
- C. The Department of Corrections recommends that appearance before the board be required; and
- D. The court finds no circumstance that makes appearance inappropriate.

**2. Duties of person required to appear before board.** A person required to appear before a community reparations board shall:

- A. Cooperate with the preparation of the intake report to be submitted to the board;
- B. Appear before the board as directed by the person's probation officer; and
- C. Cooperate with the board.

**3. Powers of board.** The powers of a community reparations board are limited to requiring the person to:

- A. Pay restitution in accordance with chapter 69;
- B. Perform community service;

C. Complete a prescribed course of counseling or education;

D. Refrain from frequenting specified places or consorting with specified persons;

E. Comply with reparative sanctions other than restitution, including, but not limited to, writing an apology to the victim and fulfilling crime-impact education measures; and

F. Report to the board regarding compliance with the requirements of this subsection.

**4. Time limit on requirement imposed by board.** A requirement imposed by a community reparations board may not extend longer than 6 months, except the requirement to pay restitution.

**5. Violation.** A person who fails to abide by the requirements of this section commits a violation of probation.

**§1809. Commencement of probation revocation proceedings by arrest**

**1. Authority of probation officer.** If a probation officer has probable cause to believe that a person on probation has violated a condition of that person's probation, that officer may arrest the person or cause the person to be arrested for the alleged violation. If the probation officer cannot, with due diligence, locate the person, the officer shall file a written notice of this fact with the court that placed the person on probation. Upon the filing of that written notice, the court shall issue a warrant for the arrest of that person.

**2. Probable cause hearing; timing; evidence.** A person arrested pursuant to subsection 1, with or without a warrant, must be given a probable cause hearing as soon as reasonably possible, but not later than on the 5th day after arrest, excluding Saturdays, Sundays and holidays. A probable cause hearing is not given if, within the 5-day period, the person is released from custody or is afforded an opportunity for a court hearing on the alleged violation. A probable cause hearing is not required if the person is charged with or convicted of a new offense and is incarcerated as a result of the pending charge or conviction.

A. Whenever a person arrested pursuant to subsection 1 is entitled to a probable cause hearing pursuant to this subsection, unless the person waives the right to the hearing, that hearing must be held at the initial appearance and may be held in the court located as near to the place where the violation is alleged to have taken place as is reasonable under the circumstances. If it is alleged that the person violated probation because of the commission of a new offense, the probable cause hearing is limited to the issue of identification if probable cause on the new offense has already been found by the District Court or by the Superi-

or Court or the person has been indicted, has waived indictment or has been convicted.

B. Evidence presented to establish probable cause may include affidavits and other reliable hearsay evidence as permitted by the court.

C. If the court determines that there is not probable cause to believe that the person has violated a condition of probation, the court shall order the person's release.

**3. Failure to hold probable cause hearing within required time period.** If a probable cause hearing is not held as required by subsection 2 within the time period specified in subsection 2, it is grounds for the person's release on personal recognizance pending further proceedings.

**§1810. Commencement of probation revocation proceedings by summons**

**1. Authority of probation officer.** If a probation officer has probable cause to believe that a person on probation has violated a condition of probation, that officer may deliver to that person, or cause to be delivered to that person, a summons ordering that person to appear for a court hearing on the alleged violation.

**2. Contents of summons; probation officer to file motion for revocation.** The summons delivered pursuant to subsection 1 must include the signature of the probation officer; a brief statement of the alleged violation; the time and place of the alleged violation; and the time, place and date the person is to appear in court or a statement that the court will notify the person of the time, place and date to appear. As soon as practical after service of the summons, the probation officer shall file with the court a motion for revocation of probation that sets forth the facts underlying the alleged violation.

**3. Initial appearance.** A person appearing on a motion to revoke probation pursuant to a summons must be given an initial appearance as provided in section 1811, subsection 4.

**4. Failure to appear.** If the person fails to appear in court after having been served with a summons, the court may issue a warrant for the arrest of the person. After arrest, the person must be given a probable cause hearing as provided in section 1809, subsection 2 and an initial appearance as provided in section 1811, subsection 3.

**§1811. Initial proceedings on probation violation; filing of motion; initial appearance**

**1. Timing of motion for probation revocation.** A motion for probation revocation, which first must be approved by the prosecuting attorney, must be filed within 3 days, excluding Saturdays, Sundays and holidays, of the arrest of a person on probation pursuant to section 1809.

**2. Contents of motion.** The motion must set forth the facts underlying the alleged violation and, unless the person is to be given a probable cause hearing at the initial appearance as provided in section 1809, must be accompanied by a copy of the summons delivered to the person.

**3. Timing of initial appearance on motion receipt; copy of motion to person on probation.** Upon receipt of a motion for revocation of probation with respect to a person arrested pursuant to section 1809 or section 1810, subsection 4 who is not sooner released, the court shall provide the person with an initial appearance on the revocation of probation within 5 days after the arrest, excluding Saturdays, Sundays and holidays. A copy of the motion must be furnished to the person prior to or at the initial appearance.

**4. Procedure at initial appearance.** At the initial appearance, the court shall advise the person of the contents of the motion, the right to a hearing on the motion, the right to be represented by counsel at a hearing and the right to appointed counsel. If the person cannot afford counsel, the court shall appoint counsel for the person. The court shall ask the person to admit or deny the alleged violation. If the person refuses to admit or deny, a denial must be entered. In the case of a denial, the court shall set the motion for hearing and may commit the person, with or without bail, pending hearing. If the person is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance.

**5. Bail determination.** In deciding whether to set bail under this section and in setting the kind and amount of that bail, the court must be guided by the standards of post-conviction bail in Title 15, section 1051, subsection 2-A. Appeal is governed by Title 15, section 1051, subsections 5 and 6. Bail set under this section is also governed by the sureties and other forms of bail provisions in Title 15, chapter 105-A, subchapter 4 and the enforcement provisions in Title 15, chapter 105-A, subchapter 5, articles 1 and 3, including the appeal provisions in Title 15, section 1099-A, subsection 2.

**6. Effect of failure to meet time limits.** Failure to comply with the time limits set forth in this section is not grounds for dismissal of a motion for probation revocation but may be grounds for the release of the person on probation on personal recognizance pending further proceedings.

#### **§1812. Court hearing on probation revocation**

**1. Place of hearing.** The hearing on a motion to revoke probation must be held in the court that sentenced the person to probation in either the county or division in which the person resides or is incarcerated, unless the court orders otherwise in the interests of justice. A motion for revocation of probation need not

be heard by the justice or judge who originally imposed probation, but may be heard by any justice or judge.

**2. Hearing procedure.** If a hearing is held, the person on probation must be given the opportunity to confront and cross-examine witnesses against the person, to present evidence on that person's own behalf and to be represented by counsel. If the person cannot afford counsel, the court shall appoint counsel for the person. Assignment of counsel, to the extent not covered in this subsection, and withdrawal of counsel must be in accordance with the Maine Rules of Unified Criminal Procedure.

**3. Commission of new crime while on probation.** When the alleged violation constitutes a crime for which the person on probation has not been convicted, the court may revoke probation if it finds by a preponderance of the evidence that the person committed the crime. If the person is subsequently convicted of the crime, or any other crime or crimes arising out of the same conduct, sentencing is subject to the requirements of section 1608. If concurrent terms of imprisonment are imposed and the terms do not commence on the same date, any time served as a result of the probation revocation must be deducted from the time the person is required to serve as a result of the new conviction.

**4. Failure to comply with requirement of probation.** If the alleged violation does not constitute a crime and the court finds by a preponderance of the evidence that the person on probation has inexcusably failed to comply with a requirement imposed as a condition of probation, it may revoke probation.

**5. Conviction for new crime while on probation.** If a person on probation is convicted of a new crime during the period of probation, the court may sentence that person for the crime and revoke probation. If the person has been sentenced for the new crime and probation revocation proceedings are subsequently commenced, the court that conducts the revocation hearing may revoke probation. Sentencing for the multiple offenses is subject to section 1608. If concurrent terms of imprisonment are imposed and the terms do not commence on the same date, any time served as a result of the new conviction must be deducted from the time the person is required to serve as a result of the probation revocation.

**6. Authority of court finding violation of probation.** Upon a finding of a violation of probation, the court may vacate all, part or none of the suspension of execution as to imprisonment or fine specified when probation was granted, considering the nature of the violation and the reasons for granting probation. The remaining portion of the sentence for which suspension of execution is not vacated upon the revocation of probation remains suspended and is subject to revocation at a later date. During the service of that portion

of the sentence imposed for which the suspension of execution was vacated upon revocation, the running of the period of probation must be interrupted and resumes again upon release. If the court finds a violation of probation but vacates none of the suspended sentence, the running of the period of probation resumes upon entry of that final disposition. The court may nevertheless revoke probation and vacate the suspension of execution as to the remainder of the suspended sentence or a portion thereof for any criminal conduct committed during the service of that portion of the sentence for which the suspension of execution was vacated upon revocation.

**7. Tolling of period of probation; conditions of probation continue in effect.** The running of the period of probation is tolled upon either the delivery of the summons, the filing of the written notice with the court that the person cannot be located or the arrest of the person. If the motion is dismissed or withdrawn, or if the court finds no violation of probation, the running of the period of probation is deemed not to have been tolled. The conditions of probation continue in effect during the tolling of the running of the period of probation, and any violation of a condition subjects the person to a revocation of probation pursuant to the provisions of this subchapter.

**8. Disposition agreement by parties in return for admission of probation violation.** If the attorney for the State and the attorney for the person on probation or the person on probation reach agreement that, in return for an admission of a violation of probation, the attorney for the State will dismiss other charges or the attorney for the State will not oppose the requested disposition requested by the person or the attorney for the State will recommend a particular disposition or both sides will recommend a particular disposition, and the court at the time of disposition intends to enter a disposition less favorable to the person than that recommended, the court shall on the record:

- A. Inform the parties of this intention;
- B. Advise the person personally in open court that the court is not bound by the recommendation;
- C. Advise the person that if the person does not withdraw the admission, the disposition of the motion will be less favorable to the person than that recommended; and
- D. Give the person the opportunity to withdraw the admission.

The court shall, if possible, inform the person of the intended disposition.

**9. Deduction of time for detention pending revocation proceeding.** Whenever a person is detained in any correctional facility, mental health institute or county jail pending a probation revocation pro-

ceeding, and not in execution of any other sentence of confinement, that period of detention must be deducted from the time the person is required to serve under that portion of the sentence for which the suspension of execution was vacated as a result of the probation revocation. A person who is simultaneously detained for conduct for which the person receives a consecutive term of imprisonment is not entitled to receive a day-for-day deduction from the consecutive term of imprisonment for the period of simultaneous detention except for any period of detention that is longer than the prior term of imprisonment.

**10. Respecification of place of imprisonment following vacation of suspension of sentence.** Whenever a previously suspended sentence of imprisonment for a Class A, Class B or Class C crime is vacated, in whole or in part, as the result of a probation revocation, the court must respecify the place of imprisonment for both the portion required to be served and any remaining suspended portion, if necessary, to carry out the intent of section 1805, subsection 1, paragraph D.

**11. Effect of vacating suspension while person in execution of unsuspended portion of sentence.** If a probation revocation proceeding results in the court vacating a part of the suspension of execution as to imprisonment while the person is in execution of the initial unsuspended portion of the sentence, the portion of imprisonment to be served as a result of the vacating commences only after the initial unsuspended portion of imprisonment has been fully served. If separate probation revocation proceedings result in the vacating of 2 or more parts of the suspension of execution as to imprisonment on the same sentence, the portions to be served must be served successively.

### **§1813. Review**

**1. Discretionary appeal to Law Court.** Review of a revocation of probation pursuant to section 1812 must be by appeal to the Law Court. A person whose probation is revoked may not appeal as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

**2. Assignment and withdrawal of counsel.** Assignment and withdrawal of counsel for an appeal under this section must be in accordance with the Maine Rules of Unified Criminal Procedure.

### **§1814. Additional conditions in lieu of probation revocation proceedings**

Whenever a probation officer has probable cause to believe that a person under the supervision of that probation officer has violated a condition of probation but the violation does not constitute a crime, the probation officer, instead of commencing a probation revocation proceeding under section 1809, may offer

to the person the option of adding one or more of the following conditions to the person's probation:

**1. Participation in public restitution program or treatment program.** The person will participate in a public restitution program or treatment program administered through a correctional facility or county jail; or

**2. Residence at correctional facility or county jail.** The person will reside at a correctional facility or county jail for a period of time not to exceed 90 days.

If the person agrees in writing to the additional conditions under subsection 1 or 2, the conditions must be implemented. If the person does not agree or if the person fails to fulfill the additional conditions to the satisfaction of the probation officer, the probation officer may commence probation revocation proceedings under section 1809 or 1810 for the violation that the probation officer had probable cause to believe occurred. If the person fulfills the additional conditions to the satisfaction of the probation officer, the probation officer shall so notify the person in writing and the probation officer may not commence probation revocation proceedings for the violation that the probation officer had probable cause to believe occurred.

## **SUBCHAPTER 2**

### **ADMINISTRATIVE RELEASE**

#### **§1851. Eligibility for sentencing alternative that includes period of administrative release; exceptions**

The court may sentence a person who has been convicted of a Class D or Class E crime or a Class C crime under Title 29-A, former section 2557, section 2557-A or section 2558 to a sentencing alternative under section 1502, subsection 2, paragraphs I, J and K for an individual and section 1502, subsection 7, paragraph E for an organization, unless:

**1. Sentencing alternative includes probation.** The court sentences the person to a sentencing alternative under section 1502 that includes a period of probation; or

**2. Sentencing alternative diminishes gravity of crime.** The court finds that such a sentence would diminish the gravity of the crime for which that person was convicted.

#### **§1852. Period of administrative release**

**1. Time limit.** A period of administrative release imposed pursuant to this subchapter may not exceed one year.

**2. Modification of requirements.** During the period of administrative release and upon application of a person placed on administrative release or of the attorney for the State or upon the court's own motion,

the court, after notice to the attorney for the State and the person and a hearing, may modify the requirements imposed by the court, add further requirements or release the person of any requirement imposed by the court that, in the court's opinion, imposes on the person an unreasonable burden.

**3. Inability to meet requirement; duty on person to bring motion.** During the period of administrative release, if the person cannot meet a requirement of administrative release imposed by the court, the person shall bring a motion pursuant to subsection 2.

**4. Termination by court.** On application of the attorney for the State or of the person placed on administrative release or on the court's own motion, the court may terminate a period of administrative release and discharge the person at any time earlier than that provided in the sentence made pursuant to subsection 1 if warranted by the conduct of the person. The court may not order a termination of the period of administrative release and discharge upon the motion of the person placed on administrative release unless notice of the motion is given to the attorney for the State by the person placed on administrative release. The termination of the period of administrative release and discharge relieves the person placed on administrative release of any obligations imposed by the sentence of administrative release.

**5. Termination to prevent delay of consecutive term of imprisonment.** The court, in order to comply with section 1608, subsection 7, shall terminate a period of administrative release that would delay commencement of a consecutive unsuspended term of imprisonment.

#### **§1853. Suspended sentence with administrative release**

**1. Suspension of term of imprisonment accompanied by administrative release.** The court may sentence a person to a term of imprisonment not to exceed the maximum term authorized for a Class D or Class E crime or the Class C crime under Title 29-A, former section 2557, section 2557-A or section 2558, suspend the term of imprisonment in whole or in part and accompany the suspension with a period of administrative release.

**2. Suspension of fine accompanied by administrative release.** The court may sentence a person to a fine, not to exceed the maximum fine authorized for a Class D or Class E crime or the Class C crime under Title 29-A, former section 2557, section 2557-A or section 2558, suspend the fine in whole or in part and accompany the suspension with a period of administrative release.

#### **§1854. Requirements of administrative release**

If the court imposes a suspended sentence with administrative release under section 1853, the court

shall attach requirements of administrative release, as authorized by this section, as the court determines to be reasonable and appropriate to help ensure accountability and rehabilitation of the person.

**1. Mandatory requirements.** The court-imposed requirements of administrative release must include a requirement that the person refrain from criminal conduct and that the person pay all assessments, surcharges, other fees and costs required by law.

**2. Discretionary requirements.** In addition to the requirements in subsection 1, the court in its sentence may require the person:

A. To pay to the appropriate county an administrative supervision fee of not more than \$50 per month, as determined by the court, for the term of the administrative release. In determining the amount of the fee, the court shall take into account the financial resources of the person and the nature of the burden its payment imposes. When a person fails to pay the administrative supervision fee, the court may revoke administrative release as provided in sections 1855 and 1856 unless the person shows that failure to pay was not attributable to a willful refusal to pay or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment;

B. To pay a fine imposed by the court as part of the sentence;

C. To make restitution to each victim of the crime imposed by the court as part of the sentence;

D. To perform community service work imposed by the court as part of the sentence; or

E. To satisfy any requirement reasonably related to helping ensure the accountability and rehabilitation of the person.

**3. Opportunity to address court regarding requirements; written statement of requirements to be provided.** The person must be given an opportunity to address the court on the requirements that are proposed to be attached pursuant to subsections 1 and 2 and must, after the sentencing, be given a written statement setting forth the specific requirements on which the person is being administratively released.

#### **§1855. Commencement of administrative release revocation proceeding**

**1. Motion to revoke administrative release.** If during the period of administrative release the attorney for the State has probable cause to believe that the person placed on administrative release has violated a requirement of administrative release, the attorney for the State may file a motion with the court seeking to revoke administrative release. The motion must set forth the facts underlying the alleged violation.

**2. Summons.** A summons may be used to order a person who was placed on administrative release to appear on a motion to revoke that person's administrative release.

**3. Initial appearance.** A person placed on administrative release appearing on a motion to revoke administrative release pursuant to a summons must be afforded an initial appearance as provided in section 1811, subsection 4.

**4. Failure to appear following service of summons.** If a person placed on administrative release fails to appear in court after having been served with a summons, the court may issue a warrant for the arrest of the person. After arrest of the person, the court shall afford the person an initial appearance as provided in section 1811, subsection 4; if the person is retained in custody, section 1811, subsection 3 also applies.

**5. Arrest of person for violation of requirement of administrative release; copy of motion to be furnished; timing of initial appearance.** If during the period of administrative release the attorney for the State has probable cause to believe that the person placed on administrative release has violated a requirement of administrative release, the attorney for the State may apply for a warrant for the arrest of the person or request that a warrantless arrest be made of the person pursuant to section 15, subsection 1, paragraph A, subparagraph (15). The court shall provide the person with an initial appearance on the revocation of administrative release within 5 days after arrest unless the person is released before that. A copy of the motion must be furnished to the person prior to or at the initial appearance. The initial appearance is governed by section 1811, subsection 4. Bail is governed by section 1811, subsections 5 and 6.

#### **§1856. Court hearing on administrative release revocation**

The hearing on a motion to revoke administrative release is governed by section 1812.

#### **§1857. Review**

Review of a revocation of administrative release pursuant to section 1856 must be by appeal, as provided under section 1813.

### **SUBCHAPTER 3**

#### **SUPERVISED RELEASE FOR SEX OFFENDERS**

#### **§1881. Inclusion of period of supervised release after imprisonment**

**1. Mandatory imposition of supervised release.** If a person is convicted of gross sexual assault with a person who has not yet attained 12 years of age, in violation of section 253, subsection 1, paragraph C, the court, in addition to imposing as part of the sen-

tence a definite term of imprisonment in accordance with section 253-A, subsection 2, shall impose as part of the sentence a period of supervised release of up to life to immediately follow that imprisonment. The period of supervised release commences on the date the person is released from confinement pursuant to section 2314 and must include the best available monitoring technology for the full period of supervised release.

**2. Discretionary imposition of supervised release.** If a person is convicted of gross sexual assault in violation of any provision of section 253 other than section 253, subsection 1, paragraph C, the court, if it imposes as part of the sentence a definite term of imprisonment that does not include a period of probation, also may impose as part of the sentence a period of supervised release to immediately follow that imprisonment. The period of supervised release commences on the date the person is released from confinement pursuant to section 2314.

If a person has been convicted of violating any provision of section 253 other than section 253, subsection 1, paragraph C, the authorized period of supervised release is:

A. Any period of years for a person sentenced as a repeat sexual assault offender pursuant to section 253-A, subsection 1; and

B. For a person not sentenced under section 253-A, subsection 1 or 2, a period not to exceed 10 years for a Class A violation of section 253 and a period not to exceed 6 years for a Class B or Class C violation of section 253.

**3. Modification of requirements.** During the period of supervised release specified in the sentence made pursuant to subsections 1 and 2, and upon application of a person on supervised release or the person's probation officer, or upon the court's own motion, the court, after notice to the probation officer and the person on supervised release and a hearing, may modify the requirements imposed by the court, add further requirements authorized by section 1882 or relieve the person on supervised release of any requirement imposed by the court that, in its opinion, imposes on the person an unreasonable burden.

**4. Ex parte modification of requirements for immediate necessity.** Notwithstanding subsection 3, the court may grant, ex parte, a motion brought by the probation officer of the person on supervised release to add further requirements if the court determines that all reasonable efforts have been made to give written or oral notice to the person on supervised release and the requirements are immediately necessary to protect the safety of an individual or the public. Any requirements added pursuant to an ex parte motion do not take effect until written notice of the requirements, along with written notice of the scheduled date, time

and place when the court will hold a hearing on the added requirements, is given to the person on supervised release.

**5. Termination by court.** On application of the person on supervised release or the person's probation officer, or on the court's own motion, and if warranted by the conduct of the person, the court may terminate a period of supervised release and discharge the person at any time earlier than that provided in the sentence made pursuant to subsections 1 and 2. A termination and discharge may not be ordered unless notice of the motion is given to the probation officer and the attorney for the State. A termination and discharge relieves the person on supervised release of any obligations imposed by the sentence of supervised release.

**6. Termination to prevent delay of consecutive term of imprisonment.** The court, in order to comply with section 1608, subsection 7, shall terminate a period of supervised release that would delay commencement of a consecutive unsuspended term of imprisonment.

**7. Revoked period of supervised release to be served in prison.** The court may revoke a period of supervised release pursuant to section 1883 for any ground specified in subsection 8. If the court revokes a period of supervised release, the court shall require the person to serve time in prison under the custody of the Department of Corrections. This time in prison may equal all or part of the period of supervised release, without credit for time served on post-release supervision. The remaining portion of the period of supervised release that is not required to be served in prison, if any, may not run during the time in prison and must resume again after the person's release and is subject to revocation at a later date.

**8. Grounds for revocation.** The court may revoke a period of supervised release for:

A. A violation of supervised release;

B. Criminal conduct committed during the term of imprisonment; or

C. Refusal during the term of imprisonment to actively participate, when requested to do so by the Department of Corrections, in a sex offender treatment program in accordance with the expectations and judgment of the treatment providers.

#### **§1882. Conditions of supervised release**

If the court imposes a sentence that includes a period of supervised release, it shall set conditions of supervised release. The conditions of release that apply to probation under section 1807 apply to conditions of supervised release. The court may also set conditions of supervised release that it determines to be reasonable and appropriate to manage the person's behavior.

**§1883. Revocation procedures**

The procedures, rights and responsibilities that apply to probation revocation under sections 1809 to 1812, including bail under section 1811, subsections 5 and 6 and appellate review of revocation under section 1813, apply to revocation of supervised release.

**SUBCHAPTER 4****DEFERRED DISPOSITION****§1901. Eligibility for deferred disposition**

A person who has pleaded guilty to a Class C, Class D or Class E crime and who consents to a deferred disposition in writing is eligible for a deferred disposition.

**§1902. Deferred disposition**

**1. Authority of court to order deferment and impose requirements; administrative supervision fee.** Following the acceptance of a plea of guilty for a crime for which a person is eligible for a deferred disposition under section 1901, the court may order sentencing deferred to a date certain or determinable and impose requirements upon the person, to be in effect during the period of deferment, considered by the court to be reasonable and appropriate to assist the person to lead a law-abiding life. The court-imposed deferment requirements must include a requirement that the person refrain from criminal conduct and may include a requirement that the person pay to the appropriate county an administrative supervision fee of not more than \$50 per month, as determined by the court, for the term of the deferment. In determining the amount of the fee, the court shall take into account the financial resources of the person and the nature of the burden its payment imposes. In exchange for the deferred sentencing, the person shall abide by the court-imposed deferment requirements. Unless the court orders otherwise, the requirements are immediately in effect.

**2. Modification of requirements.** During the period of deferment and upon application of the person granted deferred disposition pursuant to subsection 1 or of the attorney for the State or upon the court's own motion, the court may, after a hearing upon notice to the attorney for the State and the person, modify the requirements imposed by the court, add further requirements or relieve the person of any requirement imposed by the court that, in the court's opinion, imposes an unreasonable burden on the person.

**3. Inability to meet requirement; duty on person to bring motion.** During the period of deferment, if the person cannot meet a deferment requirement imposed by the court, the person shall bring a motion pursuant to subsection 2.

**4. Determination of date of conviction; bail.** For purposes of a deferred disposition, a person is

deemed to have been convicted when the court imposes the sentence. Notwithstanding Title 15, chapter 105-A, subchapter 3, prior to sentence imposition, preconviction bail applies to the person.

**5. Preferred disposition in prosecution for possession of schedule W drug.** A deferred disposition is a preferred disposition in a prosecution for possession of schedule W drugs under section 1107-A, subsection 1, paragraphs B and B-1.

**§1903. Court hearing as to final disposition**

**1. Final disposition following period of deferment.** Unless a court hearing is sooner held under subsection 3, and except as provided in subsection 2, at the conclusion of the period of deferment, after notice, a person who was granted deferred disposition pursuant to section 1902 shall return to court for a hearing on final disposition. If the person demonstrates by a preponderance of the evidence that the person has complied with the court-imposed deferment requirements, the court shall impose a sentencing alternative authorized for the crime to which the person pled guilty and consented to in writing at the time sentencing was deferred or as amended by agreement of the parties in writing prior to sentencing, unless the attorney for the State, prior to sentence imposition, moves the court to allow the person to withdraw the plea of guilty. Except over the objection of the person, the court shall grant the State's motion. If the court grants the State's motion, the attorney for the State shall dismiss the pending charging instrument with prejudice. If the court finds that the person has inexcusably failed to comply with the court-imposed deferment requirements, the court shall impose a sentencing alternative authorized for the crime to which the person pled guilty.

**2. Consensual withdrawal of guilty plea by parties.** Notwithstanding subsection 1, if at the conclusion of the period of deferment and prior to sentence imposition the attorney for the State in writing moves the court to allow the person to withdraw the plea of guilty and the person in writing agrees to such withdrawal, the court may, without a hearing on final disposition and in the absence of the person, grant the attorney for the State's motion and allow the person to withdraw the plea. Following such court action, the attorney for the State shall dismiss the pending charging instrument with prejudice.

**3. Violation of deferment requirement.** If during the period of deferment the attorney for the State has probable cause to believe that a person who was granted deferred disposition pursuant to section 1902 has violated a court-imposed deferment requirement, the attorney for the State may move the court to terminate the remainder of the period of deferment and impose sentence. Following notice and hearing, if the attorney for the State proves by a preponderance of the evidence that the person has inexcusably failed to

comply with a court-imposed deferment requirement, the court may continue the running of the period of deferment with the requirements unchanged, modify the requirements, add further requirements or terminate the running of the period of deferment and impose a sentencing alternative authorized for the crime to which the person pled guilty. When a person fails to pay an administrative supervision fee imposed under section 1902, subsection 1, the court may terminate the running of the period of deferment and impose sentence unless the person shows that failure to pay was not attributable to a willful refusal to pay or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment. If the court finds that the person has not inexcusably failed to comply with a court-imposed deferment requirement, the court may order that the running of the period of deferment continue or, after notice and hearing, take any other action permitted under this subchapter.

**4. Place of hearing.** A hearing under this section or section 1902 must be held in the court that ordered the deferred disposition. The hearing need not be conducted by the justice or judge who originally ordered the deferred disposition.

**5. Rights of person at hearing.** The person at a hearing under this section or section 1902 must be given the opportunity to confront and cross-examine witnesses against the person, to present evidence on that person's own behalf and to be represented by counsel. If the person who was granted deferred disposition pursuant to section 1902 cannot afford counsel, the court shall appoint counsel for the person. Assignment of counsel and withdrawal of counsel must be in accordance with the Maine Rules of Unified Criminal Procedure.

**6. Summons to appear at hearing; failure to appear.** A summons may be used to order a person who was granted deferred disposition pursuant to section 1902 to appear for a hearing under this section. If the person fails to appear after having been served with a summons, the court may issue a warrant for the arrest of the person.

**7. Authority of attorney for State regarding violation of condition of deferment.** If during the period of deferment the attorney for the State has probable cause to believe that a person who was granted deferred disposition pursuant to section 1902 has violated a court-imposed deferment requirement, the attorney for the State may apply for a warrant for the arrest of the person or request that a warrantless arrest be made of the person pursuant to section 15, subsection 1, paragraph A, subparagraph (17).

#### **§1904. Limited review by appeal**

A person may not attack the legality of a deferred disposition, including a final disposition, except that a

person who has been determined by a court to have inexcusably failed to comply with a court-imposed deferment requirement and thereafter has been sentenced to an alternative authorized for the crime may appeal to the Law Court, but not as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

## **CHAPTER 69**

### **RESTITUTION**

#### **§2001. Purpose**

The Legislature finds and declares that the victims of crimes often suffer losses through no fault of their own and for which there is no compensation. It also finds that repayment, in whole or in part, by the offender to the victim of the offender's crime can operate to rehabilitate the offender in certain instances. It is the purpose of this chapter to encourage the compensation of victims by the person most responsible for the loss incurred by the victim, the offender. Restitution by the offender can serve to reinforce the offender's sense of responsibility for the offense, to provide the offender the opportunity to pay the offender's debt to society and to the offender's victim in a constructive manner and to ease the burden of the victim as a result of the criminal conduct.

The Legislature recognizes that a crime is an offense against society as a whole, not only against the victim of the crime, and that restitution for victims is therefore ancillary to the central objectives of the criminal law. It intends restitution to be applied only when other purposes of sentencing can be appropriately served.

The Legislature does not intend the use of restitution to result in preferential treatment for offenders with substantial financial resources.

#### **§2002. Definitions**

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

**1. Collateral source.** "Collateral source" means a source of benefits or advantages for economic loss resulting from a crime, which the victim has received, or which is readily available to the victim from:

- A. The Government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality of 2 or more states unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this chapter;
- B. Social security, Medicare and Medicaid;
- C. Workers' compensation;
- D. Wage continuation programs of any employer;

E. Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminal conduct; or

F. A contract providing prepaid hospital and other health care services or benefits for disability.

**2. Dependent.** "Dependent" means an individual who is wholly or partially dependent upon the victim for care or support and includes a child of the victim born after the victim's death.

**3. Economic loss.** "Economic loss" includes economic detriment consisting of environmental clean-up expense, property loss, allowable expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss and dependent's replacement services loss. Noneconomic detriment is not loss. Economic detriment is loss although caused by pain and suffering or physical impairment. "Economic loss" includes expenses of an emergency response by any public agency and critical investigation expenses.

A. "Allowable expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, counseling services and other remedial treatment and care, and nonmedical remedial care and treatment rendered in accordance with a recognized religious method of healing. The term includes reasonable and customary charges incurred for expenses in any way related to funeral, cremation and burial. It does not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semiprivate accommodations, unless other accommodations are medically required.

B. "Critical investigation expense" means a necessary expense incurred by a government or by a victim while investigating or prosecuting suspected criminal conduct. "Critical investigation expense" is limited to the cost of an audit or other financial analysis when that analysis is necessary to determine whether and to what extent a victim has suffered financial harm from criminal conduct by an employee or other person in a position of trust and the cost of analysis of suspected illegal drugs.

C. "Dependent's economic loss" means loss after a decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death.

D. "Dependent's replacement loss" means loss reasonably incurred by dependents after a decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of the decedent's death and not subtracted in calculating dependent's economic loss.

E. "Environmental clean-up expense" means any reasonable expense incurred for products and services needed to clean up any harm or damage caused to the environment, including any harm or damage caused by chemicals; to restore the environment to its previous condition prior to any harm or damage; and to properly dispose of chemicals and other materials, including those used in the manufacture of scheduled drugs in violation of chapter 45.

F. "Expense of an emergency response" means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, including a response to a suspected unlawful methamphetamine laboratory under section 1124, but only includes those costs directly arising because of the response to the particular incident. Reasonable costs include the costs of providing police, firefighting, rescue and emergency medical services at the scene of the incident, as well as the compensation for the personnel, including trained laboratory personnel, responding to the incident. "Public agency" means the State or any county, municipality, district or public authority located, in whole or in part, within this State that provides or may provide laboratory services or police, firefighting, ambulance or other emergency services.

G. "Property loss" means the value of property taken from the victim, or of property destroyed or otherwise broken or harmed. A property loss includes the value of taxes or other obligations due to the government that have not been paid. "Property loss" also includes, in cases involving a violation of chapter 45, the value of money or other consideration given or offered in exchange for scheduled drugs by a law enforcement officer or another at the direction of a law enforcement officer that are not, in fact, recovered by the State at the time of sentencing, regardless of whether other money or items of value are sought, acquired or forfeited pursuant to Title 15, chapter 517. In cases involving a violation of chapter 45, the court must make a finding that the property loss is specifically related to that case.

H. "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured per-

son would have performed, not for income but for the benefit of the injured person or the injured person's family, if the injured person had not been injured.

I. "Work loss" means loss of income from work the injured person would have performed if the injured person had not been injured and expenses reasonably incurred by the injured person in obtaining services in lieu of those the injured person would have performed for income, reduced by any income for substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work the injured person was capable of performing but unreasonably failed to undertake. For a victim of a human trafficking offense as defined in Title 5, section 4701, subsection 1, paragraph C, "work loss" includes pay or benefits unfairly or illegally withheld from the victim by the offender or any unfair labor agreement under Title 26, section 629, as defined by rules adopted by the Department of Labor.

**4. Noneconomic detriment.** "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and other nonpecuniary damage.

**5. Offender.** "Offender" means an individual or an organization convicted of a crime.

**6. Restitution.** "Restitution" means:

A. Monetary reimbursement, in whole or in part, for economic loss;

B. Work or service provided to a victim for economic loss; or

C. Any combination of service or monetary reimbursement by an offender to the victim of the offender's crime or to other authorized claimants, either directly or indirectly.

**7. Victim.** "Victim" means a government that suffers economic loss or a person who suffers personal injury, death or economic loss as a result of a crime or the good faith effort of any person to prevent a crime.

### **§2003. Mandatory consideration of restitution**

**1. Inquiry as to victim's financial loss.** The court shall, whenever practicable, inquire of a prosecutor, law enforcement officer or victim with respect to the extent of the victim's financial loss and shall order restitution when appropriate. The order for restitution must designate the amount of restitution to be paid and the person or persons to whom the restitution must be paid.

**2. Reasons for not imposing restitution.** In any case where the court determines that restitution should not be imposed in accordance with the criteria set forth in section 2005, the court shall state in open court or in writing the reasons for not imposing restitution.

**3. Restitution required.** In any prosecution for a crime committed prior to the effective date of this chapter, or any amendment to this chapter, the court may, with the consent of the defendant, require the defendant to make restitution in accordance with this chapter as amended.

### **§2004. Authorized claimants**

Restitution may be authorized for:

**1. Victim.** The victim or a dependent of a deceased victim;

**2. County.** The county where the offense was prosecuted if the victim voluntarily refuses restitution or if the identity of the victim cannot be ascertained;

**3. Person providing recovery.** Any person, firm, organization, corporation or government entity that has provided recovery to the victim as a collateral source, but only to the extent that such recovery was actually made; and

**4. Person acting on behalf of victim.** Any person legally authorized to act on behalf of the victim.

### **§2005. Criteria for restitution**

**1. Restitution authorized.** Restitution may be authorized, in whole or in part, as compensation for economic loss. In determining the amount of restitution authorized, the following must be considered:

A. The contributory misconduct of the victim;

B. Failure to report the crime to a law enforcement officer within 72 hours after its occurrence, without good cause for failure to report within that time; and

C. The present and future financial capacity of the offender to pay restitution.

**2. Restitution not authorized.** Restitution is not authorized:

A. To a victim without that victim's consent;

B. To a victim who is an accomplice of the offender;

C. To a victim who has otherwise been compensated from a collateral source, but economic loss in excess of the collateral compensation may be authorized; and

D. When the amount and method of payment of monetary restitution or the performance of service restitution creates an excessive financial hardship on the offender or dependent of the offender. In making this determination, all relevant factors must be considered, including, but not limited to, the following:

(1) The number of the offender's dependents;

(2) The minimum living expenses of the offender and the offender's dependents;

(3) The special needs of the offender and the offender's dependents, including necessary travel expense to and from work;

(4) The offender's present income and potential future earning capacity; and

(5) The offender's resources, from whatever source.

**3. Exception.** The provisions of subsection 2, paragraph D do not apply to an offender that is an organization.

**4. Burdens of proof.** An offender who asserts a present or future incapacity to pay restitution has the burden of proving the incapacity by a preponderance of the evidence. On appeal of a restitution order, the offender has the burden of demonstrating that the incapacity was proven as a matter of law.

**§2006. Time and method of restitution**

When restitution is authorized, and the offender is not committed to the Department of Corrections and does not receive a sentence that includes a period of probation, the time and method of payment or of the performance of the services must be specified by the court and monetary compensation may be ordered paid to the office of the prosecuting attorney who is prosecuting the case or to the clerk of the court. If the offender is committed to the Department of Corrections or receives a sentence that includes a period of probation, monetary compensation must be paid to the Department of Corrections and the time and method of payment must be determined by the Department of Corrections during the term of commitment or the period of probation unless at the time of sentencing the court has specified the time and method of payment. Once any term of commitment to the Department of Corrections or period of probation is completed and if the restitution ordered has not been paid in full, the offender is subject to the provisions of section 2011 and, in the event of a default, the provisions of section 2015. The state agency receiving the restitution shall deposit any money received in the account maintained by the Treasurer of State for deposit of state agency funds, from which funds are daily transferred to an investment account and invested. Interest accrued on that money is the property of and accrues to the State for deposit in the General Fund. The agency receiving the restitution shall make the disbursement to the victim or other authorized claimant as soon as possible after the agency receives the money.

**§2007. Income withholding order**

**1. Instructions for employer.** When restitution is required of an offender who will not be commencing service of a period of institutional confinement, who does not receive a sentence that includes a period

of probation and who is employed, the court shall, at the time of ordering restitution, enter a separate order for income withholding. When restitution is required of an offender who receives a sentence that includes a period of probation and who is employed, upon application of the offender's probation officer, the court shall enter a separate order for income withholding. The withholding order must direct the employer to deduct from all income due and payable to the offender an amount determined pursuant to section 2006 to meet the offender's restitution obligation. The withholding order must include an instruction to the employer that upon receipt of a copy of the withholding order the employer shall:

A. Immediately begin to withhold the offender's income when the offender is usually paid;

B. Send each amount withheld to the agency to which restitution has been ordered to be paid at the address set forth in the order within 7 business days of the withholding; and

C. Identify each amount sent to the agency by indicating the court's docket number.

**2. Term of order.** The income withholding order is effective as long as the order for restitution upon which it is based is effective, including after a defendant is no longer in the custody or under the supervision of the Department of Corrections and has not paid the restitution in full as described in section 2011, or until further order of the court.

**§2008. Deceased victims**

An offender's obligation to pay restitution is not affected by the death of the victim to whom the restitution is due. The money collected as restitution must be forwarded to the estate of the victim.

**§2009. Victim unable to be located**

If the location of a victim cannot, with due diligence, be ascertained, the money collected as restitution must be forwarded to the Treasurer of State to be handled as unclaimed property.

**§2010. Joint and several order**

If the victim's financial loss has been caused by more than one offender, the order must designate that the restitution is to be paid on a joint and several basis, unless the court specifically determines that one defendant should not equally share the burden. The agency collecting restitution pursuant to a joint and several order may, after the full amount of restitution has been collected and disbursed to the victim, continue to collect payments from an offender who has not paid an equal share of the restitution and may disburse the money collected to any other offender who has paid more than an equal share of the restitution.

**§2011. Former Department of Corrections' clients owing restitution**

An offender is responsible for paying any restitution outstanding at the time the term of commitment to the Department of Corrections or period of probation is completed. An offender who has complied with the time and method of payment of monetary compensation determined by the Department of Corrections during the period of probation shall continue to make payments to the Department of Corrections in accordance with that payment schedule unless modified by the court pursuant to section 2014 or 2015. An offender who has not complied with the time and method of payment of monetary compensation determined by the Department of Corrections during the period of probation must be returned to the court for further disposition pursuant to section 2015. An offender who is unconditionally released and discharged from institutional confinement with the Department of Corrections upon the expiration of the sentence must, upon application of the office of the attorney for the State, be returned to the court for specification by the court of the time and method of payment of monetary compensation, which may be ordered paid to the office of the attorney for the State who prosecuted the case or to the clerk of the court. Prior to the offender's release and discharge, the Department of Corrections shall provide the office of the attorney for the State who prosecuted the case written notice as to the amount of restitution outstanding. An income withholding order issued pursuant to section 2007 remains effective and enforceable until the restitution is paid in full, even after an offender is no longer in the custody or under the supervision of the Department of Corrections.

**§2012. Restitution deducted from judgment in civil action**

Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the victim against the offender based on the same facts. If the restitution ordered and made was work restitution, the reasonable value of the services may be deducted from any such judgment.

**§2013. Post-conviction relief**

If, in any judicial proceeding following conviction, a court issues a final judgment invalidating the conviction, the judgment may include an order that any or all of a restitution payment that the convicted person paid pursuant to the sentence for that conviction be returned to the convicted person.

**§2014. Modification of restitution**

A convicted person who cannot make restitution payments in the manner ordered by the court or determined by the Department of Corrections pursuant to section 2006 shall move the court for a modification of the time or method of payment or service to avoid a default. The court may modify its prior order or the

determination of the Department of Corrections to reduce the amount of each installment or to allow additional time for payment or service.

**§2015. Default**

**1. Return to court.** An offender who has been sentenced to make restitution and has defaulted in payment or service thereof must be returned to court to explain the failure to pay or perform the service.

**2. Reports.** A probation officer having knowledge of a default in restitution by an offender shall report the default to the office of the attorney for the State. An attorney for the State having knowledge of a default in restitution by an offender shall report the default to the court. If the restitution was a condition of probation, the attorney for the State may file a motion to enforce payment of restitution or, with the written consent of the probation officer, a motion to revoke probation under section 1811. If the restitution was not a condition of probation, the attorney for the State may file a motion to enforce payment of restitution.

**3. Motion to enforce payment of restitution.** Either the attorney for the State or the court may initiate a motion to enforce payment of restitution. Notification for the hearing on the motion must be sent by regular mail to the offender's last known address. If the offender does not appear for the hearing after proper notification has been sent, the court may issue a bench warrant.

A. Unless the offender shows by a preponderance of the evidence that the default was not attributable to an intentional or knowing refusal to obey the court's order or to a failure on the offender's part to make a good-faith effort to obtain the funds required to make payment, the court shall find that the default was unexcused and may commit the offender to the custody of the sheriff until all or a specified part of the restitution is paid. The length of confinement in a county jail for unexcused default must be specified in the court's order and may not exceed one day for every \$5 of unpaid restitution or 6 months, whichever is shorter. An offender committed for nonpayment of restitution is given credit toward the payment of restitution for each day of confinement that the offender is in custody, at the rate specified in the court's order. The offender is also given credit for each day that the offender has been detained as the result of an arrest warrant issued pursuant to this section. An offender is responsible for paying any restitution remaining after receiving credit for confinement and detention. A default on the remaining restitution is also governed by this section.

B. If it appears that the default is excusable, the court may give the offender additional time for

payment or may reduce the amount of each installment.

C. The confinement ordered under this subsection must be nonconcurrent with any judgment of conviction involving a term of imprisonment.

4. Forfeiture of bail. When an offender who has been sentenced to make restitution and has defaulted in payment or service of the restitution is declared in forfeiture of bail in the proceeding brought under this section pursuant to Title 15, section 1094, the obligation and sureties of the defendant must be enforced pursuant to Title 15, section 1094 and the district attorney shall use the proceeds to satisfy the offender's restitution obligation. Any proceeds from the forfeited bail remaining after the offender's restitution obligation has been satisfied must be used in accordance with Title 15, section 224-A, subsection 2.

5. Collection. Upon any default, execution may be levied and other measures authorized for the collection of unpaid civil judgments may be taken to collect the unpaid restitution. A levy of execution does not discharge an offender confined to a county jail under subsection 3 for unexcused default until the full amount of the restitution has been collected.

6. Organizations. When restitution is imposed on an organization, the person or persons authorized to make disbursements from the assets of the organization shall pay the restitution from the organization's assets. Failure to do so may subject the person or persons to court action pursuant to this section.

7. Payments. Payments made pursuant to this section must be made to the same agency to which the restitution was required to be paid under section 2006 or section 2011, except that if the offender is no longer in the custody or under the supervision of the Department of Corrections the payments must be made to the office of the attorney for the State who prosecuted the case or the clerk of the court, as ordered by the court.

#### **§2016. Work program release; restitution**

1. Work program; payment of restitution and fines. A prisoner who has been ordered to pay restitution or fines may not be released pursuant to a work program administered by the Department of Corrections under Title 34-A, section 3035, or a sheriff under Title 30-A, section 1605, or participate in an industry program under Title 34-A, section 1403, subsection 9 or any other program administered by the Department of Corrections or a sheriff by which a prisoner is able to generate money, unless the prisoner consents to pay at least 25% of the prisoner's gross weekly wages or other money generated to the victim or the court until such time as full restitution has been made or the fine is paid in full. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's wages or other money gener-

ated agreed to as payment of restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's wages or other money generated agreed to as payment of fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution cannot be located, the correctional facility shall inform the court that ordered restitution. The court shall determine the distribution of these funds.

2. Payment of restitution or fines from other sources. A prisoner, other than one addressed by subsection 1, who receives money, from any source, shall pay 25% of that money to any victim or the court if the court has ordered that restitution or a fine be paid. The chief administrative officer of the correctional facility in which the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's money ordered as restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's money ordered as fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution cannot be located, the correctional facility shall inform the court that ordered restitution. The court shall determine the distribution of these funds. Money received by the prisoner and directly deposited into a telephone call account established by the Department of Corrections for the sole purpose of paying for use of the department's client telephone system is not subject to this subsection, except that 25% of any money received by the prisoner and transferred from the telephone call account to the department's general client account at the time of the prisoner's discharge or transfer to supervised community confinement must be collected and disbursed as provided in this subsection.

3. Restitution; absolute. The requirements imposed on a prisoner by this section to pay restitution and fines during incarceration apply regardless of whether:

- A. The court order to pay restitution or fines constitutes a sentence or is imposed as a condition of probation;
- B. Payment has been stayed in the court order;
- C. The court has specified a time and method of payment pursuant to section 1708, subsection 1 or section 2006; or
- D. The person's incarceration resulted from a revocation of probation.

#### **§2017. Waiver of issue of excessiveness**

If a defendant at the time of sentencing has consented to the imposition by the sentencing court of a specific amount of restitution, the defendant is thereafter precluded from seeking to attack the legality or

propriety of the amount of restitution ordered if that amount does not exceed the specific amount consented to by the defendant.

**§2018. Restitution for benefit of victim**

When compensation is awarded from the Victims' Compensation Fund pursuant to Title 5, chapter 316-A, the amount of any restitution ordered to be paid to or for the benefit of the victim and collected as part of a sentence imposed must be paid by the agency collecting the restitution in an amount not to exceed the amount of the payments from the fund, directly to the fund if, when added to the payments from the fund, the restitution exceeds the victim's actual loss.

**§2019. Civil remedy upon default**

Upon the request of the attorney for the State or a person entitled to restitution under an order of restitution, the clerk shall enter the order of restitution in the same manner as a judgment in a civil action. When entered under this section, the order of restitution is deemed to be a money judgment. Upon default, the order to make restitution is enforceable in accordance with Title 14, chapter 502 by any person entitled to restitution under the order.

**CHAPTER 71**

**COMMUNITY SERVICE WORK**

**§2031. Sentencing alternative of community service work; authorization**

The court may sentence an individual convicted of a Class D or Class E crime to perform a specified number of hours of community service work for the benefit of the State, a county, a municipality, a school administrative unit or other public entity, a charitable institution or another entity approved by the court.

**§2032. Modification of community service work**

An individual who has been sentenced to perform a specified number of hours of community service work pursuant to section 2031 and who is in danger of default for failing to complete the work in the manner ordered by the court shall move the court for a modification to avoid the default. The court may modify its prior order as to the time for completion, the nature of the work to be performed or the entity for which the work is to be performed.

**§2033. Default**

**1. Return to court.** An individual who has been sentenced to perform community service work pursuant to section 2031 and fails to complete the specified number of hours of work in the manner ordered by the court must be returned to the court to explain the failure.

**2. Report of failure.** If the entity for which the court orders an individual to perform community service work pursuant to section 2031 knows that the

individual has failed to meet the requirements of the order, the entity may report the failure to the attorney for the State or to the court. If the attorney for the State knows of the default, the attorney for the State shall report the default to the court.

**3. Motion to enforce sentence or motion to seek coercive or punitive sanction.** Either the attorney for the State or the court may initiate a motion to enforce completion of community service work ordered by the court pursuant to section 2031 or may initiate a motion seeking a coercive or punitive sanction for the default as specified in subsection 4, paragraphs C and D. The court shall send notification of the hearing on the motion by regular mail to the individual's last known address. If the individual does not appear for the hearing after proper notification has been sent, the court may issue a bench warrant.

**4. Hearing on motion.** At a hearing under subsection 3, unless the individual who has been sentenced to perform community service work shows by a preponderance of the evidence that the default was not attributable to an intentional or knowing refusal to obey the court's order or to a failure on the individual's part to make a good faith effort to comply with the order, the court shall find that the default was unexcused and may:

A. Reaffirm the requirement that the individual complete the community service work as previously ordered;

B. Modify the original order as to:

(1) When the community service work is to be performed;

(2) The entity for whom the work is to be performed; or

(3) The nature of the work to be performed;

C. Impose a coercive sanction by committing the individual to the custody of a sheriff until such time as the individual demonstrates to the court a willingness to comply with the order. The commitment imposed pursuant to this paragraph may not exceed 6 months; or

D. Impose a punitive sanction by committing the individual to the custody of a sheriff. The commitment imposed pursuant to this paragraph may not exceed 6 months.

The provisions of Rule 66 of the Maine Rules of Civil Procedure do not apply to a hearing on a motion seeking a coercive or punitive sanction imposed pursuant to paragraph C or D.

**5. Commitment order; tolling of undischarged term; no deductions.** If the court orders an individual committed as a coercive sanction pursuant to subsection 4, paragraph C:

A. The court may order that an undischarged term of imprisonment be tolled for the duration of the coercive commitment if the individual is in execution of the undischarged term of imprisonment on a sentence in this State; and

B. The individual may not receive a deduction for time detained as a result of an arrest made under subsection 3 or a deduction based on conduct or participation in programs established or approved by the administrator of the jail to which the individual is committed during the coercive commitment.

**6. Commitment order; nonconcurrent with any term of imprisonment; deduction only for time detained.** If the court orders an individual committed as a punitive sanction pursuant to subsection 4, paragraph D:

A. The committal must not be concurrent with another term of imprisonment in this State imposed pursuant to a judgment of conviction;

B. The individual must receive a day-for-day deduction for time detained as a result of an arrest made under subsection 3; and

C. The individual may not receive a deduction based on conduct or participation in programs established or approved by the administrator of the jail to which the individual is committed during the commitment imposed as a punitive sanction.

**7. Right to counsel.** At a hearing under subsection 3 in which the State seeks a coercive or punitive sanction for a default, the individual has the right to be represented by counsel. If the individual cannot afford counsel, the court shall assign counsel for the individual unless the court concludes that in the event of a finding of an unexcused default the options in subsection 4, paragraphs C and D will not be employed by the court.

**8. Excused default.** If at a hearing under subsection 3 the court finds the default to be excused, the court may leave its prior order in place or modify the order as to the time for completion, the nature of the work to be performed or the entity for which the work is to be performed.

**9. Supervision of work.** The Department of Corrections is not responsible for supervision of community service work imposed pursuant to section 2031.

**CHAPTER 73**

**UNCONDITIONAL DISCHARGE**

**§2051. Sentencing alternative of unconditional discharge**

The court shall sentence a convicted person to an unconditional discharge if the court determines that no

other authorized sentencing alternative is appropriate punishment and the convicted person is:

**1. Eligible for probation.** Eligible for the imposition of a sentencing alternative that includes a period of probation under section 1802, subsection 1; or

**2. Ineligible for probation due to excluded Class D or Class E crime.** Ineligible for the imposition of a sentencing alternative that includes a period of probation under section 1802, subsection 1 solely by operation of section 1802, subsection 1, paragraph B.

A sentence of unconditional discharge is for all purposes a final judgment of conviction.

**CHAPTER 75**

**VICTIMS' RIGHTS**

**§2101. Definitions**

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

**1. Crime.** "Crime" means a criminal offense in which, as defined, there is a victim.

**2. Victim.** "Victim" means:

A. A person who is the victim of a crime; and

B. The immediate family of a victim of a crime if:

(1) The underlying crime is one of domestic violence or sexual assault or one in which the family suffered serious physical trauma or serious financial loss; or

(2) Due to death, age, physical or mental disease, disorder or defect, the victim is unable to participate as allowed under this chapter.

As used in this paragraph, "immediate family" means the spouse, domestic partner, parent, child, sibling, stepchild or stepparent of the victim.

**§2102. Victims to be notified**

**1. Information provided to victim.** When practicable, the attorney for the State shall make a good faith effort to inform each victim of the following:

A. The details of a plea agreement, including a deferred disposition, before it is submitted to the court;

B. The right to comment on a plea agreement, including a deferred disposition, pursuant to section 2103;

C. The proposed dismissal or filing of an indictment, information or complaint pursuant to the Maine Rules of Unified Criminal Procedure, Rule 48, before that action is taken;

- D. The time and place of the trial;
- E. The time and place of sentencing;
- F. The right to participate at sentencing pursuant to section 2104; and
- G. The right to comment on the proposed early termination of probation, early termination of administrative release or conversion of probation to administrative release, pursuant to section 2105.

**2. Pamphlets.** When providing notice under subsection 1, the attorney for the State shall offer to provide the victim with a pamphlet containing this chapter, Title 5, chapter 316-A and Title 15, sections 812 and 6101. In addition, the attorney for the State, as part of any victim and witness support program that attorney administers under Title 30-A, section 460, shall provide the victim with a pamphlet outlining in everyday language the provisions set out in this chapter, Title 5, chapter 316-A and Title 15, sections 812 and 6101. The attorney for the State may use the pamphlet printed and distributed by the Department of Corrections or another pamphlet that meets the criteria in this section.

#### **§2103. Plea agreement procedure**

When a plea agreement is submitted to the court pursuant to the Maine Rules of Unified Criminal Procedure, Rule 11A(b), the attorney for the State shall disclose to the court any and all attempts made to notify each victim of the plea agreement and any objection to the plea agreement by a victim. A victim who is present in court at the submission of the plea may address the court at that time.

#### **§2104. Sentencing procedure**

**1. Participation by victim.** The victim must be provided the opportunity to participate at sentencing by:

- A. Making an oral statement in open court; or
- B. Submitting a written statement to the court either directly or through the attorney for the State. A written statement must be made part of the record.

An attorney for the victim may submit a written statement or make an oral statement on the victim's behalf.

**2. Consideration of victim's statements.** The court shall consider any statement made under subsection 1, along with all other appropriate factors, in determining the sentence.

**3. Participation by interested person.** An interested person, including, but not limited to, a member of the victim's family who is not immediate family of the victim, a close friend of the victim, a community member and other interested person, does not have a right to participate at sentencing. Participation by such interested persons is a matter for the court's dis-

cretion in determining what information to consider when sentencing.

#### **§2105. Termination or conversion procedure**

When the attorney for the State receives notice of a motion seeking early termination of probation or early termination of administrative release or seeking to convert probation to administrative release, the attorney for the State shall disclose to the court any attempts made to notify each victim of the motion to terminate or convert and any objection to the motion by a victim. If a hearing is held on the motion by the court and the victim is present in court, the victim may address the court at that time.

#### **§2106. Notification of defendant's release or escape**

Upon complying with subsection 1, a victim of a crime of murder or of a Class A, Class B or Class C crime or of a Class D crime under chapters 9, 11 and 12 for which the defendant is committed to the Department of Corrections or to a county jail or is committed to the custody of the Commissioner of Health and Human Services either under Title 15, section 103 after having been found not criminally responsible by reason of insanity or under Title 15, section 101-D after having been found incompetent to stand trial must receive notification of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon release from commitment under Title 15, section 101-D or upon discharge under Title 15, section 104-A; must receive notification of any conditional release of the defendant from institutional confinement, including probation, supervised release for sex offenders, parole, furlough, work release, funeral or deathbed visit, supervised community confinement, home release monitoring or similar program, administrative release or release under Title 15, section 104-A; and must receive notification of the defendant's escape from the Department of Corrections, the custody of the Commissioner of Health and Human Services or the county jail to which the defendant is committed. For purposes of this section, "victim" also includes a person who has obtained under Title 19-A, section 4007 an active protection order or approved consent agreement against the defendant.

**1. Request for notification.** A victim who wishes to receive notification must file a written request for that notification of the defendant's release or escape under this section with the office of the attorney for the State. The attorney for the State shall forward this request form to the Department of Corrections or to the state mental health institute or to the county jail to which that defendant is committed. Notwithstanding this subsection, a victim who wishes to receive notification regarding a defendant who is committed to the Department of Corrections may file a request for notification of the defendant's release directly with the Department of Corrections.

**2. Notification of victim.** The Department of Corrections or the state mental health institute or the county jail to which the defendant is committed shall keep the victim's written request for a notification under subsection 1 in the file of the defendant and shall notify the victim by mail of any impending release as soon as the release date is set or, if the defendant has escaped, by the quickest means reasonably practicable. This notification must be mailed to the address provided in the request or any subsequent address provided by the victim.

**3. Contents of notification upon release.** If the defendant is being released, the notification required by this section must contain:

A. The name of the defendant;

B. The nature of the release authorized, whether it is a conditional release, including probation, supervised release for sex offenders, parole, furlough, work release, funeral or deathbed visit, supervised community confinement, home release monitoring or a similar program, administrative release or release under Title 15, section 104-A, or an unconditional release and discharge upon release from commitment under Title 15, section 101-D or upon the expiration of a sentence or upon discharge under Title 15, section 104-A;

C. The anticipated date of the defendant's release from institutional confinement and any date on which the defendant must return to institutional confinement, if applicable;

D. The geographic area to which the defendant's release is limited, if any;

E. The address at which the defendant will reside; and

F. The address at which the defendant will work, if applicable.

**4. Contents of notification upon escape.** If the defendant has escaped, the notice required by this section must contain the name of the defendant, the manner of escape, the place from which the defendant escaped and the date of the escape.

**5. Termination of notification requirement.** The notification requirement under this section ends when:

A. Notification has been provided of an unconditional release or discharge upon the expiration of the sentence or upon release under Title 15, section 101-D or upon discharge under Title 15, section 104-A; or

B. The victim has filed a written request for a notification under subsection 1 with the Department of Corrections or the state mental health institute or the county jail to which the defendant is committed asking that no further notification be given.

**6. Liability.** Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects the attorney for the State, the Commissioner of Corrections, the Department of Corrections, the Commissioner of Health and Human Services, the institution for the care and treatment for persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or the residential program that provides care and treatment for persons who have intellectual disabilities or autism to which the defendant is committed by the Commissioner of Health and Human Services or the county jail or the employees or officers of the attorney for the State, the Commissioner of Corrections, the Department of Corrections, the Commissioner of Health and Human Services, the state mental health institution for the care and treatment for persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or the residential program that provides care and treatment for persons who have intellectual disabilities or autism to which the defendant is committed by the Commissioner of Health and Human Services or the county jail to liability in a civil action.

**§2107. Notification of defendant's release on preconviction bail**

**1. Contact information for victim of certain crimes.** In the case of an alleged crime involving domestic violence, sexual assault under chapter 11 or stalking, the arresting law enforcement officer shall obtain the victim's contact information and provide that information to the jail to which the defendant is delivered.

**2. Notification of victim of certain crimes by jail or law enforcement agency.** In a case of an alleged crime involving domestic violence, sexual assault under chapter 11 or stalking, the jail to which the defendant is delivered shall notify the victim of the defendant's release on preconviction bail under Title 15, chapter 105-A as soon as possible but no later than one hour after the defendant's release. If the defendant is released on preconviction bail before being delivered to a jail, the arresting law enforcement agency shall notify the victim as provided in this section.

**3. Method of notification.** Notification under subsection 2 must be made by a telephone call either directly to the victim or as provided in subsection 5. In the event that the jail has not succeeded in contacting the victim after the jail has exercised due diligence in attempting to contact the victim, notification of the defendant's release must be made to the law enforcement agency that investigated the report of domestic violence, sexual assault under chapter 11 or stalking. That law enforcement agency shall make a reasonable attempt to notify the victim of the defendant's release on preconviction bail.

**4. Request by victim to not be notified.** Notwithstanding subsection 2, a victim of an alleged crime described in subsection 1 may request in writing that the jail or arresting law enforcement agency not notify the victim of the defendant's release on preconviction bail.

**5. Notification based on age of victim.** Notification under this section to an adult victim must be made to the victim. Notification to a minor victim must be made to an adult who is the victim's parent or legal guardian or, if a parent or legal guardian is not available, to another immediate family member of the victim unless the jail or arresting law enforcement agency reasonably believes that it is in the best interest of the minor victim to be notified directly.

**6. Liability.** Neither the failure to perform the requirements of this section nor compliance with this section subjects the State, the arresting law enforcement agency, the jail to which the defendant was delivered, the Department of Corrections or officers or employees of the law enforcement agency, jail or Department of Corrections to liability in a civil action.

For purposes of this section, "crime involving domestic violence" has the same meaning as in Title 15, section 1003, subsection 3-A and includes those crimes under section 152, subsection 1, paragraph A, section 208 and section 208-B when the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4.

#### **§2108. Confidentiality of victim records**

**1. General rule of confidentiality.** Records that pertain to a victim's current address or location or that contain information from which a victim's current address or location could be determined must be kept confidential, subject to disclosure only as authorized in this section.

**2. Disclosure to law enforcement or victims' service agency.** Records that pertain to a victim's current address or location or that contain information from which a victim's current address or location could be determined may be disclosed only to:

- A. A state agency if necessary to carry out the statutory duties of that agency;
- B. A criminal justice agency if necessary to carry out the administration of criminal justice or the administration of juvenile justice;
- C. A victims' service agency with a written agreement with a criminal justice agency to provide services as a victim advocate; or
- D. A person or agency upon request of the victim.

**3. Limited disclosure as part of bail condition or court order.** A bail commissioner, judge, justice, court clerk, law enforcement officer or attorney for the

State may disclose a victim's current address or location to the defendant or accused person, or the attorney or authorized agent of the defendant or accused person, as part of a bail condition or court order restricting contact with the victim only when it is clear that the defendant already knows the victim's current address or location or when the victim requests that such bail condition or court order be issued and the victim requests that the current address or location be specified.

**4. Limited disclosure pursuant to discovery.** An attorney for the State may withhold the current address or location of a victim from the defendant, or the attorney or authorized agent of the defendant, if the attorney for the State has a good faith belief that such disclosure may compromise the safety of the victim.

**5. Disclosure of victim's request for notice prohibited.** In no case may a victim's request for notification of the defendant's release under section 2106 be disclosed except to those employees of the agency to which the defendant is committed and the office of the attorney for the State with which the request was filed in order for those persons to perform their official duties under this chapter.

#### **§2109. Certain communications by victims confidential**

The following communications are privileged from disclosure.

**1. To sexual assault counselor.** Communications by a victim, as described in Title 16, section 53-A, subsection 2, to a sexual assault counselor, as defined in Title 16, section 53-A, subsection 1, paragraph B, are privileged from disclosure as provided in Title 16, section 53-A, subsection 2.

**2. To advocate.** Communications by a victim, as defined in Title 16, section 53-B, subsection 1, paragraph B, to an advocate, as defined in Title 16, section 53-B, subsection 1, paragraph A, are privileged from disclosure as provided in Title 16, section 53-B, subsection 2, subject to exceptions in Title 16, section 53-B, subsection 3.

**3. To victim witness advocate or victim witness coordinator.** Communications by a victim, as defined in Title 16, section 53-C, subsection 1, paragraph B, to a victim witness advocate or a victim witness coordinator, as defined in Title 16, section 53-C, subsection 1, paragraph C, are privileged from disclosure as provided in Title 16, section 53-C, subsection 2, subject to exceptions in Title 16, section 53-C, subsection 3.

**PART 7**  
**ADMINISTRATION OF IMPOSED SENTENCES**  
**OF IMPRISONMENT**

**CHAPTER 81**  
**ADMINISTRATION OF IMPOSED SENTENCES**  
**OF IMPRISONMENT**

**§2301. Definitions**

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

**1. Family or household member.** "Family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4.

**2. Jail.** "Jail" means a county or regional jail.

**3. Sentence of imprisonment.** "Sentence of imprisonment" means:

A. A term of imprisonment, none of which is suspended;

B. An unsuspended portion of a split sentence of imprisonment either before or after revocation of probation or administrative release;

C. An unsuspended portion of a wholly suspended term of imprisonment with probation or with administrative release after revocation of that probation or administrative release; or

D. Any court-ordered time in the custody of the Department of Corrections after revocation of a period of supervised release.

**§2302. General provisions**

**1. Deduction for each day in execution of sentence of imprisonment.** An individual committed to the custody of the Department of Corrections or a jail whose sentence of imprisonment has commenced pursuant to section 2303 must receive a day-for-day deduction from that individual's sentence of imprisonment for each day the individual is in execution of that sentence. This day-for-day deduction may not be withdrawn. Prior to the day-for-day deduction being given, the sentence must first be reduced by any deduction for time detained to which the individual is entitled pursuant to section 2305.

**2. Start of consecutive sentence.** A consecutive sentence may not begin until the sentence involving imprisonment that the consecutive sentence immediately follows in time has been fully served.

**3. Application of deduction for concurrent sentences.** While an individual is in execution of concurrent sentences pursuant to subsection 1, a day-for-day deduction must be accorded on all the sentences simultaneously.

**4. Application of deduction for consecutive sentences.** While an individual is in execution of a consecutive sentence pursuant to subsection 1, a day-for-day deduction may be accorded on only one sentence at a time.

**§2303. Commencement of sentence of imprisonment****1. Commitment to Department of Corrections.**

The sentence of imprisonment of an individual committed to the custody of the Department of Corrections to serve that sentence commences on the date on which that individual is received into the correctional facility designated as the initial place of confinement by the Commissioner of Corrections or the commissioner's designee pursuant to section 2304. That day is counted as the first full day of the sentence.

**2. Commitment to specified jail.** The sentence of imprisonment of an individual committed to the custody of a jail to serve that sentence commences on the date on which that individual is received into the jail specified in the sentence. That day is counted as the first full day of the sentence if the term of imprisonment, or the unsuspended portion of the term of imprisonment, is over 30 days; otherwise, a deduction is accorded only for the portion of that day for which the individual is actually in execution of the sentence.

**3. Commitment with concurrent sentence of imprisonment from another jurisdiction.** When an individual is sentenced to a concurrent sentence of imprisonment as authorized by section 1608, subsection 6, the provisions of this chapter apply and must be administered by the chief administrative officer of this State's correctional facility when the individual is committed to the custody of the Department of Corrections or by the jail administrator of a jail in this State when the individual is committed to the custody of the jail. If the individual is released from imprisonment under the sentence of the other jurisdiction prior to the termination of this State's sentence, the individual shall serve the remainder of this State's sentence at the appropriate correctional facility or jail in this State.

**§2304. Notification of commitment to Department of Corrections**

At the time of sentencing, the sheriff or the sheriff's designee shall notify the Commissioner of Corrections or the commissioner's designee that an individual has been committed to the Department of Corrections and shall inquire as to the correctional facility to which the individual must be delivered by the sheriff or the sheriff's designee. The commissioner or the commissioner's designee has complete discretion to determine the initial place of confinement. In making this determination, the commissioner or the commissioner's designee shall review all relevant information, including any available mental health information. The commissioner or the commissioner's designee

shall immediately inform the sheriff or the sheriff's designee of the location of the correctional facility to which the individual must be transported.

**§2305. Deductions from sentence of imprisonment for time detained**

**1. Deductions for detention permitted.** An individual sentenced to imprisonment who has been detained for the conduct for which that sentence is imposed while awaiting trial, during trial, post-trial while awaiting sentencing or post-sentencing prior to the date on which the sentence commenced either to await transportation to the place of imprisonment specified or pursuant to court order, and not in execution of any other sentence of confinement, must receive a day-for-day deduction from the total term of imprisonment required under that sentence if that individual is detained in:

A. This State in a correctional facility, mental health institute or jail or in any local lockup; or

B. Another jurisdiction in a federal, state or county institution, local lockup or similar facility, including any detention resulting from being a fugitive from justice, as defined by Title 15, section 201, subsection 4, unless the individual has simultaneously been detained for non-Maine conduct.

For the purpose of calculating the day-for-day deduction specified by this subsection, "day" means 24 hours, except that for an individual who commits a crime on or after October 15, 2011, who has been detained for the conduct for which the individual is sentenced to a term of imprisonment of 96 hours or less, any portion of a day detained short of 24 hours must also be deducted from the total term of imprisonment required under that sentence.

**2. Deductions for detention not permitted.** An individual who, in addition to being detained pursuant to subsection 1, has been simultaneously detained for conduct for which the individual is sentenced to a consecutive sentence may not receive a day-for-day deduction from the consecutive sentence for the period of simultaneous detention except for any period of detention that is longer than the total term of imprisonment required under the sentence to be served prior to the consecutive sentence.

**3. Timing of application of deductions.** The total term required under a sentence of imprisonment is reduced by the total deduction under this section prior to applying any of the other deductions specified in this chapter or in Title 30-A, section 1606.

**4. Additional deduction when warranted for crime committed on or after August 1, 2004.** An individual may receive a deduction of up to 2 days per calendar month in addition to the day-for-day deduction provided pursuant to subsection 1 if:

A. The individual commits a crime on or after August 1, 2004 and is sentenced to a term of imprisonment for that crime; and

B. The individual is entitled to a day-for-day deduction pursuant to subsection 1 and the individual's conduct during that period of detention is such that the additional deduction is determined to be warranted in the discretion of the chief administrative officer of the facility in which the individual has been detained.

Deductions under this subsection must be calculated as follows for partial calendar months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>1 to 15 days</u>	<u>up to 1</u>
<u>16 to 31 days</u>	<u>up to 2</u>

**5. Deduction for detention may not be withdrawn.** A deduction for detention to which the individual is entitled may not be withdrawn.

**6. Transporter's duty to provide statement of time detained.** The sheriff or the sheriff's designee shall furnish to the administrator of the facility to which the individual is being delivered and the attorney for the State, within 30 days of delivery, a statement showing the length of that detention. The administrator shall use the statement furnished to determine the day-for-day deduction to which the individual is entitled pursuant to subsections 1 and 4, if any, unless, within 15 days of its receipt, the attorney for the State furnishes a revised statement to the administrator.

**§2306. Deductions for time detained; special circumstances**

**1. Time detained for failure to appear for a default hearing.** An individual arrested and detained for failing to appear for a hearing to explain nonpayment of a fine, a county jail reimbursement fee or restitution or to explain nonperformance of community service work who subsequently is committed by the court conducting the default hearing to the custody of a jail for an unexcused default must receive a day-for-day deduction from the length of the confinement specified in the court's order for each day detained as a result of the arrest pursuant to section 1711, subsection 4; section 1751, subsection 6; section 2015, subsection 3; or section 2033, subsection 6.

**2. Arrest and detention pending probation or administrative release revocation proceeding.** If an individual is detained in a correctional facility, mental health institute or jail pending a probation or administrative release revocation proceeding and is not in execution of any other sentence of confinement, that period of detention must be deducted from the time the individual is required to serve under that portion of the sentence for which the suspension of execution was

vacated as a result of the probation or administrative release revocation. An individual who is simultaneously detained for conduct for which the individual receives a consecutive term of imprisonment is not entitled to receive a day-for-day deduction from the consecutive term of imprisonment for the period of simultaneous detention except for any period of detention that is longer than the term of imprisonment to be served prior to the consecutive sentence.

**§2307. Discretionary deductions for individual who commits crime on or after August 1, 2004, except for certain listed crimes**

**1. Application.** The provisions of this section apply only to an individual who, on or after August 1, 2004, commits a crime and is sentenced to imprisonment for that crime, except for the following:

- A. Murder;
- B. A crime listed under chapter 11;
- C. A crime listed under section 556;
- D. A crime listed under section 854, excluding subsection 1, paragraph A, subparagraph (1);
- E. A crime listed under chapter 12; or
- F. A crime against a family or household member listed under chapter 9 or 13 or section 506-B, 554, 555 or 758.

**2. Discretionary 4 days per month deduction based on conduct.** For an individual who commits a crime and is subsequently in the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment for that crime, up to 4 days per calendar month may be deducted from that sentence, calculated from the date of its commencement, if that individual's conduct during that calendar month is such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the correctional facility or the jail administrator.

Deductions under this subsection must be calculated as follows for partial calendar months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
1 to 7 days	up to 1
8 to 15 days	up to 2
16 to 23 days	up to 3
24 to 31 days	up to 4

**3. Discretionary 3 days per month deduction based on fulfillment of assigned responsibilities for individual in custody of Department of Corrections or jail.** For an individual who commits a crime and is subsequently in the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment for that crime, in addition to the days of de-

duction provided for in subsection 2, up to 3 days per calendar month may be deducted from that sentence, calculated from the date of its commencement, if that individual's fulfillment of responsibilities assigned in the individual's transition plan for work, education or rehabilitation programs during that calendar month is such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the correctional facility or the jail administrator.

Deductions under this subsection must be calculated as follows for partial calendar months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
1 to 10 days	up to 1
11 to 20 days	up to 2
21 to 31 days	up to 3

**4. Discretionary 2 days per month deduction based on fulfillment of assigned responsibilities only for individual in custody of Department of Corrections.** For an individual who commits a crime and is subsequently in the custody of the Department of Corrections in execution of a sentence of imprisonment for that crime, in addition to the days of deduction provided for in subsections 2 and 3, up to 2 days per calendar month also may be deducted from that sentence, calculated from the date of its commencement, if that individual's fulfillment of responsibilities assigned in the individual's transition plan for community work, education or rehabilitation programs during that calendar month is such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the correctional facility.

Deductions under this subsection must be calculated as follows for partial calendar months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
1 to 15 days	up to 1
16 to 31 days	up to 2

**5. Withdrawal of discretionary deductions.** Any portion of the time deducted from the sentence of an individual pursuant to subsection 2, 3 or 4 may be withdrawn by the chief administrative officer of the correctional facility for a disciplinary offense or for the violation of any law of the State in accordance with Title 34-A, section 3032 and the rules adopted under that section or by the jail administrator in accordance with jail disciplinary procedures. Deductions may be withdrawn for months already served or yet to be served by the individual up to and including the maximum authorized for that sentence.

**6. Restoration of discretionary deductions.** The chief administrative officer of the correctional

facility or the jail administrator may restore any portion of deductions that have been withdrawn under subsection 5 if the individual's later conduct and fulfillment of responsibilities assigned in the individual's transition plan for work, education or rehabilitation programs are such that the restoration is determined to be warranted in the discretion of the chief administrative officer or the jail administrator.

**7. Calculation of deduction for work in excess of 8 hours.** The Commissioner of Corrections or the sheriff may establish policy and guidelines for crediting hours of participation in work in excess of 8 hours in a day toward another day for the purpose of calculating deductions from a sentence under subsections 3 and 4.

**8. Calculation of deductions following imposition of new or revised sentence of imprisonment for same offense.** When a judgment of conviction involving a term of imprisonment is vacated or a sentence involving a term of imprisonment is revised or reviewed and a new sentence involving a term of imprisonment is thereafter imposed upon the individual for the same offense, the day-for-day deduction must be accorded on the new sentence both for each day the individual served in execution of the initial sentence pursuant to section 2302, subsection 1 and for all previously earned deductions specified in this section and Title 30-A, section 1606. Prior to the day-for-day deduction being given on the new sentence, the new sentence must be reduced by any deductions specified in section 2305 previously or subsequently received. The deductions applied to the new sentence must be calculated in accordance with this section.

**§2308. Discretionary deductions based on conduct and fulfillment of responsibilities for individuals who commit certain crimes on or after August 1, 2004**

**1. Application.** The provisions of this section apply only to an individual who commits on or after August 1, 2004 one or more of the following crimes and is sentenced to imprisonment for that crime:

- A. Murder;
- B. A crime listed under chapter 11;
- C. A crime listed under section 556;
- D. A crime listed under section 854, excluding subsection 1, paragraph A, subparagraph (1);
- E. A crime listed under chapter 12; or
- F. A crime against a family or household member listed under chapter 9 or 13 or section 506-B, 554, 555 or 758.

**2. Commitment to Department of Corrections or specified jail; discretionary 5 days per month deduction.** For an individual who commits a crime and is in the custody of the Department of Corrections

or a jail in execution of a sentence of imprisonment for that crime, up to 5 days per calendar month may be deducted from that sentence, calculated from the date of its commencement, if that individual's conduct, participation in programs and fulfillment of assigned responsibilities during that calendar month are such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the correctional facility or the jail administrator.

Deductions under this subsection must be calculated as follows for partial calendar months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>1 to 6 days</u>	<u>up to 1</u>
<u>7 to 12 days</u>	<u>up to 2</u>
<u>13 to 18 days</u>	<u>up to 3</u>
<u>19 to 24 days</u>	<u>up to 4</u>
<u>25 to 31 days</u>	<u>up to 5</u>

**3. Withdrawal of discretionary deductions.** Any portion of the time deducted from the sentence of an individual pursuant to subsection 2 may be withdrawn by the chief administrative officer of the correctional facility for a disciplinary offense or for the violation of any law of the State in accordance with Title 34-A, section 3032 and the rules adopted under that section or by the jail administrator in accordance with jail disciplinary procedures. Deductions may be withdrawn for months already served or yet to be served by the individual up to and including the maximum authorized for that sentence.

**4. Restoration of discretionary deductions.** The chief administrative officer of the correctional facility or the jail administrator may restore any portion of deductions that have been withdrawn under subsection 3 if the individual's later conduct, participation in programs and fulfillment of assigned responsibilities are such that the restoration is determined to be warranted in the discretion of the chief administrative officer or jail administrator.

**5. Calculation of deduction for work in excess of 8 hours.** The Commissioner of Corrections or the sheriff may establish policy and guidelines for crediting hours of participation in work in excess of 8 hours in a day toward another day for the purpose of calculating deductions from a sentence under subsection 2.

**6. Calculation of deductions following imposition of new or revised sentence of imprisonment for same offense.** When a judgment of conviction involving a term of imprisonment is vacated or a sentence involving a term of imprisonment is revised or reviewed and a new sentence involving a term of imprisonment is thereafter imposed upon the individual for the same offense, the day-for-day deduction must be accorded on the new sentence both for each day the

individual served in execution of the initial sentence pursuant to section 2302, subsection 1 and for all previously earned deductions specified in this section and Title 30-A, section 1606. Prior to the day-for-day deduction being given on the new sentence, the new sentence must be reduced by any deductions specified in section 2305 previously or subsequently received. The deductions applied to the new sentence must be calculated in accordance with this section.

**§2309. Discretionary deductions based on conduct and participation for individual who committed crime on or after October 1, 1995 but before August 1, 2004**

**1. Application.** This section applies only to an individual who committed a crime on or after October 1, 1995 but before August 1, 2004 and was sentenced to imprisonment for that crime.

**2. Commitment to Department of Corrections or jail; discretionary 5 days per month deduction.** For an individual who committed a crime on or after October 1, 1995, but before August 1, 2004, and is in the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment for that crime, up to 5 days per calendar month may be deducted from that sentence, calculated from the date of its commencement, if that individual's conduct, participation in programs and fulfillment of assigned responsibilities during that calendar month are such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the correctional facility or the jail administrator.

Deductions under this subsection must be calculated as follows for partial calendar months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>1 to 6 days</u>	<u>up to 1</u>
<u>7 to 12 days</u>	<u>up to 2</u>
<u>13 to 18 days</u>	<u>up to 3</u>
<u>19 to 24 days</u>	<u>up to 4</u>
<u>25 to 31 days</u>	<u>up to 5</u>

**3. Withdrawal of discretionary deductions.** Any portion of the time deducted from the sentence of an individual pursuant to subsection 2 may be withdrawn by the chief administrative officer of the correctional facility for a disciplinary offense or for the violation of any law of the State in accordance with Title 34-A, section 3032 and the rules adopted under that section or by the jail administrator in accordance with jail disciplinary procedures. Deductions may be withdrawn for months already served or yet to be served by the individual up to and including the maximum authorized for that sentence.

**4. Restoration of discretionary deductions.** The chief administrative officer of the correctional facility or the jail administrator may restore any portion of deductions that have been withdrawn under subsection 3 if the individual's later conduct, participation in programs and fulfillment of assigned responsibilities are such that the restoration is determined to be warranted in the discretion of the chief administrative officer or jail administrator.

**5. Calculation of deduction for work in excess of 8 hours.** The Commissioner of Corrections or the sheriff may establish policy and guidelines for crediting hours of participation in work in excess of 8 hours in a day toward another day for the purpose of calculating deductions from a sentence under subsection 2.

**6. Calculation of deductions following imposition of new or revised sentence of imprisonment for same offense.** When a judgment of conviction involving a term of imprisonment is vacated or a sentence involving a term of imprisonment is revised or reviewed and a new sentence involving a term of imprisonment is thereafter imposed upon the individual for the same offense, the day-for-day deduction must be accorded on the new sentence both for each day the individual served in execution of the initial sentence pursuant to section 2302, subsection 1 and for all previously earned deductions specified in subsection 2 and Title 30-A, section 1606. Prior to the day-for-day deduction being given on the new sentence, the new sentence must be reduced by any deductions specified in section 2305 previously or subsequently received. The deductions applied to the new sentence must be calculated in accordance with this section.

**§2310. Deductions for individual who committed crime before October 1, 1995 and was sentenced on or after October 1, 1983**

**1. Application.** This section applies only to an individual who committed a crime on or after May 1, 1976 but before October 1, 1995 and who was sentenced on or after October 1, 1983 to imprisonment for that crime.

**2. Deduction for individual sentenced to imprisonment for more than 6 months.** Beginning October 1, 1983, an individual sentenced to imprisonment for more than 6 months must receive a deduction of 10 days per month for observing all rules of the Department of Corrections and the correctional facility where that individual is confined or the jail where that individual is confined. The period from which the deduction is made must be calculated from the first day the individual is received into the custody of the department or the jail and includes the full length of any imprisonment ordered to be served. This deduction does not apply to any suspended portion of the individual's sentence. For the purpose of calculating the deduction under this subsection, a month is 30 days and a year is 12 months.

Deductions under this subsection must be calculated as follows for partial months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>0 to 2 days</u>	<u>0</u>
<u>3 to 5 days</u>	<u>1</u>
<u>6 to 8 days</u>	<u>2</u>
<u>9 to 11 days</u>	<u>3</u>
<u>12 to 14 days</u>	<u>4</u>
<u>15 to 17 days</u>	<u>5</u>
<u>18 to 20 days</u>	<u>6</u>
<u>21 to 23 days</u>	<u>7</u>
<u>24 to 26 days</u>	<u>8</u>
<u>27 to 29 days</u>	<u>9</u>
<u>30 days</u>	<u>10</u>

**3. Deduction for individual sentenced to imprisonment for 6 months or less.** Beginning October 1, 1983, an individual sentenced to imprisonment for 6 months or less must receive a deduction of 3 days per month for observing all the rules of the Department of Corrections and the correctional facility where that individual is confined or the jail where that individual is confined. The period from which the deduction is made must be calculated from the first day the individual is received into the custody of the department or the jail and includes the full length of any imprisonment order to be served. This deduction does not apply to any suspended imprisonment portion of an individual's sentence. For the purpose of calculating the deduction under this subsection, a month is 30 days.

Deductions under this subsection must be calculated as follows for partial months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>0 to 7 days</u>	<u>0</u>
<u>8 to 15 days</u>	<u>1</u>
<u>16 to 23 days</u>	<u>2</u>
<u>24 to 30 days</u>	<u>3</u>

**4. Withdrawal of deductions.** Any portion of the time deducted from the sentence of an individual pursuant to subsection 2 or 3 may be withdrawn by the chief administrative officer of the correctional facility or the jail administrator for the infraction of any rule of the correctional facility or jail, for any misconduct or for the violation of any law of the State. The withdrawal of a deduction may be made at the discretion of the chief administrative officer or jail administrator, in accordance with policies and guidelines established by

the Department of Corrections or by the jail administrator in accordance with jail disciplinary procedures.

**5. Restoration of deductions.** The chief administrative officer of the correctional facility or the jail administrator may restore any portion of the deductions that have been withdrawn pursuant to subsection 4 if the individual's later conduct and outstanding effort are determined in the discretion of the chief administrative officer or jail administrator to warrant that restoration.

**6. Commitment to Department of Corrections or jail; additional 3 days per month deduction not subject to withdrawal.** An individual in the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment for a crime committed before October 1, 1995 may earn and have deducted up to 3 days per month in addition to the deduction provided pursuant to subsections 2 and 3 if the individual is assigned to or participates in work, education or other responsibilities within the correctional facility or jail or a program that are determined to be of sufficient importance to warrant those deductions in the discretion of the chief administrative officer of the correctional facility or the jail administrator in accordance with policy and guidelines established by the Department of Corrections or sheriff. A deduction awarded under this subsection may not be withdrawn by the chief administrative officer or the jail administrator. For the purpose of calculating a deduction under this subsection, "month" means a calendar month.

Deductions made under this subsection must be calculated as follows for partial months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>1 to 10 days</u>	<u>up to 1</u>
<u>11 to 20 days</u>	<u>up to 2</u>
<u>21 to 31 days</u>	<u>up to 3</u>

**7. Commitment to Department of Corrections for crime committed before October 1, 1995; additional 2 days per month deduction not subject to withdrawal.** An individual in the custody of the Department of Corrections in execution of a sentence of imprisonment for a crime committed before October 1, 1995 may earn and have deducted up to 2 days per month in addition to the days of deductions provided for in subsections 2, 3 and 6 if the individual is assigned to and participates in minimum security or community programs administered by the department. These deductions may also apply if the individual is assigned to or participates in minimum security or community programs through agencies providing services to the department. These deductions may be authorized for work and responsibilities, to include public restitution, that are considered to be of sufficient importance to warrant those deductions in the

discretion of the chief administrative officer of the correctional facility in accordance with department policy and guidelines. A deduction awarded under this subsection may not be withdrawn by the chief administrative officer. For the purpose of calculating a deduction under this subsection, "month" means a calendar month.

Deductions made under this subsection must be calculated as follows for partial months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>1 to 15 days</u>	<u>up to 1</u>
<u>16 to 31 days</u>	<u>up to 2</u>

**8. Calculation of deduction for work in excess of 8 hours.** The Commissioner of Corrections or the sheriff may establish policy and guidelines for crediting hours of participation in work in excess of 8 hours in a day toward another day for the purpose of calculating deductions from a sentence of imprisonment under subsections 6 and 7.

**9. Calculation of deductions following imposition of new or revised sentence of imprisonment for same offense.** When a judgment of conviction involving a term of imprisonment is vacated or a sentence involving a term of imprisonment is revised or reviewed and a new sentence involving a term of imprisonment is thereafter imposed upon the individual for the same offense, the day-for-day deduction must be accorded on the new sentence both for each day the individual served in execution of the initial sentence pursuant to section 2302, subsection 1 and for all previously earned deductions specified in subsections 2, 3, 6 and 7 and Title 30-A, section 1606. Prior to the day-for-day deduction being given on the new sentence, the new sentence must be reduced by any deductions specified in section 2305 previously or subsequently received. The deductions applied to the new sentence must be calculated in accordance with this section.

**§2311. Deductions for individual who committed crime before October 1, 1995 and was sentenced prior to October 1, 1983**

**1. Application.** This section applies only to an individual who committed a crime on or after May 1, 1976 but before October 1, 1995 and who was sentenced prior to October 1, 1983 to imprisonment for that crime.

**2. Deductions based on law in effect at time of offense.** Unless otherwise specifically provided by law, deductions based on conduct and participation from a sentence that was imposed prior to October 1, 1983 must be calculated in accordance with the laws in effect on the date the offense was committed. When a judgment of conviction involving a term of impris-

onment is vacated or a sentence involving a term of imprisonment is revised or reviewed and a new sentence involving a term of imprisonment is thereafter imposed for the same offense, calculation of deductions based on conduct and participation must be in accordance with the laws in effect on the date that offense was committed.

**§2312. Deductions applicable to concurrent sentences resulting from new criminal conduct while on probation or administrative release**

**1. Revocation of probation or administrative release by court before conviction and sentence for new criminal conduct.** An individual whose probation or administrative release is revoked by a court for new criminal conduct must receive a deduction for the time the individual serves as a result of the revocation from the sentence that is the result of a conviction for the new criminal conduct if:

- A. The new criminal conduct is committed during the probation or administrative release;
- B. The revocation of probation or administrative release occurs before the conviction for the new criminal conduct;
- C. The individual is subsequently convicted of a crime arising out of the new criminal conduct; and
- D. Concurrent sentences are imposed by the court that do not commence on the same date.

**2. Revocation of probation or administrative release by court after conviction and sentence for new criminal conduct.** An individual whose probation or administrative release is revoked by a court following a conviction for new criminal conduct must receive a deduction for the time the individual serves as a result of the conviction for the new criminal conduct from the time the individual is required to serve as a result of the revocation if:

- A. The new criminal conduct is committed during the probation or administrative release;
- B. The revocation of probation or administrative release occurs after the conviction for the new criminal conduct;
- C. The individual is subsequently convicted of a crime arising out of the new criminal conduct; and
- D. Concurrent sentences are imposed by the court that do not commence on the same date.

**§2313. Deductions relative to parole eligibility for individual sentenced prior to effective date of Maine Criminal Code**

An individual convicted of an offense committed prior to May 1, 1976 and sentenced under the law then in effect may elect to have that individual's parole eligibility calculated using the deductions based on con-

duct and participation available to individuals sentenced under this Code. The election must result in the application of deductions pursuant to section 2310. The parole eligibility and deductions based on conduct and participation of an individual who does not so elect must be calculated in accordance with the laws in effect on the date the offense was committed. This section may not be construed to compel or permit discharge of any individual sooner than the discharge would have occurred under the law in effect on the date the offense was committed.

#### **§2314. Release from imprisonment**

**1. Unconditional release and discharge.** An individual committed to the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment must be unconditionally released and discharged upon the expiration of that individual's sentence, as determined after the deductions afforded that individual under this chapter, except that release is subject to the following provisions.

A. If the applicable calculations for an individual committed to the custody of the Department of Corrections fix the release and discharge date on a Saturday, Sunday or legal holiday, that individual may be released and discharged on the last regular business day of the correctional facility preceding that Saturday, Sunday or legal holiday.

B. If the length of the term of imprisonment to be served by an individual committed to the custody of a jail is 8 days or more, that individual may be released at any time on the final day of imprisonment, in accordance with jail release procedures; otherwise, that individual may not be released until the sentence expires.

**2. Release of individual sentenced prior to effective date of Maine Criminal Code.** An individual in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect prior to May 1, 1976 must be released and discharged according to the law as it was in force prior to May 1, 1976 and such law continues in force for this purpose as if this Code were not enacted.

#### **PART B**

**Sec. B-1. 17-A MRSA §2, sub-§§5-C and 5-D** are enacted to read:

**5-C. Concurrent sentence.** "Concurrent sentence" means a sentence involving imprisonment that runs at the same time as one or more other sentences involving imprisonment while an individual is simultaneously in execution of each of them. A sentence involving imprisonment does not need to be imposed at the same time or begin or end at the same time as another sentence to be a concurrent sentence.

**5-D. Consecutive sentence.** "Consecutive sentence" means a sentence involving imprisonment that

immediately follows in time another sentence involving imprisonment. A sentence is not a consecutive sentence with respect to another sentence if an individual is in execution of both sentences at any time. A sentence involving imprisonment does not need to be imposed at the same time as another sentence to be a consecutive sentence.

**Sec. B-2. 17-A MRSA §2, sub-§7-A** is enacted to read:

**7-A. Day.** "Day," for purposes of imposing imprisonment or probation, administrative release or supervised release, means 24 hours.

**Sec. B-3. 17-A MRSA §2, sub-§14-A** is enacted to read:

**14-A. Individual.** "Individual" means a human being.

**Sec. B-4. 17-A MRSA §2, sub-§15-A** is enacted to read:

**15-A. Jail.** "Jail" means a specially constructed or modified facility designated by law or regularly used for detention for a period of up to 12 months.

**Sec. B-5. 17-A MRSA §2, sub-§17-A** is enacted to read:

**17-A. Month.** "Month," for purposes of imposing imprisonment or probation, administrative release or supervised release, means 30 days.

**Sec. B-6. 17-A MRSA §2, sub-§23-B** is enacted to read:

**23-B. Split sentence.** "Split sentence" means a sentence involving imprisonment, an initial portion of which is served and the remainder of which is suspended, accompanied by probation or administrative release.

**Sec. B-7. 17-A MRSA §2, sub-§§26 and 27** are enacted to read:

**26. Week.** "Week," for purposes of imposing imprisonment or probation, administrative release or supervised release, means 7 days.

**27. Year.** "Year," for purposes of imposing imprisonment or probation, administrative release or supervised release, means 365 days.

**Sec. B-8. 17-A MRSA §6, sub-§1,** as amended by PL 1989, c. 502, Pt. D, §9, is further amended to read:

1. The provisions of Parts 1 ~~and 3~~, 6 and 7 and chapter 7 are applicable to crimes defined outside this code, unless the context of the statute defining the crime clearly requires otherwise.

**Sec. B-9. 17-A MRSA §201, sub-§2,** as amended by PL 2001, c. 383, §8 and affected by §156, is further amended to read:

**2. Murder.** The sentence for murder is as authorized in chapter ~~54~~ 63.

**Sec. B-10. 17-A MRSA §207, sub-§3,** as enacted by PL 2005, c. 12, Pt. JJ, §1, is amended to read:

**3. Minimum fine.** For a violation under subsection 1, the court shall impose a sentencing alternative that involves a fine of not less than \$300, which may not be suspended except as provided in subsection 4.

**Sec. B-11. 17-A MRSA §207, sub-§4** is enacted to read:

**4. Finding by court necessary to impose other than minimum fine.** In the case of an individual, the court may suspend all or a portion of a minimum fine under subsection 3 or impose a lesser fine other than the mandatory fine if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty. In making a finding of exceptional circumstances, the court may consider:

A. Reliable evidence of financial hardship on the part of the individual and the individual's family and dependents;

B. Reliable evidence of special needs of the individual or the individual's family and dependents;

C. Reliable evidence of the individual's income and future earning capacity and the individual's assets and financial resources from whatever source;

D. Reliable evidence regarding any pecuniary gain derived from the commission of the offense; and

E. The impact of imposition of the mandatory fine on the individual's reasonable ability to pay restitution under chapter 69.

**Sec. B-12. 17-A MRSA §253, sub-§6,** as amended by PL 2001, c. 383, §20 and affected by §156, is repealed.

**Sec. B-13. 17-A MRSA §253, sub-§7,** as enacted by PL 1997, c. 768, §2, is repealed.

**Sec. B-14. 17-A MRSA §253-A** is enacted to read:

**§253-A. Special sentencing provisions for gross sexual assault**

**1. Any term of years; nonmandatory sentence alternative.** If the State pleads and proves that the defendant is a repeat sexual assault offender, the court may impose a definite term of imprisonment for any term of years. The court also may impose as part of the sentence either a period of probation of any term of years pursuant to section 1804, subsection 4 or a period of supervised release of any term of years pursuant to section 1881, subsection 2, paragraph A.

As used in this subsection, "repeat sexual assault offender" means a person who commits a new gross sexual assault after having been convicted previously and sentenced for any of the following:

A. Gross sexual assault, formerly denominated as gross sexual misconduct;

B. Rape;

C. Attempted murder accompanied by sexual assault;

D. Murder accompanied by sexual assault; or

E. Conduct substantially similar to a crime listed in paragraphs A to D that is a crime under the laws of another jurisdiction.

For purposes of determining whether a defendant is a repeat sexual assault offender, the date of sentencing is the date of the oral pronouncement of the sentence by the trial court, even if an appeal is taken.

"Accompanied by sexual assault" as used with respect to attempted murder, murder and crimes involving substantially similar conduct in another jurisdiction is satisfied if it was definitionally an element of the crime or was pleaded and proved.

**2. Any term of years; mandatory sentence alternative.** If the State pleads and proves that a crime under section 253 was committed against an individual who had not yet attained 12 years of age, the court shall impose a definite term of imprisonment for any term of years. In determining the basic term of imprisonment as the first step in the sentencing process specified in section 1602, subsection 1, paragraph A, the court shall select a definite term of at least 20 years. The court shall also impose as part of the sentence a period of supervised release to immediately follow that definite term of imprisonment as mandated by section 1881, subsection 1.

**3. Aggravating sentencing factors.** The court shall treat the following as an aggravating sentencing factor.

A. If the State pleads and proves that a Class A crime of gross sexual assault was committed by an individual who had previously been convicted and sentenced for a Class B or Class C crime of unlawful sexual contact, or an essentially similar crime in another jurisdiction, the court, in determining the appropriate sentence, shall treat as an aggravating sentencing factor that prior conviction.

B. If the State pleads and proves that a violation of section 253, subsection 1 or 2 was committed in a safe children zone, the court, in determining the appropriate sentence, shall treat this as an aggravating sentencing factor.

C. In using a sentencing alternative involving a term of imprisonment for an individual convicted of violating section 253, a court, in determining the maximum period of incarceration as the 2nd step in the sentencing process specified in section 1602, subsection 1, paragraph B, shall treat each prior Maine conviction for a violation of section 253 as an aggravating sentencing factor.

(1) When the sentencing class for a prior conviction under section 253 is Class A, the court shall enhance the basic period of incarceration by a minimum of 4 years of imprisonment.

(2) When the sentencing class for a prior conviction under section 253 is Class B, the court shall enhance the basic period of incarceration by a minimum of 2 years of imprisonment.

(3) When the sentencing class for a prior conviction under section 253 is Class C, the court shall enhance the basic period of incarceration by a minimum of one year of imprisonment.

D. In arriving at the final sentence as the 3rd step in the sentencing process specified in section 1602, subsection 1, paragraph C, the court may not suspend that portion of the maximum term of incarceration based on a prior conviction.

**Sec. B-15. 17-A MRSA §282, sub-§3** is enacted to read:

**3. Aggravating sentencing factor of victim under 12 years of age.** If the State pleads and proves that a crime under this section was committed against an individual who had not attained 12 years of age, the court, in determining the appropriate sentence, shall treat the age of the victim as an aggravating sentencing factor.

**Sec. B-16. 17-A MRSA §1125** is enacted to read:

**§1125. Mandatory minimum term of imprisonment for certain drug offenses**

**1. Minimum term of imprisonment.** Except as otherwise provided in subsections 2 and 3, for a person convicted of violating section 1105-A, 1105-B, 1105-C, 1105-D or 1118-A the minimum term of imprisonment, which may not be suspended, is as follows:

A. When the sentencing class is Class A, the minimum term of imprisonment is 4 years;

B. When the sentencing class is Class B, the minimum term of imprisonment is 2 years; and

C. With the exception of a conviction under section 1105-A, 1105-B, 1105-C or 1105-D when the

drug that is the basis for the charge is marijuana, when the sentencing class is Class C, the minimum term of imprisonment is one year.

**2. Finding by court necessary to impose other than mandatory minimum term of imprisonment.** The court may impose a sentence other than a minimum unsuspended term of imprisonment set forth in subsection 1 if:

A. The court finds by substantial evidence that:

(1) Imposition of a minimum unsuspended term of imprisonment under subsection 1 will result in substantial injustice to the individual. In making this determination, the court shall consider, among other considerations, whether the individual did not know and reasonably should not have known that the victim was less than 18 years of age;

(2) Failure to impose a minimum unsuspended term of imprisonment under subsection 1 will not have an adverse effect on public safety; and

(3) Failure to impose a minimum unsuspended term of imprisonment under subsection 1 will not appreciably impair the effect of subsection 1 in deterring others from violating section 1105-A, 1105-B, 1105-C, 1105-D or 1118-A; and

B. The court finds that the individual's background, attitude and prospects for rehabilitation and the nature of the victim and the offense indicate that imposition of a sentence under subsection 1 would frustrate the general purposes of sentencing set forth in section 1501.

If the court imposes a sentence under this subsection, the court shall state in writing or on the record its reasons for its findings and for imposing a sentence under this subsection rather than under subsection 1.

**3. Reduced mandatory minimum term of imprisonment.** If the court imposes a sentence under subsection 2, the minimum term of imprisonment, which may not be suspended, is as follows:

A. When the sentencing class is Class A, the minimum term of imprisonment is 9 months;

B. When the sentencing class is Class B, the minimum term of imprisonment is 6 months; and

C. With the exception of trafficking or furnishing marijuana under section 1105-A or 1105-C, when the sentencing class is Class C, the minimum term of imprisonment is 3 months.

**Sec. B-17. 17-A MRSA §1126** is enacted to read:

**§1126. Special sentencing provisions regarding fines for certain drug offenses**

**1. Fine based on value of scheduled drugs at time of offense.** As authorized by section 1706, subsection 3, if the State pleads and proves the value at the time of the commission of a crime of a scheduled drug that is the basis for a conviction under section 1103, 1105-A, 1105-B, 1105-C, 1105-D, 1106 or 1107-A, the convicted person may be sentenced to pay a fine in an amount up to the value, as pleaded and proved by the State, of that scheduled drug.

**2. Mandatory minimum fine barring court finding exceptional circumstances.** In addition to any other authorized sentencing alternative specified in section 1502, subsection 2 for individuals or section 1502, subsection 7 for organizations, the court shall impose a minimum fine of \$400, none of which may be suspended, except as provided in subsection 3, for an individual convicted of a crime under section 1103; 1104; 1105-A; 1105-B; 1105-C; 1105-D; 1106; 1107-A; 1108; 1109; 1110; 1111; 1111-A, subsection 4-A; 1116; 1117; or 1118.

**3. Finding by court necessary to impose other than minimum fine.** In the case of an individual, the court may suspend all or a portion of a minimum fine under subsection 2 or impose a fine less than the minimum fine specified in subsection 2 if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty. In making a finding of exceptional circumstances, the court may consider:

A. Reliable evidence of financial hardship on the part of the individual and the individual's family and dependents;

B. Reliable evidence of special needs of the individual or the individual's family and dependents;

C. Reliable evidence of the individual's income and future earning capacity and the individual's assets and financial resources from whatever source;

D. Reliable evidence regarding any pecuniary gain derived from the commission of the offense; and

E. The impact of imposition of the mandatory fine on the individual's reasonable ability to pay restitution under chapter 69.

**Sec. B-18. 29-A MRSA §2412-A, sub-§3,** as amended by PL 2003, c. 673, Pt. TT, §5, is further amended to read:

**3. Minimum mandatory sentences for certain suspension.** If the suspension was for OUI or an OUI offense, the court shall impose a minimum fine of \$600, a term of imprisonment of 7 consecutive days and a suspension of license of not less than one year

nor more than 3 years consecutive to the original suspension. The penalties may not be suspended except as provided in subsection 3-A.

A. If the person has a prior conviction for violating this section within a 10-year period and was subject to the minimum mandatory sentences, then the following minimum penalties, which may not be suspended by the court, apply in the event the suspension was for OUI:

(1) A minimum fine of \$1,000, a term of imprisonment of 30 consecutive days and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of one prior conviction;

(2) A minimum fine of \$2,000, a term of imprisonment of 60 consecutive days and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 2 prior convictions; or

(3) A minimum fine of \$3,000, a term of imprisonment of 6 months and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 3 or more prior convictions. The sentencing class for this offense is a Class C ~~crime~~.

B. For all other suspensions, the minimum fine for a first offense is \$250, which may not be suspended by the court. The minimum fine for 2nd and subsequent offenses is \$500, which may not be suspended by the court.

A separate reading of the allegation and a separate trial are not required under this subsection.

**Sec. B-19. 29-A MRSA §2412-A, sub-§3-A** is enacted to read:

**3-A. Finding by court necessary to impose other than minimum fine.** In the case of an individual, the court may suspend all or a portion of a minimum fine under subsection 3 or impose a fine less than the minimum fine specified in subsection 3 if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty. In making a finding of exceptional circumstances, the court may consider:

A. Reliable evidence of financial hardship on the part of the offender and the offender's family and dependents;

B. Reliable evidence of special needs of the offender or the offender's family and dependents;

C. Reliable evidence of the offender's income and future earning capacity and the offender's assets and financial resources from whatever source;

D. Reliable evidence regarding any pecuniary gain derived from the commission of the offense; and

E. The impact of imposition of the mandatory fine on the offender's reasonable ability to pay restitution under Title 17-A, chapter 69.

### PART C

**Sec. C-1. 7 MRSA §616-A, sub-§2-A**, as enacted by PL 2003, c. 452, Pt. B, §7 and affected by Pt. X, §2, is amended to read:

**2-A. Criminal violation.** A person may not intentionally or knowingly violate this subchapter or Title 22, chapter 258-A, a rule adopted under this subchapter or Title 22, chapter 258-A or a restriction of a registration issued pursuant to this subchapter. A person who violates this subsection commits a Class E crime. Notwithstanding Title 17-A, ~~sections 1252 and 1304~~ section 1604, subsection 1 and sections 1704 and 1705, the court may impose a sentencing alternative of a fine of not more than \$7,500 or a term of imprisonment of not more than 30 days, or both, for each violation. Prosecution under this subsection is by summons and not by warrant. A prosecution under this subsection is separate from an action brought pursuant to subsection 2.

**Sec. C-2. 7 MRSA §3952-A, sub-§2**, as enacted by PL 2017, c. 404, §12, is amended to read:

**2. Dangerous dog finding.** If, upon hearing, the court finds that a dog is a dangerous dog, the court shall impose a fine and may order any one or more of the following that the court determines is appropriate:

A. Order the dog to be euthanized if the court finds that the dog:

(1) Has killed, maimed or inflicted serious bodily injury upon a person or has a history of a prior assault or a prior finding by the court of being a dangerous dog; and

(2) Presents a clear threat to public safety;

B. Order that the owner or keeper of the dog, if that person has previously been adjudicated of having violated this section, may not own, possess or have on that person's premises any dogs for a period of time, which may be permanent;

C. Order the owner or keeper of the dog, if the owner or keeper is allowed to keep the dog, or any other person keeping the dog, to post dangerous dog signs, visible from all directions and provided by the department, around the entrance of the premises where the dog resides and to notify in writing any service provider that has a reasonable expectation to be on the property that the dog has been determined to be a dangerous dog. The owner or keeper is responsible for the cost of the signs;

D. Order the dog confined in a secure enclosure. For the purposes of this paragraph, "secure enclosure" means a fence or structure of at least 6 feet in height forming or making an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog in conjunction with other measures that may be taken by the owner or keeper. The secure enclosure must be locked, be designed with secure sides and be designed to prevent the animal from escaping from the enclosure. The enclosure may also be designed with a secure top and bottom if determined necessary by the court. The court shall specify the length of the period of confinement and may order permanent confinement;

E. Order that the owner or keeper of a dog confined to a secure enclosure pursuant to paragraph D may not allow the dog outside of the secure enclosure unless:

(1) It is necessary to obtain veterinary care for the dog or to comply with orders of the court; and

(2) The dog is securely muzzled with a basket-style muzzle, restrained by a leash not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog owner or keeper;

F. Order the dog to be securely muzzled with a basket-style muzzle, restrained by a leash not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog owner or keeper whenever the dog is off the owner's or keeper's premises;

G. Order the dog to be spayed or neutered;

H. Order the dog to be microchipped within 60 days of the court order;

I. Order the owner or keeper of the dog to obtain a minimum of \$100,000 in liability insurance for the life of the dog;

J. Order the owner or keeper of the dog to have the dog evaluated by a certified canine behaviorist or certified dog trainer and to attend dog training classes; and

K. Order the owner or keeper of the dog to immediately notify the sheriff, a local law enforcement officer or an animal control officer if the dog escapes.

The court may order restitution in accordance with Title 17-A, chapter ~~54~~ 69 for any damages inflicted upon a person or a person's property by a dog determined to be a dangerous dog under this subsection.

**Sec. C-3. 9-B MRSA §466, sub-§11, ¶A**, as amended by PL 2003, c. 452, Pt. D, §1 and affected by Pt. X, §2, is further amended to read:

A. A person responsible for an act or omission expressly declared to be a criminal offense by statutes pertaining to the supervision of financial institutions and for which no other penalty has been provided by statute commits a Class E crime, except notwithstanding Title 17-A, section ~~1301~~ 1704, a fine of not more than \$5,000 may be imposed upon ~~a natural person~~ an individual.

**Sec. C-4. 10 MRSA §1174, sub-§3, ¶R**, as amended by PL 1995, c. 65, Pt. A, §15 and affected by §153 and Pt. C, §15, is further amended to read:

R. To cancel, terminate, fail to renew or refuse to continue any franchise relationship with a licensed new motor vehicle dealer, notwithstanding the terms, provisions or conditions of any agreement or franchise or the terms or provisions of any waiver, without first furnishing notification of the termination to the new motor vehicle dealer as follows:

(1) Notification under this paragraph ~~shall~~ must be in writing, ~~shall~~ must be by certified mail or personally delivered to the new motor vehicle dealer and ~~shall~~ must contain:

- (a) A statement of intention to terminate the franchise, cancel the franchise or not to renew the franchise;
- (b) A statement of the reasons for the termination, cancellation or nonrenewal; and
- (c) The date on which the termination, cancellation or nonrenewal takes effect;

(2) The notice described in this paragraph ~~shall~~ may not be less than 90 days prior to the effective date of the termination, cancellation or nonrenewal; or

(3) The notice described in this paragraph ~~shall~~ may not be less than 15 days prior to the effective date of the termination, cancellation or nonrenewal with respect to any of the following:

- (a) Insolvency of the new motor vehicle dealer, or filing of any petition by or against the new motor vehicle dealer under any bankruptcy or ~~receivorship~~ receivership law;
- (b) The business operations of the franchised motor vehicle dealer have been abandoned or closed for 7 consecutive business days unless the closing is due to an act of God, strike or labor difficulty;
- (c) Conviction of or plea of nolo contendere of a franchised motor vehicle dealer, or one of its principal owners, of any Class A, B or C crime, as defined in the

Maine Criminal Code, Title 17-A, in which a sentence of imprisonment of one year or more is imposed under Title 17-A, sections ~~1251~~ 1603 and ~~1252~~ 1604; or

(d) Revocation of the franchised motor vehicle dealer's license pursuant to Title 29-A, section 903;

**Sec. C-5. 10 MRSA §1243, sub-§3, ¶Q**, as enacted by PL 1997, c. 473, §3, is amended to read:

Q. To cancel, terminate, fail to renew or refuse to continue any franchise relationship with a licensed new personal sports mobile dealer, notwithstanding the terms, provisions or conditions of any agreement or franchise or the terms or provisions of any waiver, without first providing notification of the termination, cancellation, nonrenewal or noncontinuance to the new personal sports mobile dealer as follows:

(1) Notification under this paragraph must be in writing and must be delivered personally or by certified mail to the new personal sports mobile dealer and must contain:

- (a) A statement of intention to terminate, cancel, not continue or not renew the franchise;
- (b) A statement of the reasons for the termination, cancellation, noncontinuance or nonrenewal; and
- (c) The date on which the termination, cancellation, noncontinuance or nonrenewal takes effect;

(2) The notice required in this paragraph may not be given less than 90 days prior to the effective date of the termination, cancellation, noncontinuance or nonrenewal, except as provided in subparagraph (3); or

(3) The notice required in this paragraph may not be given less than 15 days prior to the effective date of the termination, cancellation, noncontinuance or nonrenewal with respect to any of the following:

- (a) Insolvency of the new personal sports mobile dealer or filing of any petition by or against the new personal sports mobile dealer under any bankruptcy or receivership law;
- (b) The business operations of the personal sports mobile dealer have been abandoned or closed for 14 consecutive business days unless the closing is due to an act of God, strike or labor difficulty; or

(c) Conviction of or plea of nolo contendere of a personal sports mobile dealer or one of its principal owners of any Class A, Class B or Class C crime, as defined in Title 17-A, in which a sentence of imprisonment of one year or more is imposed under Title 17-A, sections ~~1251 1603~~ and ~~1252 1604~~; or

**Sec. C-6. 10 MRSA §1434, sub-§3, ¶Q**, as enacted by PL 1997, c. 427, §2, is amended to read:

Q. To cancel, terminate, fail to renew or refuse to continue any dealership relationship with a licensed new recreational vehicle dealer, notwithstanding the terms, provisions or conditions of any agreement or dealer agreement or the terms or provisions of any waiver, without first providing notification of the termination, cancellation, nonrenewal or noncontinuance to the new recreational vehicle dealer as follows:

(1) Notification must be in writing and delivered personally or by certified mail to the new recreational vehicle dealer and contain:

(a) A statement of intent to terminate the dealer agreement, cancel the dealer agreement, not continue the dealer agreement or not to renew the dealer agreement;

(b) A statement of the reasons for the termination, cancellation, noncontinuance or nonrenewal; and

(c) The date on which the termination, cancellation, noncontinuance or nonrenewal takes effect;

(2) Notification may not be less than 90 days prior to the effective date of the termination, cancellation, noncontinuance or nonrenewal; or

(3) Notification may not be less than 15 days prior to the effective date of the termination, cancellation, noncontinuance or nonrenewal with respect to any of the following:

(a) Insolvency of the new recreational vehicle dealer or filing of any petition by or against the new recreational vehicle dealer under any bankruptcy or receivership law;

(b) The business operations outlined by the dealer agreement have been abandoned or closed for 14 consecutive business days unless the closing is due to an act of God, a strike or labor difficulty;

(c) Conviction of or plea of nolo contendere of a recreational vehicle dealer or one of its principal owners of any Class

A, Class B or Class C crime, as defined in Title 17-A, in which a sentence of imprisonment of 60 days or more is imposed under Title 17-A, sections ~~1251 1603~~ and ~~1252 1604~~;

(d) Revocation of the recreational vehicle dealer's license pursuant to Title 29-A, section 903; or

(e) A determination that there was a material fraudulent misrepresentation by the dealer to the manufacturer, distributor or wholesaler; or

**Sec. C-7. 10 MRSA §1434-A, sub-§2, ¶B**, as enacted by PL 2009, c. 562, §18, is amended to read:

B. The notice period under this subsection may be reduced to not less than 30 days' prior written notice of termination, cancellation or nonrenewal if good cause exists. Good cause exists for purposes of this paragraph when:

(1) A dealer or one of its owners is convicted of or enters a plea of nolo contendere to murder or a Class A, Class B or Class C crime for which a sentence of imprisonment of one year or more is imposed under Title 17-A, section ~~1251 1603~~ or ~~1252 1604~~;

(2) A dealer abandons or closes the dealer's business operations for 10 consecutive business days unless the closing is due to an act of God, strike, labor difficulty or other cause over which the dealer has no control;

(3) There is a significant misrepresentation by the dealer materially affecting the business relationship between the dealer and the manufacturer or distributor;

(4) The dealer's license has been suspended or revoked or has not been renewed;

(5) There is a declaration by the dealer of bankruptcy or insolvency or the occurrence of an assignment for the benefit of creditors or bankruptcy; or

(6) A dealer fails to notify in writing the manufacturer or distributor at least 30 days prior to entering into a dealer agreement with a manufacturer or distributor of a competing, similar line make.

The notice requirements of this paragraph do not apply if the reason for termination, cancellation or nonrenewal is the dealer's insolvency, the occurrence of an assignment for the benefit of creditors or the dealer's bankruptcy.

**Sec. C-8. 10 MRSA §1434-A, sub-§3, ¶C,** as enacted by PL 2009, c. 562, §18, is amended to read:

C. For purposes of this subsection, good cause for termination, cancellation or nonrenewal exists when:

- (1) A manufacturer or distributor is convicted of, or enters a plea of nolo contendere to, murder or a Class A, Class B or Class C crime for which a sentence of imprisonment of one year or more is imposed under Title 17-A, section ~~1251~~ 1603 or ~~1252~~ 1604;
- (2) The business operations of the manufacturer or distributor have been abandoned or closed for 10 consecutive business days, unless the closing is due to an act of God, strike, labor difficulty or other cause over which the manufacturer or distributor has no control;
- (3) There is a significant misrepresentation by the manufacturer or distributor materially affecting the business relationship between the dealer and the manufacturer or distributor; or
- (4) There is a declaration by the manufacturer or distributor of bankruptcy or insolvency or the occurrence of an assignment for the benefit of creditors or bankruptcy.

**Sec. C-9. 12 MRSA §6004, last ¶,** as amended by PL 2005, c. 507, §1, is further amended to read:

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section ~~1253, subsection 2~~ 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section ~~1253, subsection 2, paragraph A, or subsection 3 B, 4, 5, 8, 9 or 10~~ 2305, subsection 4; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter ~~54-G~~ 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that ~~chapter~~ subchapter.

**Sec. C-10. 12 MRSA §6073, sub-§3,** as amended by PL 1995, c. 157, §1, is further amended to read:

**3. Penalty.** Any person who violates subsection 2-A or who knowingly and willfully violates subsection 2 is guilty of a Class D crime, except that, notwithstanding Title 17-A, sections 4-A and ~~1301~~, 1704

and 1705, the court shall impose a fine of not less than \$1,000 and restitution may be ordered made to the owner of the lease in an amount set by the court pursuant to Title 17-A, chapter 69.

**Sec. C-11. 12 MRSA §6432, sub-§5,** as amended by PL 2013, c. 468, §18, is further amended to read:

**5. Penalty for possession.** Possession of lobsters other than caught by the method specified in subsection 1 is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part ~~3~~ 6, the court shall impose a fine of \$500 for each violation and, in addition, a fine of \$100 for each lobster involved, up to and including the first 5, and a fine of \$200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than \$1,000 or more than \$5,000.

**Sec. C-12. 12 MRSA §6436, sub-§5,** as amended by PL 2013, c. 468, §19, is further amended to read:

**5. Penalty for possession of egg-bearing lobsters.** Possession of lobsters in violation of subsection 1, paragraph A is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part ~~3~~ 6, the court shall impose a fine of \$1,000 for each violation and, in addition, a fine of \$200 for each lobster involved, up to and including the first 5, and a fine of \$400 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than \$2,500 or more than \$10,000.

**Sec. C-13. 12 MRSA §6436, sub-§6,** as amended by PL 2013, c. 468, §20, is further amended to read:

**6. Penalty for possession of v-notched lobsters.** Possession of lobsters in violation of subsection 1, paragraph B is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part ~~3~~ 6, the court shall impose a fine of \$500 for each violation and, in addition, a fine of \$100 for each lobster involved, up to and including the first 5, and a fine of \$400 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than \$1,000 or more than \$5,000.

**Sec. C-14. 12 MRSA §6952-A, sub-§4,** as amended by PL 2013, c. 468, §42, is further amended to read:

**4. Penalty for possession.** A violation of this section is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part ~~3~~ 6, the court shall impose a fine of \$500 for each violation and, in addition, a fine of \$100 for each lobster involved, up to and including the first 5, and a fine of \$200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than \$1,000 or more than \$5,000.

**Sec. C-15. 12 MRSA §6957, sub-§2**, as amended by PL 1995, c. 169, §2, is further amended to read:

**2. Penalty.** A violation of subsection 1 is a Class D crime, ~~except that, notwithstanding Title 17-A, section 1304.~~ In addition to any other authorized sentencing alternative, the court shall impose a minimum fine of \$1,000 that may not be suspended.

**Sec. C-16. 12 MRSA §8004, last ¶**, as amended by PL 2005, c. 507, §2, is further amended to read:

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section ~~1253, subsection 2~~ 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section ~~1253, subsection 2, paragraph A, or subsection 3 B, 4, 5, 8, 9 or 10~~ 2305, subsection 4; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter ~~54-G~~ 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that ~~chapter~~ subchapter.

**Sec. C-17. 12 MRSA §9321, sub-§6**, as amended by PL 2003, c. 556, §1, is further amended to read:

**6. Penalty.** Notwithstanding section 9701, any person who engages in out-of-door burning in violation of this article, or who fails to comply with any stated permit condition or restriction, commits a Class E crime. In addition, if the State proves that while in violation that person's out-of-door fire resulted in fire suppression costs to municipal or State Government, the court, as part of any sentence imposed, may order restitution, pursuant to Title 17-A, chapter ~~54~~ 69, to be paid to the government entities incurring the suppression costs. For each violation of this article:

A. The monetary award for restitution to a municipality may not exceed \$25,000; and

B. The total combined monetary award for restitution to municipalities and State Government may not exceed \$125,000.

When bringing an action under this article, the State shall, to the fullest extent permitted by law, seek restitution of fire suppression costs incurred by state governmental entities relating to the violation.

**Sec. C-18. 12 MRSA §9601, sub-§1**, as amended by PL 1991, c. 528, Pt. E, §11 and affected

by Pt. RRR and amended by c. 591, Pt. E, §11, is further amended to read:

**1. Illegal operation.** A person is guilty of illegal operation of power-driven equipment if that person knowingly:

A. Operates power-driven equipment in, through or within 1,000 feet of forest lands without an approved spark arrester;

B. Requires the operation of power-driven equipment in, through or within 1,000 feet of forest lands without an approved spark arrester; or

C. Permits the operation of power-driven equipment owned by that person in, through or within 1,000 feet of forest lands without an approved spark arrester.

For the purposes of this section, "power-driven equipment" means vehicles, tools or other equipment with an internal combustion engine, but does not include boat motors.

Notwithstanding section 9701, any person who violates this subsection commits a Class E crime. In addition, if the State proves that while in violation of this section fires resulting from that person's power-driven equipment resulted in fire suppression costs to municipal or State Government, the court, as part of any sentence imposed, may, pursuant to Title 17-A, chapter ~~54~~ 69, order restitution to be paid to the government entities incurring the suppression costs in an amount not to exceed the limitations established in section 9321.

**Sec. C-19. 12 MRSA §10608, last ¶**, as amended by PL 2005, c. 507, §3, is further amended to read:

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section ~~1253, subsection 2~~ 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section ~~1253, subsection 2, paragraph A, or subsection 3 B, 4, 5, 8, 9 or 10~~ 2305, subsection 4; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter ~~54-G~~ 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that ~~chapter~~ subchapter.

**Sec. C-20. 12 MRSA §12509, sub-§1**, as affected by PL 2003, c. 614, §9 and amended by c. 655,

Pt. B, §256 and affected by §422, is further amended to read:

**1. Permit required.** Except as otherwise authorized pursuant to this Part, a person may not introduce, import or transport any live fish or gametes into the State or receive or have in that person's possession fish or gametes so introduced, imported or transported without a valid permit issued under this section.

A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section ~~1301~~ 1704, the fine may not be less than \$1,000 nor more than \$10,000.

**Sec. C-21. 12 MRSA §12510, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**1. Permit required.** Except as otherwise authorized pursuant to this Part, a person may not introduce fish of any kind into any inland waters without a valid permit issued under this section. A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section ~~1301~~ 1704, the fine may not be less than \$1,000 or more than \$10,000.

**Sec. C-22. 12 MRSA §12511, sub-§1**, as enacted by PL 2003, c. 655, Pt. B, §257 and affected by §422, is amended to read:

**1. Permit required.** Except as otherwise authorized pursuant to this Part, a person may not introduce fish or fish spawn into a private pond without a valid permit issued under this section. A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section ~~1301~~ 1704, the fine may not be less than \$1,000 nor more than \$10,000.

**Sec. C-23. 12 MRSA §12512, sub-§1**, as enacted by PL 2003, c. 655, Pt. B, §257 and affected by §422, is amended to read:

**1. Permit required.** Except as otherwise authorized pursuant to this Part, a person may not take and transport within the limits of the State fish taken in the State for breeding or advertising purposes without a valid permit issued under this section. A person who violates this subsection commits a Class E crime, except that, notwithstanding Title 17-A, section ~~1301~~ 1704, the fine may not be less than \$1,000 nor more than \$10,000.

**Sec. C-24. 12 MRSA §13157-A, sub-§25, ¶B**, as enacted by PL 2005, c. 397, Pt. E, §26, is amended to read:

B. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of

not less than \$100 or more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

(3) In addition to any penalties imposed under this subsection, the court may, subject to section 9321 and Title 17-A, chapter ~~54~~ 69, order restitution for fire suppression costs incurred by state or municipal government entities in suppressing a fire caused by an ATV operating without a working spark arrester.

**Sec. C-25. 13 MRSA §1035**, as amended by PL 2007, c. 112, §1, is further amended to read:

**§1035. Penalties**

Except as otherwise provided in this chapter, a person who fails to comply with or violates any of the provisions of this chapter in respect to the establishment, maintenance or operation of a cemetery, community mausoleum, crematory or columbarium or to the disposal of dead human bodies commits a Class E crime except that, notwithstanding Title 17-A, section ~~1301~~ sections 1704 and 1705, the fine may not be less than \$100 or more than \$500.

**Sec. C-26. 14 MRSA §158-B, sub-§1**, as amended by PL 2007, c. 275, §1, is further amended to read:

**1. Liability limited.** A charitable organization or other entity approved pursuant to Title 15, section 3301 or 3314 or pursuant to Title 17-A, section ~~1345~~ 2031 is not liable for a claim arising from death or injury to a person or damage to property caused by a juvenile or adult participating in a supervised work or service program, performing community service or providing restitution under Title 15, section 3301 or 3314 or under Title 17-A, section ~~1345~~ 2031, including a claim arising from death or injury to the juvenile or adult or damage to the adult's or juvenile's property.

**Sec. C-27. 14 MRSA §752-E, sub-§§1 and 2**, as enacted by PL 1997, c. 320, §1, are amended to read:

**1. Limitation period.** Actions based upon a criminal offense in which, as that offense is defined, there is a victim, as defined in Title 17-A, section ~~1171~~ 2101, subsection 2, brought by or on behalf of a victim against the offender must be commenced within the limitation period otherwise provided or within 3 years of the time the victim discovers or reasonably should have discovered any profits from the crime, whichever occurs later.

**2. Notice to victims.** A person or organization that knowingly pays or agrees to pay any profits from

a criminal offense in which, as that offense is defined, there is a victim to a person charged with or convicted of that crime shall make reasonable efforts to notify every victim, as defined in Title 17-A, section ~~4474~~ 2101, subsection 2, of the payment or agreement to pay as soon as practicable after discovering that the payment or intended payment constitutes profits from the crime. Reasonable efforts must include, but are not limited to, seeking information about victims from court records and the prosecuting attorney and mailing notice by certified mail to victims whose address is known and publishing, at least once every 6 months for 3 years, in newspapers of general circulation in the area where the crime occurred a legal notice to unknown victims or victims whose address is unknown.

**Sec. C-28. 14 MRSA §5602**, as enacted by PL 2001, c. 421, Pt. A, §1 and affected by Pt. C, §1, is amended to read:

**§5602. Restitution**

The court may order a person adjudicated as having committed a civil violation to pay restitution as part of the judgment. Title 17-A, chapter ~~54~~ 69 applies to the determination, ordering, payment and enforcement of an order of restitution.

**Sec. C-29. 15 MRSA §224-A, sub-§2**, as amended by PL 2015, c. 431, §5, is further amended to read:

**2. Funding.** The Extradition and Prosecution Expenses Account in each prosecutorial district is funded by bail forfeited to and recovered by the State pursuant to the Maine Rules of Unified Criminal Procedure, Rule 46. Whenever bail is so forfeited and recovered by the State and if it is not payable as restitution pursuant to Title 17-A, section ~~4329~~ 2015, subsection ~~3-A~~ 4, the district attorney shall determine whether it or a portion of it is deposited in the Extradition and Prosecution Expenses Account for that district attorney's prosecutorial district, but in no event may the account exceed \$30,000. Any bail so forfeited and recovered and not deposited in the Extradition and Prosecution Expenses Account must be deposited in the General Fund. Any unexpended balance in the Extradition and Prosecution Expenses Account of a prosecutorial district established by this section may not lapse but must be carried forward into the next year.

**Sec. C-30. 15 MRSA §812, sub-§2**, as amended by PL 2007, c. 475, §4, is further amended to read:

**2. Notification to victims and law enforcement officers.** Whenever practicable, before submitting a negotiated plea to the court, the attorney for the State shall make a good faith effort to inform the relevant law enforcement officers of the details of the plea agreement reached in any prosecution where the defendant was originally charged with murder, a Class

A, B or C crime or a violation of Title 17-A, chapter 9, 11, 12 or 13 and, with respect to victims, shall comply with Title 17-A, section ~~4472~~ 2102, subsection 1, paragraphs A and B relative to informing victims of the details of and their right to comment on a plea agreement.

**Sec. C-31. 15 MRSA §1004**, as amended by PL 2015, c. 431, §11, is further amended to read:

**§1004. Applicability and exclusions**

This chapter applies to the setting of bail for a defendant in a criminal proceeding, including the setting of bail for an alleged contemnor in a plenary contempt proceeding involving a punitive sanction under the Maine Rules of Civil Procedure, Rule 66. It does not apply to the setting of bail in extradition proceedings under sections 201 to 229, post-conviction review proceedings under sections 2121 to 2132, probation revocation proceedings under Title 17-A, sections ~~4205 to 4208~~ 1809 to 1814, supervised release revocation proceedings under Title 17-A, section ~~4233~~ 1883 or administrative release revocation proceedings under Title 17-A, sections ~~4349 to 4349-F~~ 1851 to 1857, except to the extent and under the conditions stated in those sections. This chapter applies to the setting of bail for an alleged contemnor in a summary contempt proceeding involving a punitive sanction under the Maine Rules of Civil Procedure, Rule 66 and to the setting of bail relative to a material witness only as specified in sections 1103 and 1104, respectively. This chapter does not apply to a person arrested for a juvenile crime as defined in section 3103 or a person under 18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section 3103.

**Sec. C-32. 15 MRSA §1023, sub-§4, ¶B-1**, as enacted by PL 2011, c. 640, Pt. A, §1, is amended to read:

B-1. Set preconviction bail for a defendant alleged to have committed any of the following offenses against a family or household member as defined in Title 19-A, section 4002, subsection 4:

- (1) A violation of a protection from abuse order provision set forth in Title 19-A, section 4006, subsection 5, paragraph A, B, C, D, E or F or Title 19-A, section 4007, subsection 1, paragraph A, A-1, A-2, B, C, D, E or G;
- (2) Any Class A, B or C crime under Title 17-A, chapter 9;
- (3) Any Class A, B or C sexual assault offense under Title 17-A, chapter 11;
- (4) Kidnapping under Title 17-A, section 301;

(5) Criminal restraint under Title 17-A, section 302, subsection 1, paragraph A, subparagraph (4) or Title 17-A, section 302, subsection 1, paragraph B, subparagraph (2);

(6) Domestic violence stalking that is a Class C crime under Title 17-A, section 210-C, subsection 1, paragraph B;

(7) Domestic violence criminal threatening that is a Class C crime under Title 17-A, section 209-A, subsection 1, paragraph B or domestic violence criminal threatening that is elevated to a Class C crime by the use of a dangerous weapon under Title 17-A, section ~~1252~~ 1604, subsection ~~4~~ 5, paragraph A;

(8) Domestic violence terrorizing that is a Class C crime under Title 17-A, section 210-B, subsection 1, paragraph B or domestic violence terrorizing that is elevated to a Class C crime by the use of a dangerous weapon under Title 17-A, section ~~1252~~ 1604, subsection ~~4~~ 5, paragraph A; or

(9) Domestic violence reckless conduct that is a Class C crime under Title 17-A, section 211-A, subsection 1, paragraph B or domestic violence reckless conduct that is elevated to a Class C crime by the use of a dangerous weapon under Title 17-A, section ~~1252~~ 1604, subsection ~~4~~ 5, paragraph A;

**Sec. C-33. 15 MRSA §1094, first ¶**, as amended by PL 2007, c. 31, §2, is further amended to read:

When a defendant who has been admitted to either preconviction or post-conviction bail in a criminal case fails to appear as required or has violated the conditions of release, the court shall declare a forfeiture of the bail. The obligation of the defendant and any sureties may be enforced in such manner as the Supreme Judicial Court shall by rule provide and in accordance with section 224-A and Title 17-A, section ~~1329~~ 2015, subsection ~~3-A~~ 4. The rules adopted by the Supreme Judicial Court must provide for notice to the defendant and any sureties of the consequences of failure to comply with the conditions of bail.

**Sec. C-34. 15 MRSA §1094, sub-§2-A**, as enacted by PL 2017, c. 221, §1, is amended to read:

**2-A. Violation of unsecured preconviction bail.** If the court determines that an offender has violated unsecured preconviction bail and that the violation is not excused, the court shall enter an order of forfeiture of bail, which may not exceed the amount of the unsecured bail previously set. The attorney for the State may take action to collect the amount forfeited using measures authorized for the collection of unpaid restitution under Title 17-A, section ~~1326-A~~ 2006, including, but not limited to, entering into agreements with

the offender for payment over a set period of time not to exceed one year. In order to satisfy an order of forfeiture entered under this subsection, pursuant to Title 36, section 5276-A, the State Tax Assessor may withhold tax refunds owed to an offender.

**Sec. C-35. 15 MRSA §1105**, as amended by PL 2017, c. 407, Pt. A, §53, is further amended to read:

**§1105. Substance use disorder treatment program**

As a condition of post-conviction release, the court may impose the condition of participation in a substance use disorder treatment program for a period not to exceed 24 months pursuant to Title 4, chapter 8. Upon request of the Department of Corrections, the court may require the defendant to pay a substance use testing fee as a requirement of participation in the substance use disorder treatment program. If at any time the court finds probable cause that a defendant released with a condition of participation in a substance use disorder treatment program has intentionally or knowingly violated any requirement of the defendant's participation in the substance use disorder treatment program, the court may suspend the order of bail for a period of up to 7 days for any such violation. The defendant must be given an opportunity to personally address the court prior to the suspension of an order of bail under this section. A period of suspension of bail is a period of detention under Title 17-A, section ~~1253~~, ~~subsection 2~~ 2305. This section does not restrict the ability of the court to take actions other than suspension of the order of bail for the violation of a condition of participation in a substance use disorder treatment program or the ability of the court to entertain a motion to revoke bail under section 1098 and enter any dispositional order allowed under section 1099-A. If the court orders participation in a substance use disorder treatment program under this section, upon sentencing the court shall consider whether there has been compliance with the program.

**Sec. C-36. 15 MRSA §1707**, as repealed and replaced by PL 1987, c. 616, is amended to read:

**§1707. Record to designated facility**

Whenever a person is convicted of a crime and sentenced to a term of imprisonment ~~which that~~ is to be served in the custody of the Department of Corrections, the clerk of the court shall make and forward to the head of the correctional facility designated as the initial place of confinement by the Commissioner of Corrections pursuant to Title 17-A, section ~~1258~~ 2304, a record containing copies of the docket entries and charging instrument, together with a statement of any fact or facts ~~which that~~ the presiding justice may ~~deem~~ determine to be important or necessary for a full comprehension of the case. This record ~~shall~~ must be delivered to the head of the designated correctional facility within 10 days of the date the prisoner is received

at that facility. At the time a person, so sentenced, is delivered to the designated correctional facility, a copy of the judgment and commitment ~~shall~~ must be given to the receiving officer at that facility.

**Sec. C-37. 15 MRSA §2121, sub-§2**, as amended by PL 2017, c. 148, §2, is further amended to read:

**2. Post-sentencing proceeding.** "Post-sentencing proceeding" means a court proceeding or administrative action occurring during the course of and pursuant to the operation of a sentence that affects whether there is incarceration or its length, including revocation of parole, failure to grant parole, an error of law in the computation of a sentence including administrative calculations of deductions relative to time detained pursuant to Title 17-A, section ~~1253, subsection 2~~ 2305 and default in payment of a fine or restitution. It does not include the following Title 17-A, Part ~~3~~ 6 court proceedings: revocation of probation, revocation of supervised release for sex offenders or revocation of administrative release. It does not include the following administrative actions: calculations of ~~good time and meritorious good time credits deductions~~ pursuant to Title 17-A, section ~~1253, subsections 3, 3-B, 4, 5 and 7 or similar deductions under Title 17-A, section 1253, subsections 8, 9 and 10~~ 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; section 2310, subsections 3, 6 and 7; and section 2311; disciplinary proceedings resulting in a withdrawal of good time credits or similar deductions under Title 17-A, section 1253, subsections 6, 8, 9 and 10 2307, subsection 5; section 2308, subsection 3; section 2309, subsection 3; section 2310, subsection 4; and section 2311; cancellation of furlough or other rehabilitative programs authorized under Title 30-A, sections 1556, 1605 and 1606 or Title 34-A, section 3035; cancellation of a supervised community confinement program granted pursuant to Title 34-A, section 3036-A; cancellation of a community confinement monitoring program granted pursuant to Title 30-A, section 1659-A; or cancellation of placement on community reintegration status granted pursuant to Title 34-A, section 3810 or former section 4112.

**Sec. C-38. 15 MRSA §2124, sub-§1, ¶C-1**, as enacted by PL 2011, c. 601, §7, is amended to read:

C-1. Incarceration imposed by the challenged criminal judgment that is wholly satisfied at the time of sentence imposition due to detention time credits earned under Title 17-A, section ~~1253, subsection 2~~ 2305;

**Sec. C-39. 15 MRSA §2124, sub-§1, ¶E**, as amended by PL 2011, c. 601, §7, is further amended to read:

E. A fine imposed by the challenged criminal judgment that has not been paid and in a case when a person has not inexcusably violated Title

17-A, section ~~1303-B~~ 1710 or inexcusably defaulted in payment of any portion. A fine includes any imposed monetary fees, surcharges and assessments, however designated;

**Sec. C-40. 15 MRSA §2124, sub-§1, ¶F**, as amended by PL 2013, c. 266, §2, is further amended to read:

F. Restitution imposed by the challenged criminal judgment that has not been paid and in a case when a person has not inexcusably violated Title 17-A, section ~~1328-A~~ 2014 or inexcusably defaulted in payment of any portion. Any challenge as to the amount of restitution ordered is further limited by Title 17-A, section ~~1330-A~~ 2017;

**Sec. C-41. 15 MRSA §2137, sub-§1**, as enacted by PL 2005, c. 659, §1 and affected by §6, is amended to read:

**1. Motion.** A person who has been convicted of and sentenced for a crime under the laws of this State that carries the potential punishment of imprisonment of at least one year and for which the person is in actual execution of either a pre-Maine Criminal Code sentence of imprisonment, including parole, or a sentencing alternative pursuant to Title 17-A, section ~~1452~~ 1502, subsection 2 that includes a term of imprisonment or is subject to a sentence of imprisonment that is to be served in the future because another sentence must be served first may file a written postjudgment of conviction motion in the underlying criminal proceeding moving the court to order DNA analysis of evidence in the control or possession of the State that is related to the underlying investigation or prosecution that led to the person's conviction and a new trial based on the results of that analysis as authorized by this chapter. For criminal proceedings in which DNA testing was conducted before September 1, 2006, the person may file a written postjudgment of conviction motion in the underlying criminal proceeding moving the court for a new trial based on the results of the DNA testing already conducted using the standard set forth in this chapter if the DNA test results show that the person is not the source of the evidence.

**Sec. C-42. 15 MRSA §2151, sub-§3**, as enacted by PL 1999, c. 731, Pt. ZZZ, §24 and affected by §42, is amended to read:

**3. Restitution.** As limited by Title 17-A, section ~~1330-A~~ 2017.

**Sec. C-43. 15 MRSA §2252, sub-§4**, as enacted by PL 2015, c. 354, §1, is amended to read:

**4. Other state convictions.** The eligible criminal conviction is the only criminal conviction of the person in this State, and the person has not had a criminal charge dismissed as a result of a deferred disposition pursuant to Title 17-A, chapter ~~54-F~~ 67, subchapter 4 and has not been adjudicated as having committed a

juvenile crime for which the hearing was open to the general public under section 3307;

**Sec. C-44. 15 MRSA §3007**, as enacted by PL 1999, c. 280, §1, is amended to read:

**§3007. Victims' rights**

In addition to any rights given to victims of juvenile crimes in this Part, the victim of a juvenile crime has the rights that a victim has under Title 17-A, section ~~1175~~ 2106.

**Sec. C-45. 15 MRSA §3312, sub-§1**, as amended by PL 1995, c. 253, §3, is further amended to read:

**1. Evidence of proper disposition.** After making an order of adjudication, the court shall hear evidence on the question of the proper disposition best serving the interests of the juvenile and the public. Such evidence must include, but is not necessarily limited to, the social study and written report, if ordered prepared under section 3311, subsection 3, and other reports as provided in section 3311, subsection 1. Any person who would be entitled to address the court pursuant to Title 17-A, section ~~1257~~ 2104 if the conduct for which the juvenile has been adjudicated had been committed by an adult, as provided in that section, must be accorded notice of the dispositional hearing and the right to address the court. The Maine Rules of Evidence do not apply in dispositional hearings.

**Sec. C-46. 15 MRSA §3314, sub-§1, ¶E**, as corrected by RR 2009, c. 2, §35, is amended to read:

E. The court may require the juvenile to make restitution for any damage to the victim or other authorized claimant as compensation for economic loss upon reasonable conditions that the court determines appropriate. For the purposes of this paragraph, the provisions of Title 17-A, chapter ~~54~~ 69 apply, except that section ~~1329~~ 2015 does not apply. Enforcement of a restitution order is available pursuant to subsection 7. If the restitution was a condition of probation, the attorney for the State may, with written consent of the juvenile community corrections officer, file a motion to revoke probation.

**Sec. C-47. 15 MRSA §3314, sub-§1, ¶G**, as amended by PL 2017, c. 377, §2, is further amended to read:

G. Except for a violation of section 3103, subsection 1, paragraph H, the court may impose a fine, subject to Title 17-A, sections ~~1301~~ 1701 to ~~1304~~ 1711, except that there is no mandatory minimum fine amount. For the purpose of this section, juvenile offenses defined in section 3103, subsection 1, paragraphs B and C are subject to a fine of up to \$1,000.

**Sec. C-48. 15 MRSA §3314, sub-§1, ¶H**, as amended by PL 2007, c. 96, §5, is further amended to read:

H. The court may order the juvenile to serve a period of confinement that may not exceed 30 days, with or without an underlying suspended disposition of commitment to a Department of Corrections juvenile correctional facility, which confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date but may be served intermittently as the court may order and must be ordered served in a facility approved or operated by the Department of Corrections exclusively for juveniles. The court may order such a disposition to be served as a part of and with a period of probation that is subject to such provisions of Title 17-A, section ~~1204~~ 1807 as the court may order and that must be administered pursuant to Title 34-A, chapter 5, subchapter 4. Revocation of probation is governed by the procedure contained in subsection 2. Any disposition under this paragraph is subject to Title 17-A, section ~~1253, subsection 2~~ 2305 except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section ~~1253, subsection 2, paragraph A, or subsection 3-B, 4, 5, 8, 9 or 10~~ 2305, subsection 4; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. For purposes of calculating the commencement of the period of confinement, credit is accorded only for the portion of the first day for which the juvenile is actually confined; the juvenile may not be released until the juvenile has served the full term of hours or days imposed by the court. When a juvenile is committed for a period of confinement, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that reasonable efforts are not necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders a period of confinement.

**Sec. C-49. 15 MRSA §3314, sub-§2**, as amended by PL 2007, c. 695, Pt. A, §19, is further amended to read:

**2. Suspended disposition.** The court may impose any of the dispositional alternatives provided in subsection 1 and may suspend its disposition and place the juvenile on a specified period of probation that is subject to such provisions of Title 17-A, section ~~1204~~ 1807 as the court may order and that is administered

pursuant to the provisions of Title 34-A, chapter 5, subchapter 4, except that the court may not impose the condition set out in Title 17-A, section ~~1204~~ 1807, subsection ~~1-A~~ 5. The court may impose as a condition of probation that a juvenile must reside outside the juvenile's home in a setting satisfactory to the juvenile community corrections officer if the court determines that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that no reasonable efforts are necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B, and that continuation in the juvenile's home would be contrary to the welfare of the juvenile. Imposition of such a condition does not affect the legal custody of the juvenile.

Modification of probation is governed by the procedures contained in Title 17-A, section ~~1202~~, ~~subsection 2~~ 1804, subsections ~~7 and 8~~. Termination of probation is governed by the procedures contained in Title 17-A, section ~~1202~~ 1804, subsection ~~3~~ 10. Revocation of probation is governed by the procedures contained in Title 17-A, sections ~~1205, 1205 B, 1205 C and 1206~~ 1809 to 1812, except that this subsection governs the court's determinations concerning probable cause and continued detention and those provisions of Title 17-A, section ~~1206~~ 1812, subsection ~~7-A~~ 6 allowing a vacating of part of the suspension of execution apply only to a suspended fine under subsection 1, paragraph G or a suspended period of confinement under paragraph H. A suspended commitment under subsection 1, paragraph F may be modified to a disposition under subsection 1, paragraph H. When a revocation of probation results in the imposition of a disposition under subsection 1, paragraph F or a period of confinement under subsection 1, paragraph H, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that no reasonable efforts are necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders a particular disposition upon a revocation of probation. If the juvenile is being detained for an alleged violation of probation, the court shall review within 48 hours following the detention, excluding Saturdays, Sundays and legal holidays, the decision to detain the juvenile. Following that review, the court shall order the juvenile's release unless the court finds that there is probable cause to believe that the juvenile has violated a condition of probation and finds, by a preponderance of the evidence, that continued detention is necessary to meet one of the purposes of detention under section 3203-A, subsection 4, paragraph C. When a court orders continued detention, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for remov-

al of the juvenile from the juvenile's home or that no reasonable efforts are necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders continued detention.

**Sec. C-50. 15 MRSA §3314, sub-§6**, as amended by PL 2015, c. 485, §1, is further amended to read:

**6. Forfeiture of firearms.** As part of every disposition in every proceeding under this code, every firearm that constitutes the basis for an adjudication for a juvenile crime that, if committed by an adult, would constitute a violation of section 393; Title 17-A, section 1105-A, subsection 1, paragraph C-1; Title 17-A, section 1105-B, subsection 1, paragraph C; Title 17-A, section 1105-C, subsection 1, paragraph C-1; Title 17-A, section 1105-D, subsection 1, paragraph B-1; or Title 17-A, section 1118-A, subsection 1, paragraph B and every firearm used by the juvenile or any accomplice during the course of conduct for which the juvenile has been adjudicated to have committed a juvenile crime that would have been forfeited pursuant to Title 17-A, section ~~1158-A~~ 1504 if the criminal conduct had been committed by an adult must be forfeited to the State and the juvenile court shall so order unless another person satisfies the court prior to the dispositional hearing and by a preponderance of the evidence that the other person had a right to possess the firearm, to the exclusion of the juvenile, at the time of the conduct that constitutes the juvenile crime. Rules adopted by the Attorney General that govern the disposition of firearms forfeited pursuant to Title 17-A, section ~~1158-A~~ 1504 govern forfeitures under this subsection.

**Sec. C-51. 15 MRSA §3314-A**, as amended by PL 2009, c. 93, §13, is further amended to read:

**§3314-A. Period of probation; modification and discharge**

The period of probation of a juvenile, its modification and discharge, is as provided by Title 17-A, section ~~1202~~ 1804, except that the period of probation of a juvenile convicted of a juvenile crime as defined by section 3103, subsection 1, paragraph B, C or E may not exceed one year. The period of probation may extend beyond the juvenile's 21st birthday.

**Sec. C-52. 15 MRSA §5821, sub-§3-B**, as enacted by PL 2013, c. 328, §2, is amended to read:

**3-B. Forfeiture of firearms used in the commission of certain acts.** In addition to the provisions of subsection 3-A and Title 17-A, section ~~1158-A~~ 1504, this subsection controls the forfeiture of firearms used in the commission of certain acts.

A. Except as provided in paragraph B, a firearm is subject to forfeiture to the State if the firearm is used by a person to commit a criminal act that in fact causes serious bodily injury or death to another human being and, following that act, the person either commits suicide or attempts to commit suicide and the attempt results in the person's becoming incompetent to stand trial or the person is killed or rendered incompetent to stand trial as the result of a justifiable use of deadly force by a law enforcement officer. Except as provided in paragraph B, a property right does not exist in the firearm subject to forfeiture.

B. A firearm that is used in the commission of a criminal act described in paragraph A is exempt from forfeiture under this subsection if the firearm belongs to another person who is the rightful owner from whom the firearm has been stolen and the other person is not a principal or accomplice in the criminal act. In that case, the firearm must be transferred to the other person unless that person is otherwise prohibited from possessing a firearm under applicable law.

A firearm subject to forfeiture pursuant to this subsection that is declared by a court to be forfeited pursuant to section 5822 must be promptly destroyed, or caused to be promptly destroyed, by the law enforcement agency that has custody of the firearm.

**Sec. C-53. 15 MRSA §6101, sub-§1, ¶B**, as amended by PL 1995, c. 680, §2, is further amended to read:

B. The victim's right to be advised of the existence of a negotiated plea agreement before that agreement is submitted to the court pursuant to Title 17-A, section ~~1173~~ 2103;

**Sec. C-54. 15 MRSA §6101, sub-§1, ¶D**, as amended by PL 1995, c. 680, §2, is further amended to read:

D. The victim's right to make a statement or submit a written statement at the time of sentencing pursuant to Title 17-A, section ~~1174~~ 2104 upon conviction of the defendant; and

**Sec. C-55. 17 MRSA §1031, sub-§1-B**, as amended by PL 2005, c. 281, §8 and c. 397, Pt. F, §1, is further amended to read:

**1-B. Aggravated cruelty to animals.** A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A. Causes extreme physical pain to an animal;
- B. Causes the death of an animal; or
- C. Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, ~~section 1301~~ sections 1704 and 1705, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

**Sec. C-56. 17 MRSA §2512, sub-§4**, as enacted by PL 2005, c. 546, §1, is amended to read:

**4. Restitution.** In addition to any penalties imposed pursuant to subsection 3 and, when appropriate, in accordance with the requirements of Title 17-A, chapter ~~54~~ 69, the court shall order restitution to the landowner on the basis of an adequate factual foundation. The amount of restitution may be determined by using the measured volume of the harvested forest products as listed on the measurement tally sheet or stumpage sheet in accordance with Title 10, section 2364-A, subsection 2 and by the terms of the sales contract according to the measurement procedures set forth in Title 10, section 2363-A that are applicable to a sale of wood.

Any restitution ordered and paid must be deducted from the amount of any restitution awarded in a civil action brought by the owner or the State against the offender based on the same facts.

**Sec. C-57. 17-A MRSA §8, sub-§2-A**, as enacted by PL 2013, c. 392, §2, is amended to read:

**2-A.** A prosecution for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault must be commenced within 8 years after it is committed.

This subsection does not apply to a Class D crime enhanced to a Class C crime pursuant to section ~~1252~~ 1604, subsection 4-A 5, paragraph B.

**Sec. C-58. 17-A MRSA §152-A, sub-§2**, as enacted by PL 2001, c. 413, §2, is amended to read:

**2.** Aggravated attempted murder is a Class A crime except that, notwithstanding section ~~1252~~ 1604, subsection ~~2~~ 1, paragraph A, the sentence for aggravated attempted murder is imprisonment for life or a definite period of imprisonment for any term of years. The existence of an aggravating circumstance serves only as a precondition for the court to consider a life sentence.

**Sec. C-59. 17-A MRSA §210-A, sub-§1, ¶C**, as amended by PL 2015, c. 470, §11, is further amended to read:

C. The actor violates paragraph A and has one or more prior convictions in this State or another jurisdiction. Notwithstanding section 2, subsection 3-B, as used in this paragraph, "another jurisdiction" also includes any Indian tribe.

Violation of this paragraph is a Class C crime. In determining the sentence for a violation of this paragraph the court shall impose a sentencing alternative pursuant to section ~~1152~~ 1502, subsection 2 that includes a term of imprisonment. In determining the basic term of imprisonment as the first step in the sentencing process, the court shall select a term of at least one year.

For the purposes of this paragraph, "prior conviction" means a conviction for a violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19, section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary, emergency, interim or final protective order; an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe; or a court-approved consent agreement. Section 9-A governs the use of prior convictions when determining a sentence;

**Sec. C-60. 17-A MRSA §210-A, sub-§1, ¶E**, as amended by PL 2015, c. 470, §12, is further amended to read:

E. The actor violates paragraph C and at least one prior conviction was for a violation of paragraph D.

Violation of this paragraph is a Class B crime. In determining the sentence for a violation of this paragraph the court shall impose a sentencing alternative pursuant to section ~~1152~~ 1502, subsection 2 that includes a term of imprisonment. In determining the basic term of imprisonment as the first step in the sentencing process, the court shall select a term of at least 2 years.

**Sec. C-61. 17-A MRSA §401, sub-§3**, as amended by PL 2001, c. 383, §55 and affected by §156, is further amended to read:

3. A person may be convicted both of burglary and of the crime that the person committed or attempted to commit after entering or remaining in the structure, but sentencing for both crimes is governed by section ~~1256~~ 1608.

**Sec. C-62. 17-A MRSA §755, sub-§1-E**, as enacted by PL 2011, c. 464, §15, is amended to read:

1-E. A person is guilty of escape from the community confinement monitoring program granted pursuant to Title 30-A, section 1659-A if without official permission the person intentionally:

A. Leaves or fails to return within 12 hours to that person's residence or other designated area in which that person is monitored. Violation of this paragraph is a Class C crime; or

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime.

A sentence imposed for a violation of this section is subject to the requirements of section ~~1256, subsection 1~~ 1609.

**Sec. C-63. 17-A MRSA §755, sub-§3**, as amended by PL 1985, c. 210, is further amended to read:

3. As used in this section, "official custody" means arrest, custody in, or on the way to or from a courthouse or a jail, police station, house of correction, or any institution or facility under the control of the Department of Corrections, or under contract with the department for the housing of persons sentenced to imprisonment, the custody of any official of the department, the custody of any institution in another jurisdiction pursuant to a sentence imposed under the authority of section ~~1253~~ 2303, subsection 1-A 3 or any custody pursuant to court order. A person on a parole or probation status is not, for that reason alone, in "official custody" for purposes of this section.

**Sec. C-64. 17-A MRSA §853-A, sub-§1, ¶A**, as enacted by PL 2001, c. 383, §99 and affected by §156, is amended to read:

A. The person engages in prostitution as defined in section 851. Violation of this paragraph is a Class E crime, except that the sentencing alternative may include only the penalties provided in section ~~1301~~ 1704, subsection 5 and section 1705, subsection 5; or

**Sec. C-65. 19-A MRSA §2152, sub-§11**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**11. Confidentiality of information; unlawful dissemination; penalty.** All information collected in connection with the department's child support enforcement activity and medical support recoupment pursuant to this section is confidential and available only for the use of appropriate departmental personnel and legal counsel for the department in carrying out their functions. A person is guilty of unlawful dissemination if that person knowingly disseminates information in violation of this subsection. Unlawful dissemination is a Class E crime, ~~which that~~, notwithstanding Title 17-A, section ~~1252~~ 1604, subsection 2 1, paragraph E, is punishable by a fine of not more than \$500 or by imprisonment for not more than 30 days.

**Sec. C-66. 19-A MRSA §4002, sub-§4**, as amended by PL 2015, c. 296, Pt. C, §24 and affected by Pt. D, §1, is further amended to read:

**4. Family or household members.** "Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of Title 15, section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, ~~1201, 1202~~ 1802, 1804 and ~~1253~~ 2301, subsection 1 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

**Sec. C-67. 22 MRSA §4008, sub-§4**, as amended by PL 1989, c. 502, Pt. D, §18, is further amended to read:

**4. Unlawful dissemination; penalty.** A person is guilty of unlawful dissemination if ~~he~~ the person knowingly disseminates records ~~which~~ that are determined confidential by this section, in violation of the mandatory or optional disclosure provisions of this section. Unlawful dissemination is a Class E crime, ~~which that~~, notwithstanding Title 17-A, section ~~1252~~ 1604, subsection ~~2~~ 1, paragraph E, is punishable by a fine of not more than \$500 or by imprisonment for not more than 30 days.

**Sec. C-68. 25 MRSA §3503-A**, as amended by PL 2003, c. 657, §11, is further amended to read:

**§3503-A. Disposal of firearms and ammunition**

Notwithstanding any other provision of this chapter, a police department or other law enforcement agency retaining firearms and ammunition covered by this chapter, Title 15, section 3314 or chapter 517, or Title 17-A, section ~~1158-A~~ 1504 may auction the firearms to federally licensed firearms dealers or the public, use the firearms and ammunition for training purposes or destroy the firearms and ammunition.

**Sec. C-69. 27 MRSA §375, sub-§2**, as amended by PL 1999, c. 748, §2, is further amended to read:

**2. Penalty.** ~~Notwithstanding Title 17-A, sections 4-A and 1301, a~~ A violation of this chapter is a Class E crime for which a fine of not less than \$250 must be adjudged. The unlawful excavation for any one day constitutes a separate violation. The court also may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly

excavated. The Director of the Maine Historic Preservation Commission, in the name of the people of this State through the Attorney General, may in addition to other remedies provided bring an action for an injunction seeking one or more of the following remedies:

- A. To restrain a violation of this chapter; or
- B. To enjoin future unlawful excavation.

**Sec. C-70. 28-A MRSA §2081, sub-§1, ¶¶C and D**, as amended by PL 2003, c. 452, Pt. P, §9 and affected by Pt. X, §2, are further amended to read:

C. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor to a visibly intoxicated person. Violation of this paragraph is a Class E crime, except notwithstanding Title 17-A, ~~section 1301~~ sections 1704 and 1705, the fine may not be more than \$500; or

D. Procure, or in any way assist in procuring, furnish, give, sell or deliver imitation liquor for or to a minor, or allow a minor under that person's control or in a place under that person's control to possess or consume imitation liquor. Violation of this paragraph is a Class E crime, except notwithstanding Title 17-A, ~~section 1301~~ sections 1704 and 1705, the fine may not be more than \$500.

**Sec. C-71. 28-A MRSA §2088, sub-§3, ¶B**, as enacted by PL 2005, c. 259, §1, is amended to read:

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a Class E crime for which a fine of not less than \$1,000 and, notwithstanding Title 17-A, section ~~1301~~ 1704, subsection 5 and section 1705, subsection 5, not more than \$5,000 must be imposed. In addition to a fine imposed under this subsection, if the person is a licensee under chapter 19, 43 or 45, the court may suspend that person's license for up to one year. A violation under this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. C-72. 28-A MRSA §2089, sub-§2, ¶B**, as enacted by PL 2015, c. 205, §1, is amended to read:

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a Class E crime for which a fine of not less than \$1,000 and, notwithstanding Title 17-A, section ~~1301~~ 1704, subsection 5 and section 1705, subsection 5, not more than \$5,000 must be imposed. In addition to a fine imposed under this subsection, if the person is a licensee under chapter 19, 43, 45, 51 or 55, the court may suspend that person's license for up to one year in accordance with chapter 33. A violation under this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. C-73. 29-A MRSA §115, last ¶**, as amended by PL 2005, c. 507, §17, is further amended to read:

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section ~~1253, subsection 2~~ 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section ~~1253, subsection 2, paragraph A, or subsection 3 B, 4, 5, 8, 9 or 10~~ 2305, subsection 4; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter ~~54 G~~ 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that ~~chapter~~ subchapter.

**Sec. C-74. 29-A MRSA §2054, sub-§4**, as amended by PL 1997, c. 162, §1, is further amended to read:

**4. Right-of-way.** An authorized emergency vehicle operated in response to, but not returning from, a call or fire alarm or operated in pursuit of an actual or suspected violator of the law has the right-of-way when emitting a visual signal using an emergency light and an audible signal using a bell or siren. On the approach of any such vehicle, the operator of every other vehicle shall immediately draw that vehicle as near as practicable to the right-hand curb, parallel to the curb and clear of any intersection and bring it to a standstill until the authorized emergency vehicle has passed. A violation of this subsection is a Class E crime that, ~~notwithstanding Title 17-A, section 1301~~, is punishable by a minimum fine of \$250 for the first offense and for a 2nd offense occurring within 3 years of the first offense a mandatory 30-day suspension of a driver's license.

**Sec. C-75. 29-A MRSA §2308, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**6. Penalty.** A violation of this section is a Class E crime ~~which, notwithstanding Title 17-A, section 1301, that~~ is punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense.

**Sec. C-76. 30-A MRSA §1557-B, sub-§4, ¶B**, as enacted by PL 2015, c. 335, §16, is amended to read:

B. The prisoner becomes eligible for ~~meritorious good-time~~ deductions as provided in Title 17-A,

~~section 1253~~ 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311 for a prisoner sentenced to imprisonment in a county jail;

**Sec. C-77. 30-A MRSA §1557-B, sub-§4, ¶C**, as enacted by PL 2015, c. 335, §16, is amended to read:

C. The prisoner becomes eligible for release and discharge as provided in Title 17-A, section ~~1254~~ 2314, subsection 1 for a prisoner sentenced to imprisonment in a county jail;

**Sec. C-78. 30-A MRSA §1605, sub-§1, ¶G**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

G. To work or provide service to the victim of the crime in accordance with Title 17-A, chapter ~~54~~ 69, but only with the express approval of the victim.

**Sec. C-79. 30-A MRSA §1605, sub-§5, ¶D**, as amended by PL 2003, c. 413, §4, is further amended to read:

D. Payments, either in full or ratably, of restitution, and of the prisoners' obligations, acknowledged in writing, in accordance with Title 17-A, chapter ~~54~~ 69, or that have been reduced to judgment;

**Sec. C-80. 30-A MRSA §1606, sub-§2**, as amended by PL 2013, c. 519, §9, is further amended to read:

**2. Sentence prorated.** Inmates participating in a public works-related project or an improvement of property owned by a charitable organization under this section may have their sentences to the jail prorated at the rate of up to one day removed from the sentences for every 16 hours of participation in the project, except that inmates committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section ~~1304~~ 1711 must have their sentences prorated at the rate that is applicable to the individual inmate pursuant to Title 17-A, section ~~1304~~ 1711, subsection ~~3~~ 4, paragraph A, subparagraph (1).

**Sec. C-81. 30-A MRSA §1659-A, sub-§2, ¶E**, as enacted by PL 2009, c. 391, §6, is amended to read:

E. The inmate serves a minimum of 1/3 of the term of imprisonment, or, in the case of a split sentence, a minimum of 1/3 of the unsuspended portion, prior to participating in a community confinement monitoring program. In calculating the amount of time served, ~~good-time~~ or deductions earned under Title 17-A, section ~~1253~~ 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311

and time reductions earned for charitable or public works projects under section 1606 must be counted; and

**Sec. C-82. 30-A MRSA §3972, sub-§8**, as enacted by PL 2013, c. 398, §1, is amended to read:

**8. Violations.** A dealer who violates any of the requirements of this section is guilty of a Class E crime except as specified in subsection 2, paragraph E. A court may award restitution pursuant to Title 17-A, section ~~1325~~ 2005 to any victim, including a dealer, who suffers an economic loss as the result of a violation of this section.

**Sec. C-83. 32 MRSA §11304, sub-§1**, as amended by PL 1989, c. 542, §78, is further amended to read:

**1. Knowing violation.** Any person who knowingly violates any provision of this chapter or any rule or order of the administrator under this chapter ~~shall be~~ is guilty of a Class C crime, ~~provided except~~ that, notwithstanding Title 17-A, ~~section 1304~~ sections 1704 and 1705, the maximum fine ~~shall be~~ is \$10,000 or any higher amount ~~which that~~ does not exceed twice the pecuniary gain derived from the crime by the defendant pursuant to Title 17-A, section 1706, subsection 1.

**Sec. C-84. 32 MRSA §13731, sub-§3**, as enacted by PL 1987, c. 710, §5, is amended to read:

**3. Violation.** Any person who violates this chapter commits a Class E crime and, notwithstanding Title 17-A, ~~section 1304~~ sections 1704 and 1705, may be punished by a fine of not more than \$1,000. Each violation of each section of this chapter constitutes a separate offense.

**Sec. C-85. 32 MRSA §15223, sub-§4**, as enacted by PL 2001, c. 573, Pt. B, §27 and affected by §36, is amended to read:

**4. Class of crime; enhanced fine.** Criminal operation of an elevator or tramway is a Class E crime. However, notwithstanding Title 17-A, section ~~1304~~ 1704, subsection ~~1-A, paragraph E~~ 5 or Title 17-A, section ~~1304~~ 1705, subsection ~~3, paragraph E~~ 5, the court may impose an enhanced fine. The fine amount above that authorized under Title 17-A, section ~~1304~~ 1704, subsection 5 or Title 17-A, section 1705, subsection 5 is based solely on the number of days of criminal operation pleaded and proved by the State. For each day of criminal operation pleaded and proved, the court may increase the fine amount by up to \$100 for each of those days.

**Sec. C-86. 32 MRSA §15223, sub-§5**, as enacted by PL 2001, c. 573, Pt. B, §27 and affected by §36, is amended to read:

**5. Imposition of sentence without enhanced fine.** Nothing in subsection 3 or 4 may be construed to

restrict a court, in imposing any authorized sentencing alternative, including a fine in an amount authorized under Title 17-A, section ~~1304~~ 1704, subsection ~~1-A, paragraph E~~ 5 or Title 17-A, section ~~1304~~ 1705, subsection ~~3, paragraph E~~ 5, from considering the number of days of illegal operation, along with any other relevant sentencing factor, which need not be pleaded or proved by the State.

**Sec. C-87. 34-A MRSA §3032, sub-§4**, as amended by PL 1997, c. 464, §11, is further amended to read:

**4. Withdrawal of deductions.** All punishments involving ~~loss of good time or withdrawal of~~ deductions subject to being withdrawn must be first approved by the chief administrative officer.

**Sec. C-88. 34-A MRSA §3035, first ¶**, as amended by PL 1991, c. 314, §40, is further amended to read:

The commissioner may adopt, implement and establish rules for rehabilitative programs, including work release, ~~restitution and furlough and restitution~~, as authorized by Title 17-A, chapter ~~54~~ 69, within the facilities under the commissioner's control.

**Sec. C-89. 34-A MRSA §3035, sub-§4, ¶B**, as corrected by RR 2009, c. 2, §93, is amended to read:

B. Interference with a rehabilitative program or furlough is a Class E crime, except that, notwithstanding Title 17-A, section 1604, subsection 1, paragraph E, the court may sentence a person to imprisonment for not more than 11 months.

**Sec. C-90. 34-A MRSA §3035, sub-§5**, as amended by PL 1991, c. 314, §40, is further amended to read:

**5. Time served before furlough.** No furlough may be granted until the client has served 50% of the original sentence imposed, after consideration of any ~~good time deductions~~ that the client has received and retained under Title 17-A, section ~~1253~~ 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311. This section does not apply to furloughs granted under subsection 2, paragraph B or C.

**Sec. C-91. 34-A MRSA §3036-A, sub-§2, ¶B**, as amended by PL 2001, c. 141, §1, is further amended to read:

B. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 2/3 of the term of imprisonment imposed or, in the case of a split sentence, at least 2/3 of the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section ~~1253~~ 2302, subsection 1; section 2305; section

2307; section 2308; section 2309; section 2310; or section 2311 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is more than 5 years. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 1/2 of the term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended portion after consideration of any deductions that the prisoner has received and retained under Title 17-A, section ~~1253~~ 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is 5 years or less.

**Sec. C-92. 34-A MRSA §3036-A, sub-§2,** ¶C, as amended by PL 2007, c. 240, Pt. ZZZ, §2, is further amended to read:

C. Except as provided in paragraph C-1, a prisoner may not be transferred to supervised community confinement unless the prisoner has no more than 18 months remaining on the term of imprisonment or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section ~~1253~~ 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311.

**Sec. C-93. 34-A MRSA §3036-A, sub-§2,** ¶C-1, as enacted by PL 2003, c. 711, Pt. A, §22 and affected by Pt. D, §2, is amended to read:

C-1. If the commissioner determines that the average statewide probation case load is no more than 90 probationers to one probation officer, then a prisoner may be transferred to supervised community confinement if that prisoner has no more than 2 years remaining on the term of imprisonment or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section ~~1253~~ 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311.

**Sec. C-94. 34-A MRSA §3036-A, sub-§4,** ¶A, as enacted by PL 1991, c. 845, §4, is amended to read:

A. Any condition that may be imposed as a condition of probation pursuant to Title 17-A, section ~~1204~~ 1807; and

**Sec. C-95. 34-A MRSA §3036-A, sub-§9,** as amended by PL 1997, c. 464, §12, is further amended to read:

**9. Probation violation; revocation.** If a prisoner on supervised community confinement violates a condition of supervised community confinement imposed

on the prisoner and if the violation conduct is also a violation of a condition of probation imposed as part of the sentence the prisoner is serving while on supervised community confinement, a probation officer may file with any court a motion for revocation of probation and the court may revoke probation as specified in Title 17-A, section ~~1206~~ 1812.

**Sec. C-96. 34-A MRSA §3042, sub-§3, ¶C,** as enacted by PL 1983, c. 459, §6, is amended to read:

C. A certificate of the commissioner, warden or other official having custody of the prisoner stating:

- (1) The term of commitment under which the prisoner is held;
- (2) The time already served on the sentence;
- (3) The time remaining to be served;
- (4) The ~~amount of good time earned~~ total of deductions received and retained;
- (5) The time of parole eligibility of the prisoner; and
- (6) Any decisions of the State Parole Board relating to the prisoner.

**Sec. C-97. 34-A MRSA §3047, sub-§2,** as amended by PL 2007, c. 102, §9, is further amended to read:

**2. Money.** May give the prisoner an amount equal to the net salary of a single wage earner with no dependents for 40 hours of work at the state minimum wage less all applicable state and federal deductions ~~provided except~~ that any amount in excess of \$50 may not be provided by the General Fund, except that the commissioner may not give money to a prisoner who:

- A. Has, within the 6 months prior to the date of parole or discharge, transferred from the department's general client account to any person more than \$500, excluding any money transferred for the support of dependents; or
- B. Has, on the date of parole or discharge, more than \$500 in personal assets.

Money received by the prisoner under this subsection is not subject to section 3032, subsection 5-A or 5-B or Title 17-A, section ~~1330~~ 2016, subsection 2;

**Sec. C-98. 34-A MRSA §3061, sub-§1,** as amended by PL 2017, c. 148, §7, is further amended to read:

**1. Transfer.** The commissioner may transfer any client from one correctional or detention facility or program, including prerelease centers, work release centers, halfway houses, supervised community confinement or specialized treatment facilities, to another. A juvenile may not be transferred to another facility or program for adult offenders and an adult offender may

not be transferred to another facility or program for juveniles, except that an adult offender may be housed in the Long Creek Youth Development Center or the Mountain View Correctional Facility pursuant to section 4117 or Title 17-A, section ~~4259~~ 1611.

**Sec. C-99. 34-A MRSA §3061, sub-§2, ¶B**, as repealed and replaced by PL 1983, c. 581, §§26 and 59, is amended to read:

B. The person becomes eligible for release and discharge as provided in Title 17-A, section ~~4254~~ 2314.

**Sec. C-100. 34-A MRSA §3063-C, sub-§4, ¶¶B and C**, as enacted by PL 2015, c. 335, §28, are amended to read:

B. The prisoner becomes eligible for ~~meritorious good time or~~ deductions as provided in Title 17-A, section ~~4253~~ 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311 for a prisoner committed to the department;

C. The prisoner becomes eligible for release and discharge as provided in Title 17-A, section ~~4254~~ 2314, subsection 1 for a prisoner committed to the department;

**Sec. C-101. 34-A MRSA §3802, sub-§1, ¶I**, as enacted by PL 2007, c. 686, §4, is amended to read:

I. To confine juveniles committed to a juvenile correctional facility pursuant to Title 17-A, section ~~4259~~ 1611.

**Sec. C-102. 34-A MRSA §5001, sub-§6**, as enacted by PL 1983, c. 459, §6, is amended to read:

6. **Parole.** "Parole" is a release procedure by which a person may be released from a correctional facility by the State Parole Board prior to the expiration of ~~his~~ the person's maximum term, parole status being in effect under Title 17-A, section ~~4254~~ 2314, subsection 3 ~~2~~, with all provisions of prior laws governing parole continuing in effect.

**Sec. C-103. 34-A MRSA §5211, sub-§2**, as enacted by PL 1983, c. 459, §6, is amended to read:

2. **Restitution.** The board may authorize and impose as a condition of parole that the person make restitution to ~~his~~ the person's victim or other authorized claimant in accordance with Title 17-A, chapter ~~54~~ 69.

**Sec. C-104. 34-A MRSA §9603, sub-§1**, as enacted by PL 1983, c. 459, §6, is amended to read:

1. **Trial pending.** Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a de-

tainer has been lodged against the prisoner, ~~he shall~~ the prisoner must be brought to trial within 180 days after ~~he shall have~~ the prisoner has caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of ~~his~~ the prisoner's imprisonment and ~~his~~ the prisoner's request for final disposition to be made of the indictment, information or complaint, ~~provided except~~ that, for good cause shown in open court, the prisoner or ~~his~~ the prisoner's counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner ~~shall~~ must be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the ~~amount of good time earned~~ total of deductions received and retained, the time of parole eligibility of the prisoner and any decisions of the state parole agency relating to the prisoner.

**Sec. C-105. 34-A MRSA §9604, sub-§2**, as enacted by PL 1983, c. 459, §6, is amended to read:

2. **Certificate.** Upon receipt of the officer's written request as provided in subsection 1, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the ~~amount of good time earned~~ total of deductions received and retained, the time of parole eligibility of the prisoner and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

**Sec. C-106. 34-A MRSA §9605, sub-§6**, as enacted by PL 1983, c. 459, §6, is amended to read:

6. **Time on sentence.** During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence ~~shall~~ continue continues to run, but ~~good time shall be de-~~ ductions for good behavior and program participation are earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction ~~which that~~ imposed the sentence ~~may~~ allow.

**Sec. C-107. 34-A MRSA §11273, sub-§3**, as amended by PL 2013, c. 133, §33, is further amended to read:

3. **Conditional release.** "Conditional release" means supervised release of a registrant or an offender from institutional confinement for placement on probation, parole, supervised release for sex offenders,

supervised community confinement, home release monitoring or release under Title 15, section 104-A or Title 17-A, chapter ~~54-G~~ 67, subchapter 2.

**Sec. C-108. 34-B MRSA §1203-A, sub-§7,** ¶B, as enacted by PL 1989, c. 227, §1, is amended to read:

B. Notwithstanding Title 17-A, sections 4-A and ~~1304, 1704 and 1705~~, unlicensed operation of a mental health service facility is punishable by a fine of not more than \$500 or by imprisonment for not more than 60 days.

**Sec. C-109. 34-B MRSA §1220, sub-§1,** ¶A, as corrected by RR 1997, c. 1, §27, is amended to read:

A. To provide reports in a timely fashion on behalf of the department in response to any requests made by a court pursuant to Title 17-A, section ~~1204~~ 1807, subsection ~~4~~ 5 and to undertake or cause to be undertaken such inquiries or evaluations as are necessary to complete the reports;

**Sec. C-110. 34-B MRSA §1220, sub-§1,** ¶C, as enacted by PL 1997, c. 422, §3, is amended to read:

C. To receive any notice of imposition of a condition of probation given pursuant to Title 17-A, section ~~1204~~ 1807, subsection ~~4~~ 5 and to assess or to obtain an assessment of the appropriateness and availability of the mental health services necessary for an individual to meet the conditions of probation imposed.

**Sec. C-111. 36 MRSA §112-A, sub-§4,** as enacted by PL 2007, c. 539, Pt. OO, §4, is amended to read:

**4. Accounting.** The creditor agency shall credit the account of the debtor with the full amount of the collected debt, including the collection fee retained by, or reimbursed to, the assessor, except that the collection fee may not be credited to the account of an individual required to make restitution as provided in Title 17-A, section ~~1152~~ 1502, subsection ~~2-A~~ 4.

**Sec. C-112. 36 MRSA §5276-A, sub-§6,** as amended by PL 2005, c. 389, §9, is further amended to read:

**6. Accounting.** The creditor agency shall credit the account of the individual whose refund has been set off with the full amount of the setoff, including the collection fee retained by, or reimbursed to, the State Tax Assessor, except that the collection fee may not be credited to the account of an individual required to make restitution as provided in Title 17-A, section ~~1152~~ 1502, subsection ~~2-A~~ 4.

**Sec. C-113. 37-B MRSA §806, sub-§3,** as repealed and replaced by PL 2003, c. 452, Pt. V, §2 and affected by Pt. X, §2, is amended to read:

**3. Criminal penalties.** The following penalties apply to the following violations.

A. A person who intentionally, knowingly or recklessly fails to comply with the reporting requirements of section 798, subsection 1 commits a Class C crime and, notwithstanding Title 17-A, section ~~1304~~ 1704, subsection 3 and section 1705, subsection 4, is subject to a fine of not more than \$25,000.

B. A person who violates paragraph A when the person has a prior conviction for violation of paragraph A commits a Class C crime and, notwithstanding Title 17-A, section ~~1304~~ 1704, subsection 3 and section 1705, subsection 4, is subject to a fine of not more than \$50,000. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

**Sec. C-114. 38 MRSA §344-A, sub-§4,** as enacted by PL 1991, c. 471, is amended to read:

**4. Penalty.** Notwithstanding section 349, any person who knowingly violates subsection 3 is guilty of a Class D crime. Notwithstanding Title 17-A, ~~sections section 4-A and 1304, section 1704, subsection 4 and section 1705, subsection 5~~, the fine for each violation may not be less than \$5,000 nor more than \$25,000.

**Sec. C-115. 38 MRSA §349, sub-§1,** as amended by PL 2003, c. 452, Pt. W, §2 and affected by Pt. X, §2, is further amended to read:

**1. Criminal penalties.** Except as otherwise specifically provided, a person who intentionally, knowingly, recklessly or with criminal negligence violates a law administered by the department, including, without limitation, a violation of the terms or conditions of an order, rule, license, permit, approval or decision of the board or commissioner, or who disposes of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose, in violation of Title 17, section 2264-A, commits a Class E crime. Notwithstanding Title 17-A, section ~~1304~~ 1704, subsection 5 and section 1705, subsection 5, the fine for a violation of this subsection may not be less than \$2,500 and not more than \$25,000 for each day of the violation, except that the minimum amount for knowing violations is \$5,000 for each day of violation.

This subsection does not apply to actions subject to the criminal penalties set forth in section 1319-T.

**Sec. C-116. 38 MRSA §349, sub-§3,** as repealed and replaced by PL 2003, c. 452, Pt. W, §4 and affected by Pt. X, §2, is amended to read:

**3. Falsification and tampering.** A person may not knowingly:

A. Make a false statement, representation or certification in an application, record, report, plan or

other document filed or required to be maintained by any law administered by the department or by any order, rule, license, permit, approval or decision of the board or commissioner;

B. Tamper with or render inaccurate a monitoring device or method required by any law or by any order, rule, license, permit, approval or decision of the board or commissioner; or

C. Fail to comply with an information submittal required by the commissioner pursuant to section 568, subsection 3 or section 1364, subsection 3.

A person who violates this subsection commits a Class E crime. Notwithstanding Title 17-A, section ~~1301~~ 1704, subsection 5, a fine for a violation of this subsection may not be more than \$10,000.

**Sec. C-117. 38 MRSA §1316-M, sub-§4**, as amended by PL 2003, c. 452, Pt. W, §10 and affected by Pt. X, §2, is further amended to read:

**4. Transporting without license or manifest; penalties.** A person who transports scrap tires without a license or without a manifest as required by department rules commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The minimum fines for transporting scrap tires without a license or without a manifest are as follows:

A. For a vehicle with a registered gross weight of up to 12,000 pounds, \$500;

B. For a vehicle with a registered gross weight of between 12,001 and 34,000 pounds, \$2,000; and

C. For a vehicle with a registered gross weight of over 34,000 pounds, \$4,500.

This minimum fine may not be suspended, but it may be reduced by the amount of the disposal fee paid by the transporter for disposal of the truckload of tires at a licensed waste facility. Notwithstanding Title 17-A, section ~~1301~~ 1704, the maximum fine under this subsection is not more than \$10,000 per violation.

**Sec. C-118. 38 MRSA §1316-M, sub-§5**, as enacted by PL 2003, c. 452, Pt. W, §11 and affected by Pt. X, §2, is amended to read:

**5. Transporting after summons or arrest.** A person who, after being issued a summons or arrested for a violation of the license or manifest requirements, transports the scrap tires to an unlicensed, nonexempt waste facility commits a Class D crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. Notwithstanding Title 17-A, section ~~1301~~ sections 1704 and 1705, the maximum fine under this subsection is not more than \$25,000 per violation.

**Sec. C-119. 38 MRSA §1319-T**, as amended by PL 1991, c. 548, Pt. A, §32, is further amended to read:

**§1319-T. Criminal provisions**

In addition to being subject to civil penalties as provided by section 349, subsection 2 and to criminal penalties as provided in section 349, subsection 3, conduct described in subsections 1 and 2 is subject to criminal penalties as follows.

**1. Penalty provisions.** Any person is guilty of a Class C crime and may be punished accordingly if that person, with respect to any substance or material that has been identified as hazardous waste by the board and that the person believes may be harmful to human health or knows or has reason to know has been so identified, knowingly:

A. Transports any such substance or material without, in fact, having a proper license or permit as may be required under this subchapter;

B. Transports any such substance or material to a waste facility knowing or consciously disregarding a risk that such facility does not have a proper license or permit as may be required under this subchapter;

C. Handles any such substance or material without, in fact, having obtained a proper license or permit to do so as may be required under this subchapter; or

D. Handles any such substance or material at any location knowing or consciously disregarding a risk that such location does not have a proper license or permit as may be required under this subchapter for such treatment, storage or disposal.

Notwithstanding Title 17-A, section ~~1301~~ 1704, subsection 1, paragraph A-1 ~~3~~ or Title 17-A, section ~~1301~~ 1705, subsection 3, paragraph D ~~4~~, the fine for such violation may not exceed \$50,000 for each day of such violation. In a prosecution under paragraph B or D, the conscious disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to the person, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

**2. Class D crimes.** A person is guilty of a Class D crime if, with respect to any substance or material that, in fact, has been identified as hazardous waste by the board and that the person knows or has reason to believe has been so identified or may be harmful to human health, that person knowingly:

A. Establishes, constructs, alters or operates any waste facility for any such substance or material without, in fact, having obtained a proper license

or permit as may be required under this subchapter;

B. Handles or transports any substance or material identified as hazardous waste by the board in any manner that violates the terms of any condition, order, rule, license, permit, approval or decision of the board or commissioner with respect to the handling or transporting of that substance or material; or

C. Gives custody or possession of any such substance or material to any other person whom that person knows or has reason to believe:

- (1) Does not have a license or permit to transport or handle such substance or material as may be required under this subchapter; or
- (2) Will transport or handle such substance or material in violation of this subchapter or rules adopted under it.

A person who violates the provisions of this subsection may be punished accordingly, except that, notwithstanding Title 17-A, section ~~1301~~ 1704, subsection 1, ~~paragraph B, 4~~ or Title 17-A, section ~~1304~~ 1705, subsection 3, ~~paragraph E 5~~, the fine for such violation may not exceed \$25,000 for each day of the violation.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 16, 2019.

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**CHAPTER 114**

**H.P. 297 - L.D. 388**

**An Act To Recognize Employee Background Checks Conducted for Out-of-state Schools Eligible for Maine Tuition Assistance**

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

**Whereas,** this legislation must take effect before the expiration of the 90-day period so that it applies to the next school year; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 20-A MRSA §5808,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**§5808. Schools outside state**

The tuition payment for students educated in whole in another state or country may not exceed the average per pupil cost in all secondary schools of this State. The legislative body of the school administrative unit may vote to authorize its school board to pay a larger tuition rate.

For an out-of-state secondary school that serves a student who resides in a school administrative unit that does not maintain a secondary school, the tuition payment may not be withheld solely because persons regularly employed in that school do not meet the requirements of section 6103, as long as those persons are required to meet background check standards in that state determined by the commissioner to be equivalent to the requirements of section 6103. The commissioner shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Notwithstanding any other provision of law to the contrary, an out-of-state secondary school that was included on the list of approved out-of-state secondary schools maintained by the department for the 2017-2018 school year must continue to receive tuition payments under this section for any student who was enrolled at that school for the 2018-2019 school year. Tuition payments must continue for such a student until that student graduates or terminates enrollment.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 16, 2019.

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**CHAPTER 115**

**H.P. 380 - L.D. 523**

**An Act To Permit the Indoor Production of Industrial Hemp**

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

**Whereas,** this legislation must take effect before the expiration of the 90-day period to help ensure industrial hemp producers do not lose a year of production; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 7 MRSA §2231, sub-§3, as amended by PL 2019, c. 12, Pt. B, §1, is further amended to read:

**3. Application.** A person desiring to grow hemp for commercial purposes shall apply to the commissioner for a license on a form prescribed by the commissioner. The application must include the name and address of the applicant, the legal description of the land area or indoor facility to be used for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating the production fields or the floor plan of any indoor facility. For purposes of this subsection, "indoor facility" includes a building, greenhouse, cold frame, hoop house, high tunnel, floating row cover or other agricultural or horticultural method of extending the growing season by enclosing the growing area.

**Sec. 2. Rules.** The Department of Agriculture, Conservation and Forestry shall amend its rules regarding industrial hemp to allow for the indoor production of industrial hemp. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 16, 2019.

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**CHAPTER 116**

**H.P. 655 - L.D. 881**

**An Act To Ensure Equitable Treatment of Super Pack License Holders in Antlerless Deer Permit Lotteries**

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

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order for its provisions to take effect before the 2019 deer hunting season; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 12 MRSA §11109-A, sub-§2, as amended by PL 2011, c. 252, §1 and affected by §2, is repealed.

**Sec. 2.** 12 MRSA §11109-A, sub-§2-A is enacted to read:

**2-A. Antlerless deer permit.** A super pack license includes:

A. An antlerless deer permit as provided under section 11152, except that it is valid only for antlerless deer in wildlife management districts in which at least 3,500 antlerless deer permits are issued. No more than 2.5% of those antlerless deer permits may be in the form of a super pack license. The commissioner shall implement a system for issuing antlerless deer permits under this paragraph; and

B. An opportunity to enter a bonus antlerless-only deer permit lottery established by the commissioner by rule pursuant to section 11152.

If a super pack licensee obtains an antlerless deer permit pursuant to paragraph A, that person is not eligible to obtain an antlerless deer permit through an antlerless deer permit lottery established by the commissioner pursuant to section 11152.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 16, 2019.

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**CHAPTER 117**

**H.P. 843 - L.D. 1154**

**An Act To Increase the Betting Limit on Games of Chance at Fairs and Festivals and To Expand Allowed Operation**

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

**Whereas**, the changes proposed in this legislation affecting the operation of card games and games of chance conducted at agricultural fairs must take

effect prior to the commencement of this year’s agricultural fair season; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 17 MRSA §1834, sub-§4**, as amended by PL 2017, c. 284, Pt. KKKKK, §16, is further amended to read:

**4. Games of cards.** The fee for a license issued to an organization to operate a game of cards, when the organization charges no more than a \$10 daily entry fee for participation in the games of cards and when no money or valuable thing other than the \$10 daily entry fee is gambled by any person in connection with the game of cards, is \$30 for each calendar year or portion of a calendar year. For card games that are played by placing the maximum bet of ~~\$1~~ \$5 per hand or per deal, inclusive of any raises made during the hand or deal, the license fee for a calendar month is \$60 and the fee for licenses issued for a calendar year is \$700.

**Sec. 2. 17 MRSA §1835, sub-§§1 and 3**, as amended by PL 2017, c. 284, Pt. KKKKK, §17, are further amended to read:

**1. Wagers or entry fees for card games; exceptions.** The following limits apply to a card game.

A. The maximum bet for a licensed card game in which bets are placed per hand or per deal is ~~\$1~~ \$5, inclusive of any raises made during the hand or deal.

B. Licensed card games that award part or all of the entry fees paid to participate in the game as prize money and in which no money or thing of value is wagered except for the entry fee are limited to a \$10 daily entry fee and no more than 60 players at any one time at any one location.

C. ~~If~~ Notwithstanding paragraph A, if the licensee operates card games for less than 3 total days in a calendar year and contributes 100% of the gross revenue from those games to charity, the amount wagered must be limited to:

- (1) A \$1 daily entry fee;
- (2) Fifty cents per game; or
- (3) Twenty-five cents per card received.

Prior to play of the game, the license shall determine which of the limits in subparagraphs (1), (2) and (3) is to be used and shall post the limit where the game is conducted.

**3. Games conducted at agricultural fair by members of the agricultural society or a bona fide nonprofit.** Card games operated and conducted solely by members of an agricultural society or card games operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other devices approved by the Gambling Control Unit by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other devices approved by the Gambling Control Unit must be unique to the agricultural society and may be in denominations of 25¢, 50¢ ~~or~~ \$1 or \$5. The tickets, tokens or devices approved by the Gambling Control Unit may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

An agricultural society that uses tokens shall provide records and reports as required by section 1839.

**Sec. 3. 17 MRSA §1835, sub-§5**, as amended by PL 2017, c. 284, Pt. KKKKK, §17, is further amended to read:

**5. Location.** A license issued pursuant to this section must specify the location where the organization may operate the licensed card game. A licensee may not operate card games in more than one location at the same time.

A. An agricultural society or a bona fide nonprofit organization may operate a card game on the grounds of an agricultural society and during the annual fair of the agricultural society.

B. No more than one licensee may operate a card game at a time on the same premises. In any room where a licensed card game is being conducted, there must be at least one member of the licensee present in that room for every 2 non-members who are present. That member must have been a member of the licensee for at least one year. A member of the licensee, either directly or through another member or guest, may not stake or risk something of value in the licensee's card game unless the member has been a member of the licensee for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a licensed card game to which the general public has access ~~once every 3 months~~ no more than 4 times in a calendar year for a period not to exceed ~~3~~ 4 consecutive days. The licensed card game may be operated at any location described in the license and may be conducted only by members of the licensee.

**Sec. 4. 17 MRSA §1835-A, sub-§1, ¶¶A and B**, as enacted by PL 2017, c. 284, Pt. KKKKK, §18, are amended to read:

A. The maximum bet for a licensed game of chance is ~~\$1~~ \$5.

B. ~~If Notwithstanding paragraph A, if~~ the registrant operates games of chance for less than 3 total days in a calendar year and contributes 100% of the gross revenue from those games of chance to charity, the amount wagered must be limited to:

- (1) A \$1 daily entry fee; or
- (2) Fifty cents per game.

**Sec. 5. 17 MRSA §1835-A, sub-§3**, as enacted by PL 2017, c. 284, Pt. KKKKK, §18, is amended to read:

**3. Games conducted at agricultural fair by members of the agricultural society or a bona fide nonprofit.** Games of chance operated and conducted solely by members of an agricultural society or games of chance operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other devices approved by the Gambling Control Unit by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other devices approved by the Gambling Control Unit must be unique to the agricultural society and may be in denominations of 25¢, 50¢ ~~or~~, \$1 or \$5. The tickets, tokens or devices approved by the Gambling Control Unit may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

An agricultural society that uses tokens shall provide records and reports as required by section 1839.

**Sec. 6. 17 MRSA §1835-A, sub-§5**, as enacted by PL 2017, c. 284, Pt. KKKKK, §18, is amended to read:

**5. Location.** A registration for a game of chance must specify the location where the organization may operate the game. A registrant may not operate games of chance in more than one location at the same time.

A. An agricultural society or a bona fide nonprofit organization may operate a game of chance on the grounds of an agricultural society and during the annual fair of the agricultural society.

B. No more than one registrant may operate a game of chance at a time on the same premises. In any room where a registered game of chance is being conducted, there must be at least one mem-

ber of the organization registered to conduct games of chance present in that room for every 2 nonmembers who are present. That member must have been a member of the registered organization for at least one year. A member of the organization registered to conduct games of chance, either directly or through another member or guest, may not stake or risk something of value in the registrant's game of chance unless the member has been a member of the organization registered to conduct games of chance for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a registered game of chance to which the general public has access ~~once every 3 months~~ no more than 4 times in a calendar year for a period not to exceed ~~3~~ 4 consecutive days. The game of chance may be operated at any location described in the organization's registration and may be conducted only by members of the registrant. This subsection does not apply to raffles conducted in accordance with section 1837-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 16, 2019.

**CHAPTER 118**

**H.P. 164 - L.D. 201**

**An Act To Protect Jobs in the State by Strengthening the Advance Notice Requirement for the Relocation or Closure of a Large Business**

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

**Sec. 1. 26 MRSA §625-B, sub-§§6 and 6-A**, as amended by PL 2015, c. 417, §1, are further amended to read:

**6. Notice of director.** Any person proposing to relocate or close a covered establishment shall notify the director in writing not less than ~~60~~ 90 days prior to the relocation or closing. A person initiating a mass layoff at a covered establishment shall notify the director as far in advance as practicable, and no later than within 7 days of the layoff, and shall report to the director the expected duration of the layoff and whether it is of indefinite or definite duration. The director shall, from time to time, but no less frequently than every 30 days, require the employer to report such facts as the director considers relevant to determine whether the mass layoff constitutes a closing under this section or whether there is a substantial reason to believe the affected employees will be recalled. A

notification or report provided to the director pursuant to this subsection must contain all relevant information in the possession of the employer regarding a potential recall, if applicable.

**6-A. Notice to employees and municipality.** A person proposing to close a covered establishment shall notify employees and the municipal officers of the municipality where the covered establishment is located in writing not less than ~~60~~ 90 days prior to the closing, unless this notice requirement is waived by the director. ~~A person that violates this provision commits a civil violation for which a fine of not more than \$500 may be adjudged, except that a fine may not be adjudged if the closing is necessitated by a physical calamity or the final order of a federal, state or local government agency, or if the failure to give notice is due to unforeseen circumstances. A fine imposed pursuant to this subsection may not be collected by the Department of Labor to the extent such collection prevents the violator from making all payments required under subsection 2.~~

**Sec. 2. 26 MRSA §625-B, sub-§9**, as enacted by PL 2007, c. 333, §2, is amended to read:

**9. Penalties.** A person that violates subsection 2 commits a civil violation for which a fine of not more than \$1,000 per violation may be adjudged. Each employee affected constitutes a separate violation. Any such fine may not be collected by the Department of Labor to the extent such collection prevents the violator from making all payments required under subsection 2.

A person that violates subsection 6 or subsection 6-A commits a civil violation for which a fine of \$500 per day may be adjudged, except that a fine may not be adjudged if the closing is necessitated by a physical calamity or the final order of a federal, state or local government agency, or if the failure to give notice is due to unforeseen circumstances. A fine imposed on a person that violates subsection 6-A may not be collected by the Department of Labor to the extent such collection prevents the violator from making all payments required under subsection 2.

See title page for effective date.

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## CHAPTER 119

### S.P. 65 - L.D. 253

#### An Act To Clarify the Requirements for High-hand Competitions in Games of Chance Tournament Games

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

**Sec. 1. 17 MRSA §1831, sub-§7-A** is enacted to read:

**7-A. High-hand competition.** "High-hand competition" means a game of chance conducted during a tournament game in which the winner is the person who plays the highest hand of cards, according to the rules of the tournament, during the tournament game.

**Sec. 2. 17 MRSA §1836, sub-§4**, as amended by PL 2013, c. 306, §2, is further amended to read:

**4. Tournament.** The organization licensed to conduct a tournament game under this section shall display the rules of the tournament game and the license issued. The maximum number of players allowed is 100 unless the tournament game is held on premises owned by the licensee, in which case the maximum number of players allowed is 300. Winners are determined by a process of elimination. The use of currency is prohibited as part of tournament game play. The maximum entry fee to play in the tournament game is \$100, except the organization may add to the player entry fee to defray the cost of the license fee, as long as the total additional amount collected from all players does not exceed \$125. Only one entry fee is permitted per person. A tournament game must be completed within 48 hours. Other games of chance on the premises are prohibited during a tournament game, except for high-hand competitions under subsection 7, lucky seven or similar sealed tickets and no more than one 50/50 raffle per tournament with a prize value up to \$1,000. ~~This subsection does not prohibit a licensee from conducting one winner take all hand per tournament game with a bet limit of \$5. The total number of bets received in a winner take all round must be awarded to the winner or in the case of multiple winners divided among them as evenly as possible. All prizes awarded in accordance with this subsection must be paid in cash or by check.~~

**Sec. 3. 17 MRSA §1836, sub-§7** is enacted to read:

**7. High-hand competition.** A licensee under this section may conduct one high-hand competition per tournament game. Participation in the high-hand competition is not mandatory and must be determined prior to the start of the tournament. Notwithstanding any other provision of this chapter to the contrary, the total number of bets received in a high-hand competition must be awarded to the winner or, in the case of multiple winners, divided among them as evenly as possible. All prizes awarded in accordance with this subsection must be paid in cash or by check.

See title page for effective date.

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**CHAPTER 120**  
**H.P. 281 - L.D. 372**

**An Act To Increase the Safety  
of Maine Residents in  
Extended Power Outages**

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

**Sec. 1. 35-A MRSA §3144** is enacted to read:

**§3144. Emergency response plans**

The commission, by rule or order, shall require each investor-owned transmission and distribution utility to establish an emergency response plan for recovery and restoration in response to an emergency in accordance with this section. The plan must be based on the United States Department of Homeland Security, Federal Emergency Management Agency's National Incident Management System publication, issued on October 17, 2017, or an updated version published subsequent to that date. For the purposes of this section, "emergency" means an event in which widespread outages have occurred in the service territory of the investor-owned transmission and distribution utility due to weather events or other causes beyond the control of the utility.

**1. Priorities.** The prioritization process under the emergency response plan required by this section must follow the statewide comprehensive emergency management plan under Title 37-B, chapter 13 in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, as established in Title 37-B, section 701, and county emergency management agencies and must include consideration of steps to ensure the safety of electric facilities, road opening and service restoration. Priorities for service restoration must consider facilities critical to protection of life, health and safety.

**2. Plan requirements.** The emergency response plan required by this section must detail a coordinated approach to providing an effective and efficient emergency response. The plan must include, but is not limited to:

A. Priorities for emergency response and service restoration, consistent with subsection 1;

B. Provisions for internal and external staffing, including identification of management staff roles and responsibilities and identification of field employee roles and responsibilities, for utility operations during an emergency, for ensuring sufficient local knowledge of the system and for implementation of the emergency response plan, including a process for acquiring additional external resources required to address the emergency;

C. Provisions for communication and coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, as established in Title 37-B, section 701, and relevant municipal, inter-jurisdictional, county and regional emergency management agencies, as described in Title 37-B, section 781, during an emergency, including designation of staff responsible for these efforts. These provisions must address, but are not limited to, communication and coordination concerning emergency conditions, road opening and service restoration;

D. Systems for customer communications during an emergency, including the provision for information regarding estimated time of service restoration;

E. Procedures for deployment of internal and external resources during an emergency, including field employees, supplies and equipment needed; and

F. Provisions to ensure the safety of the employees and external contractors engaged in emergency response efforts.

**3. Filing of plan; commission review; public records exception.** An investor-owned transmission and distribution utility shall submit to the commission, no later than May 15th of each even-numbered year, the emergency response plan required by this section. The commission shall review the emergency response plan for compliance with this section and rules adopted or orders issued pursuant to this section. If, based on its review, the commission finds that a utility's emergency response plan does not comply with this section and rules issued pursuant to this section, the commission shall direct the utility to amend and resubmit the plan. An investor-owned transmission and distribution utility shall provide a copy of the emergency response plan and any amendments to the plan to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. The Maine Emergency Management Agency shall provide a copy of the plan to each county emergency management agency. In accordance with section 1311-A, the commission may designate portions of the emergency response plan as confidential through issuance of a protective order.

**4. Emergency response performance review.** After an emergency, the commission may open an investigation to review the emergency response performance of an investor-owned transmission and distribution utility. If, after investigation, the commission finds that the utility failed to implement its emergency response plan in a prudent manner, the commission shall take any action the commission determines appropriate under this Title to remedy that failure, including but not limited to denying the recovery

through rates of all, or any part of, the emergency response and service restoration costs.

**5. Annual report to Legislature.** The commission shall include in its annual report pursuant to section 120, subsection 7 to the joint standing committee of the Legislature having jurisdiction over public utilities matters information regarding the activities conducted by the commission pursuant to this section and the performance of investor-owned transmission and distribution utilities in meeting the requirements of this section.

See title page for effective date.

**CHAPTER 121**

**H.P. 469 - L.D. 648**

**An Act To Improve Reporting  
of Operating Under the  
Influence Offenses**

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

**Sec. 1. 25 MRSA §1551** is enacted to read:

**§1551. Report regarding operating under the influence offenses**

By April 1, 2020, and annually thereafter, the State Bureau of Identification shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the incidence of operating under the influence offenses pursuant to Title 29-A, section 2411. The report must include separate categories for offenses involving operating under the influence of alcohol, for offenses involving operating under the influence of intoxicating substances other than alcohol and for offenses involving operating under the influence of a combination of alcohol and other intoxicating substances.

See title page for effective date.

**CHAPTER 122**

**H.P. 627 - L.D. 853**

**An Act To Facilitate Weekend  
Malt Liquor Purchases by  
Licensed Establishments**

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

**Sec. 1. 28-A MRSA §1201, sub-§3-B** is enacted to read:

**3-B. Weekend sale of malt liquor to on-premises retailers.** Notwithstanding any other provi-

sion of this Title to the contrary, a retailer licensed under this section for off-premises consumption may sell and deliver malt liquor to a retailer licensed under section 1051 for on-premises consumption on the weekend during the authorized hours for the wholesale sale and delivery of liquor set forth in section 4, subsection 1, paragraph D under the following conditions:

A. The retailer licensed for on-premises consumption shall provide immediate notification in a form prescribed by the bureau by the 2nd business day after making a purchase under this subsection;

B. The retailer licensed for on-premises consumption shall provide immediate notification to the wholesaler licensed under section 1401 that supplies malt liquor to that retailer that the retailer purchased malt liquor from an off-premises licensee in the wholesaler's assigned territory;

C. The retailer licensed for on-premises consumption may not purchase more than 10 gallons of malt liquor on a single weekend and shall purchase the malt liquor from a retailer licensed for off-premises consumption that is located in the same sales territory as the wholesaler licensed under section 1401 that supplies malt liquor to the retailer licensed for on-premises consumption;

D. The requirements of section 705, subsection 1 apply to purchases of malt liquor under this subsection; and

E. The retailer licensed for on-premises consumption may not purchase malt liquor under this subsection on more than 2 weekends in a single calendar year.

For the purposes of this subsection, "weekend" means the time period between 4:00 p.m. Friday and midnight Sunday.

**Sec. 2. Rulemaking.** The Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall, as soon as practicable, amend its rule Chapter 101: Operation and Control of All Licensed Premises, section 15 to permit on-premises retail licensees to purchase malt liquor from off-premises retail licensees during weekend hours in accordance with the Maine Revised Statutes, Title 28-A, section 1201, subsection 3-B.

See title page for effective date.

**CHAPTER 123  
H.P. 699 - L.D. 944**

**An Act To Ban Native  
American Mascots in All  
Public Schools**

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

**Sec. 1. 20-A MRSA §12** is enacted to read:

**§12. Prohibition of Native American mascots**

A public school, the University of Maine System or any college within the University of Maine System, the Maine Community College System or any college within the Maine Community College System or the Maine Maritime Academy may not have or adopt a name, symbol or image that depicts or refers to a Native American tribe, individual, custom or tradition and that is used as a mascot, nickname, logo, letter-head or team name of the school.

See title page for effective date.

**CHAPTER 124  
H.P. 738 - L.D. 983**

**An Act To Exempt from  
Natural Resources Protection  
Act Permit Requirements  
Certain Maintenance and  
Repairs of Nonhydropower  
Dams**

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

**Sec. 1. 38 MRSA §480-Q, sub-§2**, as amended by PL 2011, c. 205, §1, is further amended to read:

**2. Maintenance and repair.** Maintenance and repair of a structure, other than a crossing, in, on, over or adjacent to a protected natural resource if:

- A. Erosion control measures are taken to prevent sedimentation of the water;
- C. There is no additional intrusion into the protected natural resource; and
- D. The dimensions of the repaired structure do not exceed the dimensions of the structure as it existed 24 months prior to the repair, or if the structure has been officially included in or is considered by the Maine Historical Preservation Commission eligible for listing in the National Register of Historic Places, the dimensions of the repaired structure do not exceed the dimensions of the historic structure.

This subsection does not apply to: the repair of more than 50% of a structure located in a coastal sand dune system; ~~the repair of more than 50% of a dam, unless that repair has been approved by a representative of the United States Natural Resources Conservation Service;~~ or the repair of more than 50% of any other structure, unless the municipality in which the proposed activity is located requires a permit for the activity through an ordinance adopted pursuant to the mandatory shoreland zoning laws and the application for a permit is approved by the municipality;

**Sec. 2. 38 MRSA §480-Q, sub-§2-D**, as enacted by PL 2011, c. 205, §3, is amended to read:

**2-D. Existing crossings.** A permit is not required for the repair and maintenance of an existing crossing or for the replacement of an existing crossing, including ancillary crossing installation activities such as excavation and filling, in any protected natural resource area, as long as:

- A. Erosion control measures are taken to prevent sedimentation of the water;
- B. The crossing does not block passage for fish in the protected natural resource area; and
- C. For replacement crossings of a river, stream or brook:
  - (1) The replacement crossing is designed, installed and maintained to match the natural stream grade to avoid drops or perching; and
  - (2) As site conditions allow, crossing structures that are not open bottomed are embedded in the stream bottom a minimum of one foot or at least 25% of the culvert or other structure's diameter, whichever is greater, except that a crossing structure does not have to be embedded more than 2 feet.

For purposes of this subsection, "repair and maintenance" includes but is not limited to the riprapping of side slopes or culvert ends; removing debris and blockages within the crossing structure and at its inlet and outlet; and installing or replacing culvert ends if less than 50% of the crossing structure is being replaced;

**Sec. 3. 38 MRSA §480-Q, sub-§2-E** is enacted to read:

**2-E. Nonhydropower dams. Maintenance and repair of an existing nonhydropower dam, as long as:**

- A. A long-term maintenance and repair plan for the dam has been submitted to the department prior to the commencement of any maintenance or repair activities;
- B. The maintenance and repair activities do not involve more than 50% of the surface area or volume of the dam;

C. Erosion control measures are taken to prevent sedimentation of the water on either side of the dam as a result of the maintenance or repair activities;

D. Resurfacing of the upstream or downstream vertical faces of the dam, retaining walls or associated structures does not exceed 4 inches in thickness;

E. Precast concrete used for the repair or resurfacing of the dam is cured in air for a minimum of 3 weeks and fresh concrete poured in forms on site used for the repair or resurfacing of the dam is cured in air for a minimum of one week prior to use to prevent impacts to fish and other aquatic organisms from high pH levels associated with concrete;

F. The maintenance and repair activities do not result in permanent changes to impounded water levels or to downstream flows;

G. All necessary approvals from state and federal fisheries agencies for any temporary drawdown of the impounded waters needed to accomplish the maintenance and repair activities have been obtained prior to the commencement of those activities; and

H. Removal of accumulated materials from the upstream side of the dam, including natural sediment buildup, vegetative materials and woody debris, is limited to an area within 6 feet of the dam, measured perpendicularly from its upstream face, and is performed by hand only.

For the purposes of this subsection, "nonhydropower dam" means a water-impounding structure not used for the generation of hydroelectric power and includes any associated wing walls, abutments, spillways, gates and earthen embankments.

See title page for effective date.

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## CHAPTER 125

### S.P. 292 - L.D. 1013

#### **An Act To Clarify the Disqualification from Unemployment Benefits of a Person Who Is Terminated from Employment for Being Under the Influence of Marijuana**

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

**Sec. 1. 26 MRSA §1043, sub-§23, ¶A, as enacted by PL 1999, c. 464, §2, is amended to read:**

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;
- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or

(14) Absence for more than 2 work days due to incarceration for conviction of a crime.

See title page for effective date.

## CHAPTER 126

### S.P. 341 - L.D. 1121

#### An Act To Acknowledge Potable Water as a Necessity

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

**Sec. 1. 10 MRSA §1105, sub-§1, ¶C**, as amended by PL 2005, c. 580, §1, is amended to read:

C. "Necessities" includes food for human or animal consumption; potable water; pharmaceutical products, including prescription medications; wearing apparel; shoes; building materials; gas and electricity for light, heat and power; ice; fuel of all kinds; and fertilizer and fertilizer ingredients; together with tools, utensils, implements, machinery and equipment required for the actual production or manufacture of the same. "Necessities" includes any other vital or necessary good or service except those:

- (1) Subject to continuous maximum price regulation under the provisions of any state or federal law;
- (2) As to which the State's authority is preempted; or
- (3) Furnished or provided by:
  - (a) Insurers; or
  - (b) Nonprofit hospitals, medical service organizations or health maintenance organizations authorized to transact business within the State pursuant to Title 24 and Title 24-A.

**Sec. 2. 22 MRSA §4301, sub-§1**, as amended by PL 1991, c. 9, Pt. U, §1, is further amended to read:

**1. Basic necessities.** "Basic necessities" means food, potable water, clothing, shelter, fuel, electricity, nonelective medical services as recommended by a physician, nonprescription drugs, telephone where it is necessary for medical reasons and any other commodity or service determined essential by the overseer in accordance with the municipality's ordinance and this chapter. "Basic necessities" do not include security deposits for rental property, except for emergency purposes. For the purposes of this subsection, "emergency purposes" means any situation in which no other permanent lodging is available unless a security deposit is paid.

**Sec. 3. 30-A MRSA §1654**, as amended by PL 2015, c. 44, §6, is further amended to read:

#### **§1654. Supplies for jails; accounts audited**

The county commissioners of the several counties shall, without extra charge or commission to themselves or to any other person, procure all necessary supplies, including necessary food, potable water, fuel, bedding and clothing for the jails and the prisoners in the jails, to be furnished and purchased under their direction and at the expense of the counties. A county commissioner may not be interested directly or indirectly in the purchase of any such supplies or in any contract for such supplies made by the board of which and while the county commissioner is a member, and all contracts made in violation of this provision are void. A suitable person must be employed to prepare the foods of the prisoners in each county at the expense of the county. The service of the food to the prisoners is under the general direction of the jailer, master or keeper. The sheriff shall appoint the person employed to prepare the food of the prisoners subject to the approval of the county commissioners. The county commissioners may at any time direct specific rations or articles of food, clothing, soap, fuel or other necessities to be provided to the prisoners. The bills and accounts for supplies furnished and the items of expense incurred in preparing and serving these supplies must be audited pursuant to section 951.

See title page for effective date.

## CHAPTER 127

### S.P. 366 - L.D. 1192

#### An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way

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

**Sec. 1. 35-A MRSA §2524** is enacted to read:

#### **§2524. Municipal access to poles**

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

A. "Make-ready work" means the rearrangement or transfer of existing facilities, replacement of a pole, complete removal of any pole replaced or any other changes required to make space available for an additional attachment to a shared-use pole.

B. "Municipality" means a town, city, plantation, county, regional council of governments, quasi-municipal corporation or district as defined in Title 30-A, section 2351, regional municipal utility

district established according to Title 30-A, section 2203, subsection 9 or a corporation wholly or partially owned by an entity specified in this paragraph.

C. "Unserved or underserved area" has the same meaning as in section 9202, subsection 5.

**2. Access to poles; make-ready requirements.**  
Notwithstanding any provision of law to the contrary, for the purpose of safeguarding access to infrastructure essential to public health, safety and welfare, an owner of a shared-use pole and each entity attaching to that pole is responsible for that owner's or entity's own expenses for make-ready work to accommodate a municipality's attaching its facilities to that shared-use pole:

A. For a governmental purpose consistent with the police power of the municipality; or

B. For the purpose of providing broadband service to an unserved or underserved area.

See title page for effective date.

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## CHAPTER 128

H.P. 870 - L.D. 1206

### An Act Regarding Utility Poles in Public Rights-of-way

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

**Sec. 1. 23 MRSA §3651, sub-§1**, as enacted by PL 1987, c. 583, §1, is amended to read:

**1. Legal objects not defects.** Trees, structures, utility poles and facilities and other things which that exist in accordance with municipal ordinances are not defects in a public way. For the purposes of this subsection, "facilities" has the same meaning as in Title 35-A, section 2502, subsection 3.

**Sec. 2. Report.** No later than January 31, 2020, the Public Utilities Commission shall submit to the Joint Standing Committee on Energy, Utilities and Technology a report regarding orders adopted or other actions taken by the commission during calendar year 2019 to address issues related to abandoned utility poles and associated facilities, as that term is defined in the Maine Revised Statutes, Title 35-A, section 2502, subsection 3, in the public right-of-way. Commission actions may include amendments to commission rules regarding removal or relocation of utility poles and any associated facilities located within the public right-of-way and restoration of a pole site to a safe condition. The report may include findings and recommendations, including suggested legislation. The committee may report out a bill to the Second Regular Session of the 129th Legislature related to the report.

See title page for effective date.

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## CHAPTER 129

S.P. 388 - L.D. 1268

### An Act To Update and Clarify the Laws Governing Raffles

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

**Sec. 1. 17 MRSA §1832, sub-§1**, as amended by PL 2017, c. 284, Pt. KKKKK, §15, is further amended to read:

**1. License or registration required.** A Except as provided in section 1837-A, a person, firm, corporation, association or organization may not hold, conduct or operate a game of chance without a license issued by or, as applicable, without registering with the Gambling Control Unit in accordance with this section. A license is not required when a game of chance constitutes social gambling.

**Sec. 2. 17 MRSA §1834, sub-§2**, as amended by PL 2017, c. 284, Pt. KKKKK, §16, is further amended to read:

**2. Operation of games of chance.** Except for electronic video games as provided in this section, the registration fee for a license or registration to operate a game of chance is \$15 for each week computed on a Monday to Sunday basis or for a portion of a week. The fee for a license issued, \$60 for a calendar month is \$60 and the fee for licenses issued or \$700 for a calendar year is \$700.

The Gambling Control Unit may issue any combination of weekly or monthly licenses for the operation of games of chance. Registration to conduct any authorized game of chance may be issued for a period of up to 12 months on one application.

**Sec. 3. 17 MRSA §1837-A**, as amended by PL 2017, c. 365, §1, is further amended to read:

#### **§1837-A. Raffles**

**1. Registration required.** Unless otherwise specified by this section, a person or organization may not conduct a raffle without registering with the Gambling Control Unit.

**2. Raffle with a prize of \$2,500 or less.** A Except for raffles conducted by an eligible organization under subsection 2-A, a person or organization is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$2,500. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$2,500.

**2-A. Raffle with a prize of \$10,000 or less conducted by eligible organization.** An eligible organization as described in section 1832, subsection 2 is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$10,000. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$10,000.

**3. Raffle with a noncash prize greater than \$2,500 but not greater than \$10,000.** Except for raffles conducted by an eligible organization under subsection 4, a person or organization may conduct a raffle in which the total value of the prize offered to the holder of the winning chance is greater than \$2,500 and does not exceed \$10,000 upon the acceptance of a registration by the Gambling Control Unit. The Gambling Control Unit may not accept a registration for a raffle under this subsection unless the registration states a verifiable charitable purpose for which the proceeds of the raffle are dedicated to benefit. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$10,000. A prize offered for a raffle conducted under this subsection may not be in the form of cash and may not be exchanged for cash.

**4. Raffle with a noncash prize of up to \$75,000 or a cash prize of up to \$20,000 conducted by eligible organization.** An eligible organization as described in section 1832, subsection 2 may register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered or prizes awarded to the holder of the a winning chance or to the holders of the winning chances does not exceed \$75,000 upon the acceptance of a registration by the Gambling Control Unit. The registration must state a verifiable charitable purpose for which the proceeds of the raffle are dedicated to benefit. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$75,000. A noncash prize for a raffle conducted under this subsection may not be exchanged for cash. The total amount of cash prizes that may be awarded for a raffle conducted under this subsection may not exceed \$20,000 with no more than one \$10,000 prize for the holder of a winning chance. An eligible organization may not conduct more than one raffle under this subsection in a 12-month period.

A. Seventy-five thousand dollars that is not in the form of cash and may not be exchanged for cash; or

B. Twenty thousand dollars in cash, with no more than one \$10,000 cash prize for the holder of a winning chance.

At the time of registration, the eligible organization shall state a verifiable charitable purpose that the proceeds of the raffle are dedicated to benefit.

**5. Raffle conducted by persons 18 years of age or older; exception.** Raffle chances or tickets may not be sold by a person under 18 years of age, except for raffles conducted under subsections 2 and 3 designed to benefit activities of children at an event generally attended by persons under 18 years of age.

**6. Multiple raffles.** An eligible organization as described in section 1832, subsection 2 may conduct more than one raffle at a time that meet the requirements of subsections 2-A, 3 and 4, except that an eligible organization may not conduct more than one registered raffle at the same time under subsection 4, paragraph A and may not conduct more than one registered raffle at the same time under subsection 4, paragraph B. This subsection does not prevent an eligible organization from conducting one registered raffle under subsection 4, paragraph A at the same time that the eligible organization conducts one registered raffle under subsection 4, paragraph B. When an eligible organization conducts multiple raffles as permitted by this subsection, the eligible organization is not required to begin and end those raffles on the same dates.

See title page for effective date.

**CHAPTER 130**

**H.P. 158 - L.D. 195**

**An Act To Continue  
MaineCare Coverage for  
Parents During the  
Rehabilitation and  
Reunification Process**

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

**Sec. 1. 22 MRSA §3174-BBB** is enacted to read:

**§3174-BBB. Coverage for parents participating in rehabilitation and reunification efforts**

Notwithstanding any other provision of law to the contrary, a parent receiving benefits under this chapter as a parent of one or more dependent minor children who have been removed from the home of that parent pursuant to section 4036-B continues to be eligible for benefits under this chapter until either the department discontinues rehabilitation and reunification efforts pursuant to section 4041 or parental rights have been terminated pursuant to section 4055, whichever occurs first. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are

routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Beginning January 1, 2021, the department shall provide annually by January 1st to the joint standing committee of the Legislature having jurisdiction over health and human services matters a report on the number of individuals and families who continue MaineCare coverage pursuant to the requirements of this section.

**Sec. 2. Waiver request.** No later than January 1, 2020, the Department of Health and Human Services shall submit a waiver request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services that requests approval for Medicaid coverage of a parent who has one or more children removed from the home but remains engaged in reunification efforts as established in the Maine Revised Statutes, Title 22, section 3174-BBB. The department shall take all reasonable and necessary steps to seek approval of the waiver. Upon approval of the waiver request, the Commissioner of Health and Human Services shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes of that fact.

**Sec. 3. Report.** The Department of Health and Human Services shall report quarterly to the joint standing committee of the Legislature having jurisdiction over health and human services matters, beginning October 1, 2019, on the department's progress in seeking a waiver under section 2 and implementing rules under section 4 until the process is complete.

**Sec. 4. Rulemaking.** Within 180 days of receiving approval for coverage by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services pursuant to a request in accordance with section 2, the Department of Health and Human Services shall adopt rules to implement the Maine Revised Statutes, Title 22, section 3174-BBB. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 5. Contingent effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 22, section 3174-BBB takes effect only if the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services approves a waiver request submitted in accordance with section 2 of this Act. In no event may this Act take effect until 90 days after the adjournment of the First Regular Session of the 129th Legislature.

See title page for effective date, unless otherwise indicated.

## CHAPTER 131

### S.P. 170 - L.D. 548

#### An Act Regarding Charging a Person under 18 Years of Age with the Crime of Engaging in Prostitution

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

**Sec. 1. 17-A MRSA §853-A, sub-§1,** as amended by PL 2007, c. 476, §29, is further amended to read:

1. A person who has in fact attained 18 years of age is guilty of engaging in prostitution if:

A. The person engages in prostitution as defined in section 851. Violation of this paragraph is a Class E crime, except that the sentencing alternative may include only the penalties provided in section 1301; or

B. The person violates paragraph A and, at the time of the offense, the person has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of the prior conviction may not precede the commission of the offense by more than 2 years. Violation of this paragraph is a Class D crime.

See title page for effective date.

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## CHAPTER 132

### H.P. 271 - L.D. 345

#### An Act To Help New Teachers Succeed

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

**Sec. 1. 20-A MRSA §1055, sub-§10,** as amended by PL 2011, c. 635, Pt. A, §1, is further amended to read:

**10. Supervise school employees.** The superintendent is responsible for implementing a performance evaluation and professional growth system for all teachers and principals pursuant to chapter 508 and an evaluation system for all other employees of the school administrative unit. The superintendent shall evaluate probationary teachers during, ~~but not limited to without limitation, their 2nd~~ each year of their employment as probationary teachers. The method of evaluation must be determined by the school board, be

in compliance with the requirements of chapter 508 and be implemented by the superintendent.

**Sec. 2. 20-A MRSA §13201**, as amended by PL 2017, c. 235, §36 and affected by §41, is repealed and the following enacted in its place:

**§13201. Nomination and election of teachers; teacher contracts**

**1. Nomination; forfeiture.** The superintendent shall nominate all teachers, subject to such regulations governing salaries and the qualifications of teachers as the school board makes. Upon the approval of nominations by the school board, the superintendent may employ teachers so nominated and approved for such terms as the superintendent determines proper, subject to the approval of the school board. Prior to May 15th before the expiration of a first, 2nd or 3rd year probationary teacher's contract, the superintendent shall notify the teacher in writing of the superintendent's decision to nominate or not nominate that teacher for another teaching contract. If, after receiving a complaint from a teacher, the commissioner finds that the superintendent has failed to notify a teacher of a decision not to nominate that teacher, the school administrative unit shall pay a forfeiture to the teacher. The amount of that forfeiture must be equal to the teacher's per diem salary rate times the number of days between the notification deadline and the date on which notification is made or on which the complaint is filed, whichever occurs first. In case the superintendent and the school board fail to legally elect a teacher, the commissioner has the authority to appoint a substitute teacher who serves until such election is made.

**2. Contracts.** This subsection applies to teacher contracts.

**A.** After a probationary period, subsequent contracts of duly certified teachers must be for not less than 2 years. Unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract must be extended automatically for one year and similarly in subsequent years, except for duly certified teachers who received a summative effectiveness rating indicating ineffectiveness pursuant to chapter 508 for the preceding school year. The right to an extension for a longer period of time through a new contract is specifically reserved to the contracting parties. Unless a duly certified teacher who received a summative effectiveness rating indicating ineffectiveness pursuant to chapter 508 for the preceding school year receives written notice to the contrary from the superintendent not later than May 15th, the contract must be extended automatically for one year.

**B.** Just cause for dismissal or nonrenewal is a negotiable item in accordance with the procedure set

forth in Title 26, chapter 9-A for teachers who have served beyond the probationary period.

C. After a probationary period, any teacher who receives notice in accordance with this section that the teacher's contract is not going to be renewed may, during the 15 days following such notification, request a hearing with the school board. The teacher may request reasons. The hearing must be private except by mutual consent and except that either or both parties may be represented by counsel. That hearing must be granted within 30 days of the receipt of the teacher's request.

For purposes of this subsection, "probationary period" means a period of 3 years, except that for any teacher hired for the 2020-2021 school year or any subsequent year, "probationary period" means a period not to exceed 2 years.

**3. Termination upon elimination of a teaching position.** The right to terminate a contract, after due notice of 90 days, is reserved to the school board when changes in local conditions warrant the elimination of the teaching position for which the contract was made. The order of layoff and recall is a negotiable item in accordance with the procedures set forth in Title 26, chapter 9-A. In any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall must include the teacher's effectiveness rating pursuant to chapter 508 as a factor and may also include, but may not be limited to, seniority.

See title page for effective date.

**CHAPTER 133**

**S.P. 60 - L.D. 248**

**An Act To Increase the Handling Fee for Beverage Containers Reimbursed to Redemption Centers**

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

**Whereas,** this legislation prohibits the issuance of new beverage container redemption center licenses to beverage redemption centers that were not previously issued a license prior to May 1, 2019; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 38 MRSA §3106, sub-§7**, as enacted by PL 2015, c. 166, §14, is amended to read:

**7. Reimbursement of handling costs.** Reimbursement of handling costs is governed by this subsection.

A. In addition to the payment of the refund value, the initiator of the deposit under section 3103, subsections 1, 2 and 4 shall reimburse the dealer or local redemption center for the cost of handling beverage containers subject to section 3103, in an amount that equals at least 3¢ per returned container for containers picked up by the initiator before March 1, 2004, at least 3 1/2¢ for containers picked up on or after March 1, 2004 and before March 1, 2010 ~~and~~ at least 4¢ for containers picked up on or after March 1, 2010 ~~and before January 1, 2020 and at least 4 1/2¢ for containers picked up on or after January 1, 2020~~. The initiator of the deposit may reimburse the dealer or local redemption center directly or indirectly through a party with which it has entered into a commingling agreement.

B. In addition to the payment of the refund value, the initiator of the deposit under section 3103, subsection 3 shall reimburse the dealer or local redemption center for the cost of handling beverage containers subject to section 3103 in an amount that equals at least 3¢ per returned container for containers picked up by the initiator before March 1, 2004, at least 3 1/2¢ for containers picked up on or after March 1, 2004 and before March 1, 2010 ~~and~~ at least 4¢ for containers picked up on or after March 1, 2010 ~~and before January 1, 2020 and at least 4 1/2¢ for containers picked up on or after January 1, 2020~~. The initiator of the deposit may reimburse the dealer or local redemption center directly or indirectly through a contracted agent or through a party with which it has entered into a commingling agreement.

~~C. The reimbursement that the initiator of the deposit is obligated to pay the dealer or redemption center pursuant to paragraph A or B must be reduced by 1/2¢ for any returned container that is subject to a qualified commingling agreement that allows the dealer or redemption center to commingle beverage containers of like product group, material and size. A commingling agreement is qualified for purposes of this paragraph if the department determines that 50% or more of the beverage containers of like product group, material and size for which the deposits are being initiated in the State are covered by the commingling agreement or that the initiators of deposit covered by the commingling agreement are initiators of~~

~~deposit for wine containers who each sell no more than 100,000 gallons of wine or 500,000 beverage containers that contain wine in a calendar year. Once the initiator of deposit has established a qualified commingling agreement for containers of a like product group, material and size, the department shall allow additional brands to be included from a different product group if they are of like material. The State, through the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, shall make every reasonable effort to enter into a qualified commingling agreement under this paragraph with every other initiator of deposit for beverage containers that are of like product group, size and material as the beverage containers for which the State is the initiator of deposit.~~

D. Paragraphs A, ~~and~~ B ~~and~~ C do not apply to a brewer who annually produces no more than 50,000 gallons of its product or a bottler of water who annually sells no more than 250,000 containers each containing no more than one gallon of its product. In addition to the payment of the refund value, an initiator of deposit under section 3103, subsections 1 to 4 who is also a brewer who annually produces no more than 50,000 gallons of its product or a bottler of water who annually sells no more than 250,000 containers each containing no more than one gallon of its product shall reimburse the dealer or local redemption center for the cost of handling beverage containers subject to section 3103 in an amount that equals at least 3¢ per returned container, except that, beginning January 1, 2020, the initiator of deposit shall reimburse the dealer or local redemption center at least 3 1/2¢ per returned container.

**Sec. 2. Moratorium on new redemption center licenses.** Notwithstanding any provision of the Maine Revised Statutes, Title 38, chapter 33 to the contrary, beginning May 1, 2019 and ending January 15, 2020, the Department of Environmental Protection may not issue a license to a redemption center that was not licensed as a redemption center pursuant to Title 38, chapter 33 as of April 30, 2019 unless the department determines that a new redemption center is needed to serve an area in which a redemption center licensed as a redemption center pursuant to Title 38, chapter 33 as of April 30, 2019 ceases to operate. This section does not prevent the department from renewing the license of a redemption center previously issued a license pursuant to Title 38, chapter 33 prior to May 1, 2019.

**Sec. 3. Container redemption efficiencies; report.** The Commissioner of Environmental Protection shall require each initiator of deposit that has entered into a commingling agreement pursuant to the Maine Revised Statutes, Title 38, section 3107, and the contracted agent of the initiator of deposit, if any,

to no later than July 1, 2019 report to the Department of Environmental Protection the number of beverage containers picked up from each redemption center on each pick-up date in calendar year 2018. The initiators of deposit that have entered into a commingling agreement may elect to aggregate the data required under this section for the entire commingling group for the purpose of reporting to the department. Upon receipt of the data under this section, the department shall assess the efficiency and convenience of the beverage container redemption system and develop recommendations to improve efficiencies in the handling and transportation of beverage containers and to ensure convenient collection of beverage containers for consumers. On or before January 15, 2020, the commissioner shall submit a report to the Joint Standing Committee on Environment and Natural Resources detailing the department's findings and recommendations, including any proposed legislation. After reviewing the report, the committee may report out legislation to the Second Regular Session of the 129th Legislature to implement recommendations contained in the report.

**Sec. 4. Appropriations and allocations.**

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Alcoholic Beverages - General Operation 0015**

Initiative: Provides allocation for the State's cost as an initiator of deposit for spirits for removal of the 1/2¢ commingling agreement discount in the reimbursement rate paid to a dealer or local redemption center beginning May 1, 2019.

STATE ALCOHOLIC BEVERAGE FUND	2018-19	2019-20	2020-21
All Other	\$17,562	\$114,264	\$124,282
STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$17,562	\$114,264	\$124,282

**Alcoholic Beverages - General Operation 0015**

Initiative: Provides allocation for the State's cost as an initiator of deposit for spirits for an increase in the reimbursement rate paid to a dealer or local redemption center by 1/2¢ per returned beverage container beginning January 1, 2020.

STATE ALCOHOLIC BEVERAGE FUND	2018-19	2019-20	2020-21
All Other	\$0	\$57,132	\$124,282

STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$0	\$57,132	\$124,282
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF			
DEPARTMENT TOTALS	2018-19	2019-20	2020-21
STATE ALCOHOLIC BEVERAGE FUND	\$17,562	\$171,396	\$248,564
DEPARTMENT TOTAL - ALL FUNDS	\$17,562	\$171,396	\$248,564

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 21, 2019.

**CHAPTER 134**

**S.P. 150 - L.D. 485**

**An Act Regarding Actions of the Owner or Keeper of a Dog That Assaults a Person and Causes an Injury That Requires Medical Attention**

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

**Sec. 1. 7 MRSA §3955** is enacted to read:

**§3955. Leaving the scene of an assault by a dog that causes an injury that requires medical attention for a person**

**1. Required actions by owner or keeper. The owner or keeper of a dog that assaults a person and causes an injury that requires medical attention shall comply with the requirements of this section before leaving the scene of the assault:**

**A. The owner or keeper shall secure aid for the injured person, including, as appropriate, securing medical assistance and reporting the assault to the local law enforcement agency;**

**B. After securing aid for the injured person, the owner or keeper may leave the scene on a temporary basis in order to contain the dog that assaulted the person; and**

C. After securing aid for the injured person and containing the dog that assaulted the person, the owner or keeper shall provide the owner's or keeper's name, current address and contact information to the injured person, a person acting for the injured person or a law enforcement officer.

2. Violation. A violation of this section is a Class D crime.

See title page for effective date.

## CHAPTER 135

### H.P. 562 - L.D. 757

#### An Act To Improve Labor Laws for Maine Workers

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

**Sec. 1.** 26 MRSA §967, as amended by PL 1991, c. 622, Pt. O, §7, is further amended to read:

#### **§967. Determination of bargaining agent**

**1. Voluntary recognition.** Any public employee organization may file a request with a public employer alleging that a majority of the public employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining between the public employer and the employees' organization. Such request ~~shall must~~ describe the grouping of jobs or positions ~~which that~~ constitute the unit claimed to be appropriate and ~~shall must~~ include a demonstration of majority support. Such request for recognition ~~shall~~ may be granted by the public employer, ~~unless the public employer desires that an election determine whether the organization represents a majority of the members in the bargaining unit.~~

**1-A. Majority sign-up.** If a request by a public employee organization for recognition pursuant to subsection 1 is not granted by the public employer, the executive director of the board or a designee shall examine the demonstration of support. If the executive director of the board or a designee finds that a majority of the employees in a unit appropriate for bargaining have signed valid authorizations designating the employees' organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the board may not direct an election but shall certify the employees' organization as the representative. However, if the majority status of the employees in the appropriate unit is in question, the executive director of the board or a designee shall call an election to determine whether the organization represents a majority of the members in the bargaining unit.

**2. Elections.** The executive director of the board, or a designee, ~~upon signed request of a public employer alleging that one or more public employees or public employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of public employees pursuant to subsection 1-A,~~ or upon signed petition of at least 30% of a bargaining unit of public employees that they desire to be represented by an organization, shall conduct a secret ballot election to determine whether the organization represents a majority of the members in the bargaining unit. Such an election may be conducted at suitable work locations or through the United States mail, and the procedures adopted and employed must ensure that neither the employee organizations or the management representatives involved in the election have access to information that would identify a voter.

The ballot ~~shall must~~ contain the name of such organization and that of any other organization showing written proof of at least 10% representation of the public employees within the unit, together with a choice for any public employee to designate that ~~he the public employee~~ does not desire to be represented by any bargaining agent. ~~Where~~ When more than one organization is on the ballot and no one of the 3 or more choices receives a majority vote of the public employees voting, a run-off election ~~shall must~~ be held. The run-off ballot ~~shall must~~ contain the 2 choices ~~which that~~ received the largest and ~~second largest~~ 2nd-largest number of votes. When an organization receives the majority of votes of those voting, the executive director of the board shall certify it as the bargaining agent. The bargaining agent certified as representing a bargaining unit ~~shall must~~ be recognized by the public employer as the sole and exclusive bargaining agent for all of the employees in the bargaining unit unless and until a decertification election by secret ballot ~~shall be is~~ held and the bargaining agent declared by the executive director of the board as not representing a majority of the unit.

Whenever 30% of the employees in a certified bargaining unit petition for a bargaining agent to be decertified, the procedures for conducting an election on the question ~~shall be are~~ the same as for representation as bargaining agent ~~hereinbefore set forth as established in this section.~~

~~No~~ A question concerning representation may not be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, ~~no~~ a question concerning unit or representation may not be raised except during the period not more than 90 nor less than 60 days prior to the expiration date of the agreement. The not more than 90-day nor less than 60-day period prior to the expiration date of an agreement regarding unit determination and representation ~~shall does~~ not apply to matters of unit clarification.

The bargaining agent certified by the executive director of the board as the exclusive bargaining agent shall ~~be required to~~ represent all the public employees within the unit without regard to membership in the organization certified as bargaining agent, ~~provided~~ except that any public employee at any time may present ~~his~~ that public employee's grievance to the public employer and have such grievance adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect and if the bargaining agent's representative has been given reasonable opportunity to be present at any meeting of the parties called for the resolution of such grievance.

See title page for effective date.

**CHAPTER 136**  
**S.P. 69 - L.D. 257**

**An Act To Help Ensure That  
the Legislature Has the  
Information Necessary To Do  
the Work of the People of  
Maine**

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

**Sec. 1. 5 MRSA §21201**, as enacted by PL 1993, c. 675, Pt. C, §12, is amended to read:

**§21201. Findings**

The Legislature finds that difficulties in interactions among the ~~Executive Department~~ executive branch, the Legislature and the ~~Judicial Department~~ judicial branch often arise from the lack of understanding of the functions, structures, needs and perspectives of the 3 separate but coequal branches of government. Increased communication and coordination in daily activities as well as in long-range planning are possible to improve the effectiveness and efficiency of all 3 branches without the imposition of the views or directions of one or 2 branches upon another. The Legislature finds that active participation by the executive branch in the lawmaking process is essential to producing informed and effective legislation. The Legislature finds that the Constitution of Maine, Articles IV and V provide for shared participation in the lawmaking process and that shared responsibility has long been recognized and respected. The Legislature finds that a blanket policy by the executive branch that severely limits executive branch engagement and participation in the legislative process is contrary to these fundamental understandings and intentions underlying the Constitution of Maine and that the Governor should provide reasonably accessible information and expertise when the Legislature reasonably so requests.

See title page for effective date.

**CHAPTER 137**

**H.P. 254 - L.D. 329**

**An Act To Exempt from  
Criminal Liability Persons  
Reporting a Drug-related  
Medical Emergency**

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

**Sec. 1. 17-A MRSA §1111-B** is enacted to read:

**§1111-B. Exemption from criminal liability for reporting a drug-related medical emergency**

A person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance may not be arrested or prosecuted for a violation of section 1107-A, 1108, 1111 or 1111-A or a violation of probation as authorized by chapter 49 if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

See title page for effective date.

**CHAPTER 138**

**H.P. 429 - L.D. 585**

**An Act To Allow the Adoption  
of Ordinances Prohibiting the  
Accumulation of Trash on  
Private Property in Plantations**

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

**Sec. 1. 30-A MRSA §7051, sub-§11**, as amended by PL 2017, c. 3, §1, is further amended to read:

**11. Ordinances.** Chapter 141, but only with respect to animal control ordinances, subject to Title 7, section 3950, ~~and~~ the sale and use of consumer fireworks within the plantation, subject to Title 8, section 223-A, ~~and~~ the accumulation of garbage, refuse, rubbish or trash or unwanted or discarded material of any kind or source on private property.

See title page for effective date.

**CHAPTER 139  
H.P. 457 - L.D. 628**

**An Act To Ensure  
Comprehensive Access to  
Menstrual Products in All  
Maine's Jails, County  
Correctional Facilities and  
State Correctional and  
Detention Facilities**

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

**Sec. 1. 30-A MRSA §1565** is enacted to read:

**§1565. Menstrual products**

Any person who is incarcerated in a jail or other county correctional facility who menstruates has a right to comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to the incarcerated person.

**Sec. 2. 34-A MRSA §3031, sub-§§7 and 8,** as enacted by PL 1983, c. 459, §6, are amended to read:

**7. Area for personal effects.** A reasonably secure area for the maintenance of permitted personal effects; ~~and~~

**8. Visitation.** A reasonable opportunity to visit with relatives and friends, in accordance with departmental policies and institutional procedures, provided that the department may restrict or prohibit visits when the restriction or prohibition is necessary for the security of the institution; ~~and~~

**Sec. 3. 34-A MRSA §3031, sub-§9** is enacted to read:

**9. Menstrual products.** Comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to a person who menstruates who resides in a correctional or detention facility.

See title page for effective date.

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**CHAPTER 140  
H.P. 551 - L.D. 746**

**An Act To Allow  
Municipalities To Determine  
the Duration of Development  
Districts Funded by  
Assessments**

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

**Sec. 1. 30-A MRSA §5224, sub-§2, ¶H,** as amended by PL 2013, c. 184, §3, is repealed and the following enacted in its place:

**H. The duration of the development district, subject to the following conditions:**

(1) A development district that is a tax increment financing district may not exceed a total of 30 tax years beginning with the tax year in which the designation of the development district is effective pursuant to section 5226, subsection 3 or, if specified in the development program, the subsequent tax year; and

(2) A development district that is funded by assessments under section 5228 and that is not a tax increment financing district is not limited in duration unless a limitation on duration is established by the legislative body of the municipality or plantation adopting the development program. Any limitation in the duration of a development district that is not a tax increment financing district and that is established by the legislative body of the municipality or plantation may later be extended by the legislative body; and

See title page for effective date.

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**CHAPTER 141  
H.P. 597 - L.D. 823**

**An Act To Exempt Vehicles  
That Are 20 Years Old or  
Older from Titling  
Requirements When the  
Vehicles Are Recycled,  
Salvaged or Scrapped**

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

**Sec. 1. 29-A MRSA §652, sub-§18,** as enacted by PL 2015, c. 88, §3, is amended to read:

**18. Vehicle model year at least 20 years old.** A vehicle that is model year 1995, 1996, 1997, 1998 or

~~1999~~ that is at least 20 years old according to its model year at the time of sale or transfer of ownership to a recycler, salvage vehicle dealer or scrap processor if:

A. ~~A~~ The recycler, salvage vehicle dealer or scrap processor obtains the seller's name and the address of the seller's residence from a government-issued photograph identification document or credential and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least one year; and

B. ~~A~~ The recycler, salvage vehicle dealer or scrap processor reports the destruction of the vehicle to the Secretary of State within 30 days in a manner prescribed by the Secretary of State.

This subsection applies only to vehicles that are scrapped. For purposes of this subsection, a government-issued photograph identification document or credential includes, but is not limited to, a current and valid United States passport, military identification, driver's license or nondriver identification card.

See title page for effective date.

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**CHAPTER 142  
H.P. 622 - L.D. 848**

**An Act Concerning Disclosure Requirements for Transfers of Properties Accessed by Means Other Than a Public Way**

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

**Sec. 1. 33 MRSA §193, sub-§§1 and 2,** as enacted by PL 2017, c. 345, §4, are repealed.

**Sec. 2. 33 MRSA §193, sub-§3** is enacted to read:

**3. Access to the property.** Information describing the means of accessing the property by:

A. A public way, as defined in Title 29-A, section 101, subsection 59; and

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller.

See title page for effective date.

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**CHAPTER 143  
H.P. 687 - L.D. 932**

**An Act Regarding the Transfer of a Deceased Person's Moose Permit to a Family Member**

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

**Sec. 1. 12 MRSA §11154, sub-§15,** as enacted by PL 2015, c. 95, §1, is amended to read:

**15. Moose permit transfer; family members.** The commissioner, in cases involving exceptional extenuating circumstances as determined by the commissioner, may authorize a person who holds a valid moose permit to transfer that permit to a family member who meets the eligibility and permit requirements under this section and who is not otherwise prohibited from holding the moose permit, except that the commissioner shall transfer a moose permit to a family member who meets the eligibility and permit requirements under this section and who is not otherwise prohibited from holding the moose permit if the permit holder dies at any time prior to or during the moose hunting season if a moose has not yet been harvested under that permit. A transferor and a transferee are subject to the elimination of any accumulated points under subsection 8 and the 3-year ineligibility period under subsection 5. For purposes of this subsection, "family member" means the transferor's spouse, child, stepchild, grandchild, parent, grandparent, stepparent, brother, sister, half-sister, half-brother or adopted child.

The commissioner shall adopt rules to implement this subsection and may establish a transfer fee to recover administrative costs associated with transferring moose permits. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 144  
H.P. 715 - L.D. 960**

**An Act To Allow Municipalities with Municipal Shellfish Conservation Ordinances To Establish Minimum and Maximum Size Limits for Shellfish That Are at Least as Strict as Those Limits Established by the State**

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

**Sec. 1. 12 MRSA §6671, sub-§3, ¶A**, as amended by PL 2017, c. 350, §1, is further amended to read:

A. Within any area of the intertidal zone within the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators;
- (4) Authorize the municipal officials to open and close flats under specified conditions; ~~and~~
- (5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program;

(6) Establish a minimum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any minimum size limit set in this chapter or by rule, except that an ordinance must establish minimum size limits for possession of soft-shell clams that are at least as strict as those limits established in section 6681; and

(7) Establish a maximum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any maximum size limit set in this chapter or by rule.

**Sec. 2. 12 MRSA §6671, sub-§3, ¶B**, as enacted by PL 2001, c. 188, §2, is repealed.

**Sec. 3. 12 MRSA §6671, sub-§8, ¶D** is enacted to read:

D. Enforcement by the municipality of any provision adopted by a municipality pursuant to this section may occur only in the municipality in which the shellfish is harvested.

See title page for effective date.

**CHAPTER 145  
H.P. 725 - L.D. 970**

**An Act To Encourage Policies  
Regarding Accessory Dwelling  
Units under Local  
Comprehensive Plans and  
Zoning Requirements**

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

**Sec. 1. 30-A MRSA §4301, sub-§1-B** is enacted to read:

**1-B. Accessory dwelling unit.** "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

**Sec. 2. 30-A MRSA §4312, sub-§3, ¶J**, as amended by PL 2015, c. 349, §1, is further amended to read:

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; ~~and~~

**Sec. 3. 30-A MRSA §4312, sub-§3, ¶K**, as enacted by PL 2015, c. 349, §2, is amended to read:

K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; ~~and~~

**Sec. 4. 30-A MRSA §4312, sub-§3, ¶L** is enacted to read:

L. To encourage municipalities to develop policies that provide for accessory dwelling units.

**Sec. 5. 30-A MRSA §4326, sub-§1, ¶H**, as amended by PL 2015, c. 349, §3, is further amended to read:

H. Residential housing stock, including affordable housing, ~~and~~ policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets and policies that provide for accessory dwelling units;

**Sec. 6. 30-A MRSA §4326, sub-§3-A, ¶G,** as amended by PL 2015, c. 349, §4, is further amended to read:

G. Ensure that the municipality's or multimunicipal region's land use policies and ordinances encourage the siting and construction of affordable housing within the community and comply with the requirements of section 4358 pertaining to individual mobile home and mobile home park siting and design requirements. The municipality or multimunicipal region shall seek to achieve a level of at least 10% of new residential development, based on a 5-year historical average of residential development in the municipality or multimunicipal region, that meets the definition of affordable housing. A municipality or multimunicipal region is encouraged to seek creative approaches to assist in the development of affordable housing, including, but not limited to, ~~cluster housing, reduced minimum lot and frontage sizes, increased residential densities, use of municipally owned land and establishment of policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets;~~

- (1) Cluster housing;
- (2) Reduced minimum lot and frontage sizes;
- (3) Increased residential densities;
- (4) Use of municipally owned land;
- (5) Establishment of policies that:
  - (a) Assess community needs and environmental effects of municipal regulations;
  - (b) Lessen the effect of excessive parking requirements for buildings in downtowns and on main streets; and
  - (c) Provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; and
- (6) Provisions for accessory dwelling units;

**Sec. 7. 30-A MRSA §4326, sub-§3-A, ¶J,** as amended by PL 2015, c. 349, §5, is further amended to read:

J. Develop management goals for great ponds pertaining to the type of shoreline character, intensity of surface water use, protection of resources of state significance and type of public access appropriate for the intensity of use of great

ponds within the municipality's or multimunicipal region's jurisdiction; ~~and~~

**Sec. 8. 30-A MRSA §4326, sub-§3-A, ¶K,** as enacted by PL 2015, c. 349, §6, is amended to read:

K. Encourage policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; and

**Sec. 9. 30-A MRSA §4326, sub-§3-A, ¶L** is enacted to read:

L. Encourage policies that provide for accessory dwelling units.

See title page for effective date.

**CHAPTER 146**

**S.P. 290 - L.D. 1011**

**An Act To Clarify Filing Requirements for Proposed Rules**

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

**Sec. 1. 5 MRSA §8053, sub-§3, ¶E,** as amended by PL 2007, c. 181, §3, is further amended to read:

E. Refer to the substantive state or federal law to be implemented by the rules; ~~and~~

**Sec. 2. 5 MRSA §8053, sub-§3, ¶F,** as enacted by PL 2007, c. 181, §4, is amended to read:

F. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained; and

**Sec. 3. 5 MRSA §8053, sub-§3, ¶G** is enacted to read:

G. Indicate whether the rule is routine technical or major substantive as those terms are defined in section 8071.

**Sec. 4. 5 MRSA §8053, sub-§7, ¶¶F and G,** as enacted by PL 2009, c. 256, §4, are amended to read:

F. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained; ~~and~~

G. Indicate the impact on municipalities or counties only if there is an expected financial impact

on municipalities identified under section 8063; and

**Sec. 5. 5 MRSA §8053, sub-§7, ¶H** is enacted to read:

H. Indicate whether the rule is routine technical or major substantive as those terms are defined in section 8071.

**Sec. 6. 5 MRSA §8053-A, sub-§1**, as repealed and replaced by PL 1989, c. 574, §5, is amended to read:

**1. Proposed rules.** At the time of giving notice of rulemaking under section 8053 or within 10 days following the adoption of an emergency rule, the agency shall provide to the Legislature, in accordance with subsection 3, a fact sheet providing the information as described in section 8057-A, subsection 1 and a written notice identifying whether the proposed rule or adopted emergency rule is a routine technical rule or a major substantive rule as defined in subchapter 2-A.

A. If an agency determines that a rule ~~which that~~ it intends to adopt will be substantially different from the proposed rule, it shall provide the Legislature with a revised fact sheet with the information defined in section 8057-A, subsection 1, as it relates to the substantially different rule. The revised fact sheet ~~shall~~ **must** be provided to the Legislature in accordance with subsection 3.

See title page for effective date.

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## CHAPTER 147

### H.P. 806 - L.D. 1102

#### An Act To Remove a Reference to Constables in the Law Governing Execution of Process

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

**Sec. 1. 30-A MRSA §104**, as amended by PL 2017, c. 332, §3, is further amended to read:

#### **§104. Execution of process**

Sheriffs and their deputies ~~and constables~~ shall execute all legal processes directed to them by the commissioners. A civil deputy, as defined in section 351, subsection 5, shall serve civil process as directed by the sheriff.

See title page for effective date.

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## CHAPTER 148

### S.P. 342 - L.D. 1122

#### An Act To Expand Tax Increment Financing

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

**Sec. 1. 30-A MRSA §5222, sub-§14-A** is enacted to read:

**14-A. Public safety facility.** "Public safety facility" means a facility used primarily for the functions of municipal or plantation government that ensure the protection of residents, organizations and institutions in the municipality or plantation, including the provision of law enforcement, fire and emergency services.

**Sec. 2. 30-A MRSA §5225, sub-§1, ¶B**, as amended by PL 2011, c. 101, §13, is further amended to read:

B. Costs of improvements that are made outside the tax increment financing district but are directly related to or are made necessary by the establishment or operation of the district, including, but not limited to:

- (1) ~~That portion of the costs reasonably~~ Costs related to the construction, alteration or expansion of any facilities not located within the district that are required due to improvements or activities within the district, including, but not limited to, sewage treatment plants, water treatment plants or other environmental protection devices; storm or sanitary sewer lines; water lines; electrical lines; improvements to ~~fire stations~~ public safety facilities; and amenities on streets;
- (2) Costs of public safety improvements ~~made necessary by~~ related to the establishment of the district; and
- (3) Costs of funding to mitigate any adverse impact of the district upon the municipality or plantation and its constituents. This funding may be used for public facilities and improvements if:

(a) The public facilities or improvements are located in a downtown tax increment financing district; and

(b) The entire tax increment from the downtown tax increment financing district is committed to the development program of the tax increment financing district;

**Sec. 3. 30-A MRSA §5225, sub-§1, ¶C**, as amended by PL 2013, c. 184, §4, is further amended to read:

C. Costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails or employment training within the municipality or plantation, including, but not limited to:

- (1) Costs of funding economic development programs or events developed by the municipality or plantation or funding the marketing of the municipality or plantation as a business or arts location;
- (2) Costs of funding environmental improvement projects developed by the municipality or plantation for commercial or arts district use or related to such activities;
- (3) Funding to establish permanent economic development revolving loan funds, investment funds and grants;
- (4) Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in the municipality or plantation. These costs must be designated as training funds in the development program;
- (5) Quality child care costs, including finance costs and construction, staffing, training, certification and accreditation costs related to child care;
- (6) Costs associated with new or existing recreational trails determined by the department to have significant potential to promote economic development, including, but not limited to, costs for multiple projects and project phases that may include planning, design, construction, maintenance, grooming and improvements with respect to new or existing recreational trails, which may include bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses;
- (7) Costs associated with a new or expanded transit service, limited to:
  - (a) Transit service capital costs, including but not limited to: transit vehicles such as buses, ferries, vans, rail conveyances and related equipment; bus shelters and other transit-related structures; and benches, signs and other transit-related infrastructure; and
  - (b) In the case of transit-oriented development districts, ongoing costs of adding to an existing transit system or creating a new transit service and limited strictly to

transit operator salaries, transit vehicle fuel and transit vehicle parts replacements; ~~and~~

(8) Costs associated with the development of fisheries and wildlife or marine resources projects; and

(9) Costs related to the construction or operation of municipal or plantation public safety facilities, the need for which is related to general economic development within the municipality or plantation, not to exceed 15% of the captured assessed value of the development district; and

**Sec. 4. 30-A MRSA §5225, sub-§2**, as enacted by PL 2001, c. 669, §1, is amended to read:

**2. Unauthorized project costs.** Except as provided in subsection 1, paragraph C, subparagraph (9) and subsection 1, paragraph D, the commissioner may not approve as a project cost the cost of facilities, buildings or portions of buildings used predominantly for the general conduct of government or for public recreational purposes, including, but not limited to, city halls and other headquarters of government where the governing body meets regularly, courthouses, jails, ~~police stations~~ and other state and local government office buildings, recreation centers, athletic fields and swimming pools.

See title page for effective date.

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**CHAPTER 149**

**S.P. 348 - L.D. 1128**

**An Act To Clarify Statutes  
Related to Establishing a  
Municipal Charter  
Commission**

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

**Sec. 1. 30-A MRSA §2102, sub-§3, ¶B**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. The municipal clerk shall prepare the petition forms at the municipality's expense. The petition forms ~~shall~~ **must** be printed on paper of uniform size and may consist of as many individual sheets as are reasonably necessary.

(1) Petition forms ~~shall~~ **must** carry the following legend in bold lettering at the top of the face of each form.

**"Municipality of ...."**

In the instance of preparing a new charter, the lettering at the top of the form must read: "Each of the undersigned voters respectfully requests the municipal officers to establish a Charter Commission for the purpose of revising the Municipal Charter or preparing a New Municipal Charter."

In the instance of revising a charter, the lettering at the top of the form must read: "Each of the undersigned voters respectfully requests the municipal officers to establish a Charter Commission for the purpose of revising the Municipal Charter."

Each signature to a petition must be in ink or other indelible instrument and must be followed by the residence of the voter with street and number, if any. ~~No~~ A petition may not contain any party or political designation.

(2) The clerk shall note the date of each petition form issued. All petitions must be filed within 120 days of the date of issue or they are void.

(3) Each petition form ~~shall~~ must have printed on its back an affidavit to be executed by the circulator, stating:

- (a) That the circulator personally circulated the form;
- (b) The number of signatures on the form;
- (c) That all the signatures were signed in the circulator's presence;
- (d) That the circulator believes them to be genuine signatures of the persons whose names they purport to be;
- (e) That each signer has signed no more than one petition; and
- (f) That each signer had an opportunity to read the petition before signing.

**Sec. 2. 30-A MRSA §2102, sub-§5, ¶A,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. The question to be submitted to the voters ~~shall~~ must be in substance as follows:

~~"Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?"~~

In the instance of establishing a new charter, the question must read: "Shall a Charter

Commission be established for the purpose of establishing a New Municipal Charter?"

In the instance of revising a charter, the question must read: "Shall a Charter Commission be established for the purpose of revising the Municipal Charter?"

See title page for effective date.

**CHAPTER 150  
H.P. 1010 - L.D. 1396**

**An Act To Update the Laws  
Governing the Regional  
Library Systems**

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

**Sec. 1. 5 MRSA §12004-I, sub-§5-D** is enacted to read:

**5-D.**

<u>Culture</u>	<u>Maine</u>	<u>Not</u>	<u>27 MRSA</u>
	<u>Library</u>	<u>Authorized</u>	<u>§114-A</u>
	<u>Advisory</u>		
	<u>Council</u>		

**Sec. 2. 27 MRSA §110, sub-§2,** as corrected by RR 1991, c. 2, §101, is amended to read:

**2. Area reference and resource center.** "Area reference and resource center" means a large public, school or academic library designated by the State Librarian and receiving state aid for the purposes of making its resources and services available without charge to all residents ~~of the district~~ within a library region, of providing supplementary library services to local libraries within the ~~district~~ library region and of coordinating the services of all local libraries within the ~~district~~ library region that by contract become part of the library ~~district~~ region.

**Sec. 3. 27 MRSA §110, sub-§4,** as amended by PL 1977, c. 125, §1, is further amended to read:

**4. Maine State Library consultant or specialist.** ~~"District Maine State Library consultant or specialist"~~ "District Maine State Library consultant or specialist" means ~~one~~ an individual who acts as a general library consultant ~~or specialist~~ to one or more districts library regions.

**Sec. 4. 27 MRSA §110, sub-§5,** as repealed and replaced by PL 1981, c. 464, §29, is repealed.

**Sec. 5. 27 MRSA §110, sub-§6,** as enacted by PL 1973, c. 626, §6, is repealed.

**Sec. 6. 27 MRSA §110, sub-§7,** as enacted by PL 1973, c. 626, §6, is amended to read:

**7. Library region.** "Library ~~district~~ region" or "region" means a defined geographic area consisting of local libraries. Libraries from multiple regions may be joined cooperatively to an area reference and resource center and a research center. Local libraries within the ~~district~~ library region may also be joined cooperatively with other types of libraries.

**Sec. 7. 27 MRSA §110, sub-§9**, as enacted by PL 1973, c. 626, §6, is repealed.

**Sec. 8. 27 MRSA §110, sub-§9-A** is enacted to read:

**9-A. Maine Library Advisory Council.** "Maine Library Advisory Council" means an advisory body representing a constituency of participating libraries from all geographical library regions, as described in section 114-A.

**Sec. 9. 27 MRSA §110, sub-§11**, as enacted by PL 1973, c. 626, §6, is amended to read:

**11. Regional library system.** "Regional library system" means a network of library ~~districts~~ regions interrelated by formal or informal contract, for the purpose of organizing library resources and services for research, information and recreation to improve statewide library service and to serve collectively the entire population of the State.

**Sec. 10. 27 MRSA §111, sub-§1**, as amended by PL 1993, c. 349, §57, is repealed and the following enacted in its place:

**1. Maine Library Commission.** There is created the Maine Library Commission, as established by Title 5, section 12004-G, subsection 7-E, which consists of 15 members appointed by the Governor. The commission membership must be broadly representative of the State's libraries and ensure geographic diversity and broad individual experiences and consist of the following:

- A. Two members representing public libraries;
- B. Two members representing kindergarten to grade 12 libraries;
- C. One member representing a large university library;
- D. One member representing a small college library;
- E. One member representing a community college library;
- F. One member representing a special or institution library;
- G. One member representing persons with disabilities;
- H. One member serving as a trustee for a library in the State;

I. One member of the Maine Library Advisory Council pursuant to section 114-A, subsection 1;

J. One member representing underserved and rural communities;

K. One member representing a Native American community; and

L. Two at-large members.

The term of each appointed member is 3 years or until a successor is appointed and qualified. A member may not serve more than 2 successive terms. In the case of a vacancy other than the expiration of a term, the appointment of a successor must be made in like manner for the balance of the term.

In addition to the 15 appointed members, the directors of the area reference and resource centers shall serve as permanent, nonvoting ex officio members of the Maine Library Commission.

The commission shall meet at least 4 times a year. It shall elect a chair and vice-chair for terms of 2 years and frame and modify bylaws for its internal organization and operation.

The State Librarian shall serve as secretary to the commission. The members of the commission are compensated according to the provisions of Title 5, chapter 379.

**Sec. 11. 27 MRSA §112, sub-§2**, as amended by PL 1989, c. 700, Pt. B, §27, is further amended to read:

**2. Policies.** Establish the policies and operations of the Maine State Library and the State's library program including minimum standards of library service, the apportionment of state aid to libraries, the designation of library ~~districts~~ regions and their boundaries, the endorsement of the designation of area reference and resource centers and the designation of research centers after full consideration of the advice of the ~~district council~~ State Librarian;

**Sec. 12. 27 MRSA §113**, as repealed and replaced by PL 1989, c. 700, Pt. B, §29, is amended to read:

**§113. Library regions**

The Maine Library Commission shall divide the State into as many ~~districts~~ regions as the commission determines are required and shall establish or modify the geographical boundaries of each ~~district~~ region.

**Sec. 13. 27 MRSA §114**, as amended by PL 1981, c. 464, §30, is repealed.

**Sec. 14. 27 MRSA §114-A** is enacted to read:

**§114-A. Maine Library Advisory Council**

There is created the Maine Library Advisory Council, as established in Title 5, section 12004-I.

subsection 5-D and referred to in this section as "the council."

**1. Membership.** The council consists of one member from each established library region appointed in accordance with the council's bylaws. An additional member is appointed by the Governor to serve as a liaison with the Maine Library Commission pursuant to section 111, subsection 1, paragraph I. The council shall elect from its membership officers as appropriate. The council shall meet at least 4 times a year.

**2. Duties.** The council shall:

A. Serve as an advisory body for the regions;

B. Evaluate library services in all regions in order to advise the Maine State Library and the Maine Library Commission regarding services that encourage cooperative activity among all types of libraries;

C. Provide liaison services among all local libraries in a region;

D. Make recommendations to Maine State Library staff and the Maine Library Commission regarding programs and services that help to make libraries accessible to all; and

E. Advise the State Librarian on the need for and the designation of area reference and resource centers and research centers in any region.

**Sec. 15. 27 MRSA §115**, as amended by PL 1989, c. 700, Pt. B, §§30 and 31, is further amended to read:

**§115. Area reference and resource centers**

~~Each district shall~~ library region must be affiliated with an area reference and resource center which shall be designated by the Maine Library Commission State Librarian.

**1. Duties.** ~~The~~ An area reference and resource center may:

A. Provide a common borrower's card for ~~member~~ libraries and residents within library regions, as determined through contractual arrangements between the Maine State Library and the area reference and resource center;

B. Participate with the ~~district~~ Maine State Library consultant or specialist in planning and conducting workshops on community-library planning;

C. Provide office space and support services to the extent able to the ~~district consultant~~ Maine State Library consultant or specialist; and

D. ~~Join with the district council in assigning priorities to implement the district plan; and~~

E. ~~Such~~ Provide other cooperative activities and services as ~~member~~ libraries may need or require.

**Sec. 16. 27 MRSA §116, sub-§1, ¶C**, as enacted by PL 1973, c. 626, §6, is amended to read:

C. Provide such other cooperative activities and services as ~~member~~ libraries may need or require.

**Sec. 17. 27 MRSA §117**, as amended by PL 2013, c. 82, §10, is further amended to read:

**§117. Maine State Library consultants or specialists**

Staff of the Maine State Library holding the position of consultant or specialist shall provide consulting or specialist services to libraries in all library regions. The State Librarian, with the advice of the ~~district council~~ Maine Library Advisory Council, shall appoint a staff member, ~~or contract with an area reference and resource center, to provide district consultant services holding the position of consultant or specialist to serve as a primary point of contact or liaison to one or more districts~~ library regions.

**1. Duties.** ~~The district consultant shall serve as secretary of the district council and further~~ A Maine State Library consultant or specialist shall:

A. ~~Serve as a professional consultant to libraries within the district or districts;~~

B. Study the needs of the ~~district~~ library region or regions and make recommendations to the ~~district council~~ Maine Library Advisory Council;

C. Coordinate services among libraries of all types;

D. Provide liaison between the ~~district, other districts~~ library region or regions and the Maine State Library;

E. Encourage local initiative and commitment to regional cooperative library service; and

F. Work with area reference and resource center staff members in planning area reference and interlibrary loan service; and,

G. ~~Help evolve a district plan of service.~~

**Sec. 18. 27 MRSA §118**, as amended by PL 1989, c. 700, Pt. B, §32, is further amended to read:

**§118. School libraries**

~~Any school library or media center in a community with no public library service, or serving communities with no public libraries, which that~~ agrees to offer service as a public library; is entitled to all the benefits accruing to a public library with the approval of the State Librarian.

**Sec. 19. Transition.** Notwithstanding the Maine Revised Statutes, Title 27, section 111, subsection 1, members of the Maine Library Commission

-serving on the commission immediately prior to the effective date of this Act continue to serve as members of the commission for the terms for which they were appointed until the Governor appoints their successors.

See title page for effective date.

**CHAPTER 151**

**H.P. 1074 - L.D. 1467**

**An Act To Implement  
Recommendations of the  
Department of Environmental  
Protection Regarding the  
State's Cellular Telephone  
Recycling Law**

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

**Sec. 1. 38 MRSA §2143, sub-§4**, as amended by PL 2013, c. 315, §8, is repealed.

See title page for effective date.

**CHAPTER 152**

**H.P. 873 - L.D. 1209**

**An Act To Require Legislative  
Hearings on Citizen-initiated  
Legislation**

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

**Sec. 1. 21-A MRSA §907** is enacted to read:

**§907. Public hearing on direct initiatives**

A petition for direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18 that is determined valid by the Secretary of State pursuant to section 905, subsection 1 and is submitted to the Legislature in accordance with the procedure established in the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 1 must be afforded a public hearing conducted by the joint standing committee of the Legislature having jurisdiction over the subject matter of the petition or by a special legislative committee established for that purpose by the Legislative Council. The public hearing must be conducted in the same manner as other public hearings. The requirement to hold a public hearing may be waived by a vote of 2/3 of the members present in each House of the Legislature.

See title page for effective date.

**CHAPTER 153**

**H.P. 407 - L.D. 563**

**An Act To Help Municipalities  
Prepare for Sea Level Rise**

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

**Sec. 1. 30-A MRSA §4312, sub-§3, ¶J**, as amended by PL 2015, c. 349, §1, is further amended to read:

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; ~~and~~

**Sec. 2. 30-A MRSA §4312, sub-§3, ¶K**, as enacted by PL 2015, c. 349, §2, is amended to read:

K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; and

**Sec. 3. 30-A MRSA §4312, sub-§3, ¶L** is enacted to read:

L. To plan for the effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant state, regional, municipal or privately held infrastructure, property or resources.

**Sec. 4. 30-A MRSA §4326, first ¶**, as amended by PL 2001, c. 578, §13, is further amended to read:

A growth management program must include at least a comprehensive plan, as described in subsections 1 to ~~4~~ 4-A, and an implementation program as described in subsection 5.

**Sec. 5. 30-A MRSA §4326, sub-§4-A** is enacted to read:

**4-A. Addressing sea level rise.** A municipality or multimunicipal region that is in the coastal area may include in its comprehensive plan projections regarding changes in sea level and potential effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant municipal, multimunicipal or privately held infrastructure or property and may develop a coordinated plan for addressing the effects of the rise in sea level. For the purposes of this subsection, "coastal area" has the same meaning as in Title 38, section 1802, subsection 1.

See title page for effective date.

**CHAPTER 154**  
**H.P. 586 - L.D. 798**

**An Act To Protect Maine  
Children and Students from  
Preventable Diseases by  
Repealing Certain Exemptions  
from the Laws Governing  
Immunization Requirements**

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

**Sec. 1. 20-A MRSA §6355, sub-§2**, as amended by PL 2001, c. 326, §2, is further amended to read:

**2. Medical exemption.** The parent or the child provides a physician's written statement from a licensed physician, nurse practitioner or physician assistant that, in the licensed physician's, nurse practitioner's or physician assistant's professional judgment, immunization against one or more of the diseases may be medically inadvisable.

**Sec. 2. 20-A MRSA §6355, sub-§3**, as amended by PL 2001, c. 326, §2, is repealed.

**Sec. 3. 20-A MRSA §6355, sub-§4** is enacted to read:

**4. Student covered by individualized education plan.** A student covered by an individualized education plan on September 1, 2021 who elected a philosophical or religious exemption from immunization requirements on or before September 1, 2021 pursuant to the law in effect prior to that date may continue to attend school under that student's existing exemption as long as:

A. The parent or guardian of the student provides a statement from a licensed physician, nurse practitioner or physician assistant that the physician, nurse practitioner or physician assistant has consulted with that parent or guardian and has made that parent or guardian aware of the risks and benefits associated with the choice to immunize; or

B. If the student is 18 years of age or older, the student provides a statement from a licensed physician, nurse practitioner or physician assistant that the physician, nurse practitioner or physician assistant has consulted with that student and has made that student aware of the risks and benefits associated with the choice to immunize.

**Sec. 4. 20-A MRSA §6358**, as amended by PL 2001, c. 326, §3 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**§6358. Rules; requirements; reports**

**1. Rules authorized.** The commissioner and the Director of the Bureau of Health, Maine Center for Disease Control and Prevention within the Department of Health and Human Services, shall jointly issue rules necessary for the effective implementation of this subchapter, including, but not limited to, rules specifying those diseases for which immunization is required and establishing school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized children from school. The rules may not include any provision governing medical exemptions. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A except that rules adopted pursuant to this subchapter specifying the diseases for which immunization is required are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**2. Local requirements authorized.** Immunization requirements more stringent than the provisions of this subchapter may be adopted by ordinance enacted by a municipality, by regulation of a school board or by policy of a private school's governing board.

**3. Report.** By January 1st of each odd-numbered year, the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services shall submit a report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters concerning any new developments in the evaluation of vaccine safety and effectiveness. The joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters are each authorized to submit a bill during the legislative session in which the report was submitted.

**Sec. 5. 20-A MRSA §6359, sub-§3, ¶A**, as amended by PL 1991, c. 146, §3, is further amended to read:

A. The parent or the student provides a ~~physician's written statement~~ or a written statement from a school health provider from a licensed physician, nurse practitioner or physician assistant that, in the physician's, nurse practitioner's or physician assistant's professional judgment, immunization against one or more of the diseases may be medically inadvisable.

**Sec. 6. 20-A MRSA §6359, sub-§3, ¶B**, as amended by PL 2001, c. 326, §6, is repealed.

**Sec. 7. 20-A MRSA §6359, sub-§6**, as amended by PL 1991, c. 146, §4, is further amended to read:

**6. Rules; requirements; reports.** The Director of the Bureau of Health, Maine Center for Disease

Control and Prevention within the Department of Health and Human Services shall adopt rules necessary for the effective implementation of this subchapter, including, but not limited to, rules establishing immunization requirements ~~and medical exceptions to receiving vaccines or toxoids~~ for each disease, school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized students from school. The rules may not include any provision governing medical exemptions. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A except that rules adopted pursuant to this subchapter specifying the diseases for which immunization is required are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Immunization requirements more stringent than the provisions of this subchapter may be adopted by a school board or by policy of a private school's governing board.

**Sec. 8. 22 MRSA §802, sub-§4-B, ¶A,** as enacted by PL 2001, c. 185, §2, is amended to read:

A. A medical exemption is available to an employee who provides a ~~physician's~~ written statement ~~from a licensed physician, nurse practitioner or physician assistant that, in the physician's, nurse practitioner's or physician assistant's professional judgment,~~ immunization against one or more diseases may be medically inadvisable.

**Sec. 9. 22 MRSA §802, sub-§4-B, ¶B,** as enacted by PL 2001, c. 185, §2, is repealed.

**Sec. 10. 22 MRSA §8402, sub-§3, ¶A,** as amended by PL 2001, c. 645, §10, is further amended to read:

A. The department shall adopt rules regarding the health of staff as required to protect the health and safety of the children. The rules must include a requirement that every 2 years each licensee, administrator or other staff member of the nursery school who provides care for children be declared free from communicable disease by a licensed physician, ~~except that this requirement may be waived for a person who objects on the grounds of sincerely held religious or philosophical belief, nurse practitioner or physician assistant.~~ Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. 11. Rules.** The Department of Education and the Department of Health and Human Services shall amend their rules to remove any rules exempting persons from immunization requirements because of their religious or philosophical beliefs.

Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes,

Title 20-A, section 6358, subsection 1 and section 6359, subsection 6.

**Sec. 12. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 22, section 802, subsection 4-B, paragraph A and Title 22, section 8402, subsection 3, paragraph A and that repeal Title 20-A, section 6355, subsection 3 and Title 20-A, section 6359, subsection 3, paragraph B take effect September 1, 2021.

See title page for effective date, unless otherwise indicated.

## CHAPTER 155

### H.P. 1081 - L.D. 1479

#### An Act To Clarify Guardianship over Detainees under 18 Years of Age Regarding Mental Health Care

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

**Sec. 1. 34-A MRSA §3809-A, sub-§2,** as amended by PL 1999, c. 583, §32, is further amended to read:

**2. Juvenile detainee.** The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care and necessary mental health care. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner, staff and rules of the facility until release from the facility.

**Sec. 2. 34-A MRSA §4111, sub-§2,** as amended by PL 2017, c. 148, §20, is further amended to read:

**2. Juvenile detainee.** The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care and necessary mental health care. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner and the staff and rules of the Mountain View Correctional Facility until release from the Mountain View Correctional Facility.

See title page for effective date.

**CHAPTER 156**  
**S.P. 110 - L.D. 369**

**An Act Authorizing Earned  
Employee Leave**

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

**Sec. 1. 26 MRSA §42-B, sub-§1, ¶¶E and F**, as enacted by PL 2017, c. 219, §2, are amended to read:

E. Video display terminal safety as described in section 252, subsection 1; ~~and~~

F. Minimum wage and overtime provisions as described in section 664-; ~~and~~

**Sec. 2. 26 MRSA §42-B, sub-§1, ¶G** is enacted to read:

G. Earned paid leave.

**Sec. 3. 26 MRSA §637** is enacted to read:

**§637. Earned paid leave**

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

A. "Employment" has the same meaning as in section 1043, subsection 11, but does not include employment in a seasonal industry as defined in section 1251.

B. "Employer" has the same meaning as in section 1043, subsection 9.

C. "Employee" means a person engaged in employment.

**2. Earned paid leave.** An employer that employs more than 10 employees in the usual and regular course of business for more than 120 days in any calendar year shall permit each employee to earn paid leave based on the employee's base pay as provided in this section.

**3. Accrual.** An employee is entitled to earn one hour of paid leave from a single employer for every 40 hours worked, up to 40 hours in one year of employment. Accrual of leave begins at the start of employment, but the employer is not required to permit use of the leave before the employee has been employed by that employer for 120 days during a one-year period.

**4. Rate.** An employee while taking earned leave must be paid at least the same base rate of pay that the employee received immediately prior to taking earned leave and must receive the same benefits as those provided under established policies of the employer pertaining to other types of paid leave.

**5. Notice.** Absent an emergency, illness or other sudden necessity for taking earned leave, an employee

shall give reasonable notice to the employee's supervisor of the employee's intent to use earned leave. Use of leave must be scheduled to prevent undue hardship on the employer as reasonably determined by the employer.

**6. Benefits.** The taking of earned leave under this section may not result in the loss of any employee benefits accrued before the date on which the leave commenced and may not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees. Nothing in this section prevents an employer from providing a benefit greater than that provided by this section.

**7. Enforcement.** The bureau has the exclusive authority pursuant to section 42 to enforce this section.

**8. Penalties.** Penalties for violations of this section are the same as those provided in section 53.

**9. Preemption.** A municipality or other political subdivision may not enact an ordinance or other rule purporting to have the force of law under its home rule or other authority regulating earned paid leave.

**10. Rules.** The Department of Labor shall adopt rules to implement and enforce the provisions of this section, including rules regarding the receipt, investigation and prosecution of complaints brought under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**11. Exception.** This section does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the agreement.

**12. Reporting.** Beginning January 1, 2022, and annually thereafter, the Department of Labor shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters on progress made in the State to comply with this section.

**Sec. 4. Effective date.** This Act takes effect January 1, 2021.

Effective January 1, 2021.

**CHAPTER 157**  
**S.P. 30 - L.D. 103**

**An Act To Ensure the Integrity  
of For-profit Colleges and  
Universities**

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

**Sec. 1. 20-A MRSA §10706-A** is enacted to read:

**§10706-A. For-profit college and university review**

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

A. "Adequate educational standards" means educational offerings and spending priorities that the state board finds meet the metrics established under subsection 3.

B. "Employed" means a person has obtained permanent employment and:

(1) The position is paid. If the position is an entry-level position, the salary must be at least 80% of the entry-level salary for the position as listed by the Department of Labor, Bureau of Labor Standards in its most recent report on industry employment and wages;

(2) The position requires at least 32 hours of work per week;

(3) The person has worked in the position for at least 30 days; and

(4) The position is not affiliated with a for-profit college or university from which the person graduated, its parent company or a subsidiary or affiliate of its parent company.

C. "Employment in the field of study" means employment in a job:

(1) That is included on a list of job titles for which a graduate of a program of study is qualified, as published by the for-profit college or university, and in the most recent national relational database as a job related to that program of study. If the job title is not in the national relational database, the job may be considered as employment in the field of study if the employer's description of the job matches the job description, tasks and work activities for a job that is included in the most recent national relational database as related to the program of study; or

(2) That requires the graduate to use the core skills listed in the school's published program of study taken by the graduate and the employer's written job description provides that the job requires education beyond a high school diploma, that applicants with a post-secondary credential are preferred or that the position is a supervisory or managerial position.

D. "For-profit college or university" means a postsecondary institution that:

(1) Is regulated by the department;

(2) Is eligible to participate in federal student aid programs; and

(3) Is operated by a private, for-profit business.

E. "National relational database" means the relational database developed by the United States Department of Education, Institute of Education Sciences, National Center for Education Statistics and the United States Department of Labor, Bureau of Labor Statistics relating the United States Department of Education classification of instructional program code identified for a particular program of study to a standard occupational classification.

**2. Reporting.** A for-profit college or university shall report annually by July 1st to the commissioner the following information in accordance with rules established by the commissioner that ensure the information is provided in a manner that allows evaluation in accordance with the metrics established under subsection 3:

A. The amount of funds, disaggregated by campus, spent on each of the following as compared with total spending by the for-profit college or university:

(1) Educational instruction;

(2) Advertising; and

(3) Executive salaries;

B. The percentage of those who graduated in the previous calendar year, disaggregated by campus and program, who have employment in the field of study;

C. The percentage of those who graduated in the previous calendar year, disaggregated by campus and program, who are employed;

D. As reported to the United States Department of Education, the percentage of graduates who graduated in the previous 3 calendar years who received federal student loans and:

(1) The percentage of those who received such loans who have defaulted; and

(2) The percentage of those who received such loans whose loan balances declined in the 3 years after repayment first became due, excluding those graduates for whom repayment was deferred as a result of military service; and

E. The design and implementation of student support services, including the process by which student complaints are handled in a timely and effective manner and information on the number and nature of complaints received and the responses to those complaints.

**3. Evaluation.** The commissioner shall by rule establish metrics to determine adequate educational

standards that must be met by for-profit colleges and universities. The metrics must include at least the following annual evaluation criteria.

A. The commissioner shall evaluate spending priorities by using information supplied pursuant to subsection 2, paragraph A. If the commissioner finds a for-profit college or university spends less than 50% of its total spending on instruction or more than 15% of its total spending on advertising, the commissioner must find that the for-profit college or university fails to meet adequate educational standards.

B. The commissioner shall determine whether a for-profit college or university has received necessary accreditations to allow graduates to meet professional licensing or other career standards related to the educational programs for which degrees or certificates are granted by the for-profit college or university. If the commissioner finds a for-profit college or university has not received these necessary accreditations, the commissioner must find that the for-profit college or university fails to meet adequate educational standards.

C. The commissioner shall evaluate the design and implementation of student support services, including whether the complaint process by which student complaints are handled is transparent, includes an appropriate official to receive complaints and provides appropriate and timely responses to complaints. If the commissioner finds that a for-profit college or university does not have adequate or appropriate student support services, the commissioner must find that the for-profit college or university fails to meet adequate educational standards.

4. Rules. The commissioner shall adopt rules necessary to implement this section. The rules must include definitions of "educational instruction," "advertising" and "executive salaries." Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Termination of degree-granting authority. The commissioner, after completing the evaluation under subsection 3, shall terminate the degree-granting authority of a for-profit college or university that the commissioner finds does not meet adequate educational standards.

See title page for effective date.

## CHAPTER 158 S.P. 40 - L.D. 153

### An Act To Strengthen Testing for Lead in School Drinking Water

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

Sec. 1. 22 MRSA §2604-B is enacted to read:

#### §2604-B. Schools, sampling and examination of water for lead

1. Definition. As used in this section, unless the context otherwise indicates, "school" means a private school as defined in Title 20-A, section 1, subsection 22 or a public school as defined in Title 20-A, section 1, subsection 24.

2. Lead testing. To the extent the department provides the necessary resources to a school so that the school is not required to expand or modify its activities so as to necessitate additional expenditures from local revenue, a school shall test water used for drinking or culinary purposes for lead using water testing kits or by submitting samples of water used for drinking or culinary purposes to an approved laboratory under section 2607 for lead testing. If the water is found to violate the water lead levels established by the department, the department shall issue specific guidance to the school on reducing exposure to lead according to procedures established by the department pursuant to subsection 3.

3. Rules. The department shall adopt rules necessary to implement this section, including, but not limited to, establishing water lead levels; testing protocols, including the frequency of testing; abatement or mitigation methods; procedures for the issuance of guidance to reduce exposure to lead; and public notification procedures. In adopting rules to implement this section, the department shall consider the United States Environmental Protection Agency's recommendations for reducing lead in drinking water in schools.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Implementation. In implementing this section, the department:

A. May not require a school to expand or modify its activities so as to necessitate additional expenditures from local revenue; and

B. Within existing resources, to the maximum extent possible, shall provide resources to schools in order to achieve the purposes of this section. If the department determines that sufficient resources are unavailable to a school in order to achieve the purposes of this section, the depart-

ment shall seek to identify alternative means to achieve the purposes of this section.

**5. Reports.** By January 1, 2021 and annually thereafter, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number of schools tested for lead, whether the department issued specific guidance to any schools to reduce exposure to lead, the number of schools that engaged in abatement or mitigation and the methods of abatement or mitigation used.

**Sec. 2. 30-A MRSA §6006-F, sub-§3, ¶A,** as amended by PL 2017, c. 389, §1, is further amended to read:

A. To make loans to school administrative units for school repair and renovation.

(1) The following repair and renovation needs receive Priority 1 status:

(a) Repair or replacement of a roof on a school building;

(b) Bringing a school building into compliance with the federal Americans with Disabilities Act, 42 United States Code, Section 12101 et seq.;

(c) Improving air quality in a school building;

(d) Removing or abating hazardous materials in a school building, including, but not limited to, water lead abatement or mitigation pursuant to Title 22, section 2604-B; and

(f) Undertaking other health, safety and compliance repairs, including installations or improvements necessary to increase school facility security.

(2) Repairs and improvements related to a school building structure, windows and doors and water or septic systems, other than water lead abatement or mitigation pursuant to Title 22, section 2604-B, receive Priority 2 status.

(3) Repairs and improvements related to energy and water conservation receive Priority 3 status.

(4) Upgrades of learning spaces in school buildings receive Priority 4 status.

(5) The Commissioner of Education may approve other necessary repairs;

**Sec. 3. Rules.** The Department of Health and Human Services shall provisionally adopt rules to implement the lead testing requirements under the Maine Revised Statutes, Title 22, section 2604-B and submit those rules to the Legislature for review no later than

5:00 p.m. on January 10, 2020. In adopting rules to implement Title 22, section 2604-B, the department shall consider the United States Environmental Protection Agency's recommendations contained in the most recent version of the document titled "3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities."

See title page for effective date.

**CHAPTER 159**

**S.P. 247 - L.D. 811**

**An Act To Provide Additional Flexibility in the Municipal Property Tax Assistance Programs for Seniors**

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

**Sec. 1. 36 MRSA §6232, first ¶,** as enacted by PL 2005, c. 395, §4, is amended to read:

The legislative body of a municipality may by ordinance adopt a program to provide benefits to persons with homesteads in the municipality. A municipality may choose to restrict the program to persons who ~~are~~ at least meet minimum age requirements as long as the minimum is not less than 62 years of age.

**Sec. 2. 36 MRSA §6232, sub-§1,** as amended by PL 2007, c. 635, §1, is further amended to read:

**1. Conditions of program.** Except as provided in subsection 1-A, a program adopted under this section must:

A. Require that the claimant has maintained a homestead in the municipality for a certain period of time, as determined by the municipality;

B. Provide benefits for both owners and renters of homesteads; and

C. Calculate benefits in a way that provides greater benefits proportionally to claimants with lower incomes in relation to their property taxes accrued or rent constituting property taxes accrued.

A program adopted under this section may impose additional standards of eligibility and procedures, as long as those standards are established by the municipality by ordinance.

See title page for effective date.

**CHAPTER 160**  
**H.P. 779 - L.D. 1056**

**An Act To Update and Amend  
the Finance Authority of Maine  
Act**

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

**Sec. 1. 10 MRSA §963-A, sub-§§5-A, 5-B and 5-C,** as enacted by PL 1997, c. 500, §1, are repealed.

**Sec. 2. 10 MRSA §963-A, sub-§10, ¶O,** as amended by PL 1997, c. 500, §2, is repealed.

**Sec. 3. 10 MRSA §963-A, sub-§10, ¶Q,** as corrected by RR 1999, c. 1, §7, is repealed.

**Sec. 4. 10 MRSA §963-A, sub-§31-A,** as amended by PL 2001, c. 417, §2, is repealed.

**Sec. 5. 10 MRSA §1026-A, sub-§1,** as amended by PL 2009, c. 124, §3, is further amended to read:

**1. Insurance.** The authority may make commitments and agreements to insure loan payments. Any loan insurance must be subject to the following:

A. Loan insurance may not exceed:

(1) One hundred percent of the principal amount of the loan made to any borrower including related entities for any of the following types of loans or projects:

(a) Loans to veterans and wartime veterans, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$5,000,000;

(b) Underground and aboveground oil storage facility projects and projects to install equipment related to the improvement of air quality pursuant to requirements for gasoline service station vapor control and petroleum liquids transfer vapor recovery, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$5,000,000;

(c) ~~Clean fuel vehicle projects and sustainable~~ Sustainable biofuel vehicle projects, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pur-

suant to this division exceeding \$5,000,000;

(d) Waste oil disposal site clean-up projects, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$1,000,000; or

(e) The Plymouth waste oil remedial study, except that the authority may not at any time have, in the aggregate amount of the principal and interest outstanding, loan insurance obligations pursuant to this division exceeding \$1,000,000; and

(2) Ninety percent of the principal amount of the loan made to any borrower, including related entities for any other manufacturing enterprise, industrial enterprise, recreational enterprise, fishing enterprise, agricultural enterprise, natural resource enterprise or any other eligible business enterprise;

B. The loan must be serviced as required by the authority;

D. The authority must determine that there is a reasonable prospect that the loan will be repaid;

E. The loan must be in compliance with the credit policy of the authority;

F. Loan insurance payments may not exceed the lesser of:

(1) Principal, outstanding accrued interest and collection costs approved by the authority; and

(2) The original insured amount; and

G. Terms other than those specified in paragraphs A to F as may be required by law or by rule of the authority.

The authority may provide insurance for related entities of up to ~~\$7,000,000~~ \$7,500,000.

Notwithstanding any provision to the contrary in this chapter, the authority may provide special loan insurance benefits to veterans and wartime veterans determined by rule of the authority developed in consultation with the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services.

For all loan insurance liability in excess of \$1,000,000 and in other instances when the authority determines it is appropriate, the authority shall obtain a written assessment from the Department of Environmental Protection of the environmental conditions known by the department to exist at a project location so that the

authority fully considers environmental risks when making its decisions. Environmental conditions posing risks that must be considered include, but are not limited to, licensing obligations, existing or historic regulatory noncompliance and site clean-up responsibilities.

**Sec. 6. 10 MRSA §1043, sub-§2, ¶J**, as amended by PL 2003, c. 506, §2, is repealed.

**Sec. 7. 10 MRSA §1053, sub-§6**, as amended by PL 2015, c. 504, §5, is further amended to read:

**6. Securities outstanding.** The principal amount of revenue obligation securities the authority may have outstanding at any one time, to which subsection 5 is stated to apply in the trust agreement or other document, may not exceed an aggregate principal amount equal to ~~\$912,000,000~~ \$762,000,000 as follows:

A. The sum of \$180,000,000 consisting of not more than \$150,000,000 for loans and up to \$30,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to loans for electric rate stabilization projects, loans for energy generating system projects or loans for energy distribution system projects;

~~B. The sum of \$120,000,000 consisting of not more than \$100,000,000 for loans and up to \$20,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to loans for major business expansion projects;~~

C. The sum of \$57,000,000 consisting of not more than \$45,000,000 for loans and up to \$12,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to workers' compensation residual market mechanism projects;

D. The sum of ~~\$150,000,000~~ \$270,000,000 less the aggregate outstanding balance of mortgage loans secured by capital reserve funds pursuant to section 1032 for all other revenue obligation securities issued pursuant to this subchapter;

E. The sum of \$120,000,000 consisting of not more than \$100,000,000 for loans and up to \$20,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to loans for paper industry job retention projects;

F. The sum of \$100,000,000 consisting of not more than \$85,000,000 for loans and up to \$15,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to loans for transmission facilities projects as defined in section 963-A, subsection 49-H; and

G. The sum of \$35,000,000 consisting of not more than \$30,000,000 for the purposes stated in section 1020-A, subsection 1, paragraphs A and C and up to \$5,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to section 1020-A, subsection 1, paragraph A.

The amount of revenue obligation securities issued to refund securities previously issued may not be taken into account in determining the principal amount of securities outstanding, as long as proceeds of the refunding securities are applied as promptly as possible to the refunding of the previously issued securities. In computing the total amount of revenue obligation securities of the authority that may at any time be outstanding for any purpose, the amounts of the outstanding revenue obligation securities that have been issued as capital appreciation bonds or as similar instruments are valued as of any date of calculation at their then current accreted value rather than their face value.

**Sec. 8. 10 MRSA §1054**, as amended by PL 1995, c. 4, §9, is further amended to read:

**§1054. Taxable bond option**

With respect to all or any portion of any issue of any bonds or any series of bonds that the authority may issue in accordance with the limitations and restrictions of this subchapter, the authority may covenant and consent that the interest on the bonds is includable, under the United States Internal Revenue Code of 1986 or any subsequent corresponding internal revenue law of the United States, in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law. Bonds issued pursuant to this section are not subject to any limitations or restrictions of any law that may limit the authority's power to issue those bonds or to the procedures set forth in section 1043 or in section 1044, subsections 1, 11 and 12; ~~except that the procedures set forth in section 1043 do apply with respect to major business expansion projects.~~ The foregoing grant of power may not be construed as limiting the inherent power of the State or its agencies under any other provision of law to issue debt, the interest on which is includable in the gross income of the holders of the interest under the United States Internal Revenue Code or any subsequent law. Any action or proceeding in any court to contest the issuance of the securities, the approval by the authority of a project to benefit from issuance of the securities or the approval by the authority of mortgage insurance or the provision of a capital reserve fund for the securities for any reason must be started within 30 days after the date on which the members of the authority adopt a formal resolution approving issuance of the securities

and otherwise must be governed by Title 5, chapter 375, subchapter ~~VII~~ 7. Once the authority has adopted a resolution to approve the issuance of securities pursuant to this section, any action by the authority to amend, alter or revise the resolution may not commence a new period of time within which any such action or proceeding may be commenced. Notwithstanding the provisions of section 969-A, subsection 11 and Title 5, chapter 375, subchapter ~~VII~~ 7, including, but not limited to, Title 5, sections 11002 and 11003, any such action or proceeding may be commenced only by first serving the petition for review upon the authority, in hand, within that 30-day period. After the expiration of the 30-day period of limitation, no right of action or defense founded upon the invalidity of the resolution or contesting any provision of the resolution, any amendment to the resolution or the issuance of the securities may be started or asserted nor may the resolution or the issuance of the securities be open to question in any court upon any grounds.

**Sec. 9. 24-A MRSA §2303-B, last ¶**, as enacted by PL 1997, c. 500, §7, is amended to read:

For purposes of this section, "clean fuel vehicle" ~~has the same meaning as set out in Title 10, section 963-A, subsection 5-B~~ means a vehicle that may be propelled by a clean fuel or a fuel-cell electric vehicle that uses any fuel. For purposes of this paragraph, "clean fuel" means all products or energy sources used to propel motor vehicles, as defined in Title 29-A, section 101, other than conventional gasoline, diesel or reformulated gasoline, that, when compared to conventional gasoline, diesel or reformulated gasoline, result in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination of these. "Clean fuel" includes, but is not limited to, compressed natural gas; liquefied natural gas; liquefied petroleum gas; hydrogen; hythane, which is a combination of compressed natural gas and hydrogen; dynamic flywheels; solar energy; alcohol fuels containing not less than 85% alcohol by volume; and electricity.

See title page for effective date.

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**CHAPTER 161  
H.P. 792 - L.D. 1069**

**An Act To Amend the Tax  
Expenditure Review Process**

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

**Sec. 1. 3 MRSA §999, sub-§4**, as enacted by PL 2015, c. 344, §4, is amended to read:

**4. Action by policy committee.** The policy committee shall review the results of the tax expendi-

ture evaluations and of the committee's review based on materials submitted under subsections 2 and 3. ~~By December 1st of each year, beginning in 2017, the~~ The policy committee shall submit to the Legislature by the later of 90 days after receipt of materials submitted under subsections 2 and 3 and the adjournment sine die of the regular session during which the materials were received, if applicable, a report documenting its activities under this chapter and any recommendations resulting from its review of the materials submitted under subsections 2 and 3. The policy committee may submit a bill to the ~~next regular session of the~~ Legislature to implement the policy committee's recommendations.

**Sec. 2. 3 MRSA §1000, sub-§§2 and 3**, as enacted by PL 2015, c. 344, §4, are amended to read:

**2. Action by the office.** By July 1st ~~in 2016 to 2018~~ and by December 15th of each year, ~~beginning in 2016, 2019~~ the office shall collect, prepare and submit to the policy committee the following information to support the expedited reviews under subsection 1:

- A. A description of the tax policy under review;
- B. Summary information on each tax expenditure associated with the tax policy under review, including:
  - (1) A description of the tax expenditure and the mechanism through which the tax benefit is distributed;
  - (2) The intended beneficiaries of the tax expenditure; and
  - (3) A legislative history of the tax expenditure; and
- C. The fiscal impact of the tax policy and each related tax expenditure, including past and estimated future impacts.

**3. Report by policy committee; legislation.** ~~By December~~ March 1st of each year, beginning in ~~2016~~ 2020, the policy committee shall submit to the Legislature a report on the results of the expedited reviews conducted pursuant to subsection 1 that year. The policy committee may submit a bill related to the report to the ~~next regular session of the~~ Legislature to implement the policy committee's recommendations.

See title page for effective date.

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**CHAPTER 162  
H.P. 999 - L.D. 1378**

**An Act To Ensure the  
Provision of Medical  
Assessments for Youth in  
Foster Care**

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

**Sec. 1. 22 MRSA §4063-A**, as enacted by PL 1991, c. 194, is amended to read:

**§4063-A. Medical and psychological examination;  
provision of medical information**

**1. Physical examination required.** The department shall ensure that a child ordered into its custody receives an appointment for a medical examination by a licensed physician or nurse practitioner within 10 working days after the department's custody of the child commences.

**2. Psychological assessment.** If the physician or nurse practitioner who performs a physical examination pursuant to subsection 1 determines that a psychological assessment of the child is appropriate, the department shall ensure that an appointment is obtained for such an assessment within 30 days of the physical examination.

**3. Medical, dental, educational and behavioral assessment reimbursable.** The department shall provide for reimbursement under MaineCare for a comprehensive medical, dental, educational and behavioral assessment, which includes obtaining relevant records, when a child enters the custody of the department. The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this subsection.

See title page for effective date.

**CHAPTER 163  
H.P. 1107 - L.D. 1514**

**An Act To Improve  
Enforcement in the Elver  
Fishery**

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

**Sec. 1. 12 MRSA §6207, first ¶**, as amended by PL 1989, c. 742, §3, is further amended to read:

Any marine organism; that is taken, bought, sold, shipped, transported or found in the possession of any person in violation of any provision of marine resources' resources laws; and all currency that is used in

violation of any provision of marine resources laws is contraband and is subject to forfeiture in accordance with this section and section 6206. All equipment and vehicles used or possessed in violation of any provision of marine resources' resources laws are contraband and are subject to forfeiture.

**Sec. 2. 12 MRSA §6374, sub-§3-A, ¶¶D and E**, as enacted by PL 2017, c. 197, §4, are amended to read:

D. Not less than 4 years from the date of a finding of a violation of section 6438-A; ~~and~~

E. Permanent for conduct that is grounds for suspension under section 6371, subsection 3, paragraph C; ~~and~~

**Sec. 3. 12 MRSA §6374, sub-§3-A, ¶F** is enacted to read:

F. Permanent for a first finding of a violation of section 6505-A, subsection 1-D.

**Sec. 4. 12 MRSA §6404-N** is enacted to read:

**§6404-N. Revocation based on conviction of failing to record the sale of elvers with an elver transaction card**

The commissioner shall permanently revoke the elver fishing license, elver dealer's license or elver exporter's license of any license holder convicted of violating section 6505-A, subsection 1-D.

**Sec. 5. 12 MRSA §6505-A, sub-§1-D**, as enacted by PL 2013, c. 468, §24, is amended to read:

**1-D. Use of elver transaction card required.** The holder of an elver fishing license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not sell or transfer elvers the license holder has taken to an elver dealer licensed under section 6864 unless the holder of the elver fishing license presents to the elver dealer the elver transaction card issued to that person under subsection 1-C and that card is used to record the transaction between the license holder and the dealer so that the amount of elvers transferred or sold is deducted from the license holder's quota.

**Sec. 6. 12 MRSA §6575-J**, as amended by PL 2017, c. 250, §8, is further amended to read:

**§6575-J. Seizure of illegal elvers**

In addition to any other penalty imposed, elvers that are taken, sold, purchased or possessed that were taken in violation of any law or rule pertaining to elvers are subject to seizure by any officer authorized to enforce this Part. The entire bulk pile containing ~~illegally harvested~~ illegal elvers may be seized. For the purposes of this section, "bulk pile" means all elvers in the possession of a holder of an elver fishing license, an elver dealer's license or an elver exporter's license person who fished for, took, possesses or bought el-

vers in violation of any law or rule regulating elvers under this Part.

**Sec. 7. 12 MRSA §6865, sub-§5**, as enacted by PL 2015, c. 45, §6, is amended to read:

**5. Fees.** The fee for an elver exporter's license is \$5,000. If the department requires inspection of elvers prior to export, the department may charge up to \$500 for each inspection.

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF  
Bureau of Marine Science 0027**

Initiative: Provides allocations to research and manage the State's eel and elver resources, to enforce the laws related to eels and elvers and to cover the costs associated with determining eligibility for elver fishing licenses.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$30,000	\$30,000
	<hr/>	<hr/>
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$30,000</b>	<b>\$30,000</b>

See title page for effective date.

**CHAPTER 164  
S.P. 502 - L.D. 1567**

**An Act To Change the  
Deadline for Submission of the  
Annual Report of the Public  
Advocate**

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

**Sec. 1. 35-A MRSA §1702, sub-§6**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**6. Annual report.** The Public Advocate shall prepare and submit an annual report of activities of the Public Advocate to the Governor and to the joint standing committee of the Legislature having jurisdiction over public utilities matters by ~~August~~ September 1st of each year, with copies available to all legislators on request.

See title page for effective date.

**CHAPTER 165  
H.P. 755 - L.D. 1025**

**An Act To Prohibit the  
Provision of Conversion  
Therapy to Minors by Certain  
Licensed Professionals**

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

**Sec. 1. 20-A MRSA §13020, sub-§2-A** is enacted to read:

**2-A. Grounds for discipline of a school psychologist or guidance counselor.** Evidence that a person who is certified under this Title as a school psychologist or guidance counselor has advertised, offered or administered conversion therapy as defined in Title 32, section 59-C, subsection 1 to a child is grounds for discipline of that person.

**Sec. 2. 20-A MRSA §13020, sub-§3**, as enacted by PL 1983, c. 845, §4, is amended to read:

**3. Denial of certificate for prior immoral or prohibited conduct.** Evidence that an applicant for initial certification or renewal has injured the health or welfare of a child through physical or sexual abuse or exploitation is grounds for a denial of a certificate. Evidence that an applicant for initial certification or renewal as a school psychologist or guidance counselor has advertised, offered or administered conversion therapy as defined in Title 32, section 59-C, subsection 1 to a child is grounds for a denial of a certificate. Notwithstanding Title 5, chapter 341, every person, who, within 5 years of the application for initial certification or renewal, has been convicted in any state or federal court of a criminal offense involving the physical or sexual abuse or exploitation of a child, may be presumed by the commissioner to lack good moral character for the purposes of this chapter. This presumption ~~shall be~~ is a rebuttable presumption. Notwithstanding Title 5, chapter 341, the commissioner ~~shall be~~ is entitled to consider all records of prior criminal convictions involving child abuse or exploitation in determining an applicant's eligibility for a certificate.

**Sec. 3. 22 MRSA §3174-BBB** is enacted to read:

**§3174-BBB. Coverage for conversion therapy**

The department may not provide MaineCare reimbursement for conversion therapy as defined in Title 32, section 59-C, subsection 1 administered to a minor.

**Sec. 4. 32 MRSA §59-C** is enacted to read:

**§59-C. Definitions**

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

**1. Conversion therapy.** "Conversion therapy" means any practice or treatment that seeks or claims to change an individual's sexual orientation or gender identity, including, but not limited to, any effort to change gender expression or to eliminate or reduce sexual or romantic attractions, feelings or behavior toward others based on the individual's gender. "Conversion therapy" does not include the following:

A. Any practice or treatment that assists an individual undergoing a gender transition;

B. Any practice or treatment that provides acceptance, support and understanding to an individual as long as the practice or treatment does not seek or claim to change the individual's sexual orientation or gender identity; and

C. Any practice or treatment that facilitates an individual's coping, social support or identity exploration and development, including any therapeutic treatment such as talk therapy that is neutral with regard to sexual orientation and gender identity that does not seek or claim to change an individual's sexual orientation or gender identity and that seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek or claim to change the individual's sexual orientation or gender identity.

**2. Sexual orientation or gender identity.** "Sexual orientation or gender identity" has the same meaning as "sexual orientation" in Title 5, section 4553, subsection 9-C.

**Sec. 5. 32 MRSA §2105-A, sub-§2, ¶I,** as amended by PL 2015, c. 488, §11, is further amended to read:

I. Engaging in false, misleading or deceptive advertising; ~~or~~

**Sec. 6. 32 MRSA §2105-A, sub-§2, ¶J,** as enacted by PL 2015, c. 488, §12, is amended to read:

J. Failure to comply with the requirements of Title 22, section 7253-; or

**Sec. 7. 32 MRSA §2105-A, sub-§2, ¶K** is enacted to read:

K. A violation of section 2112.

**Sec. 8. 32 MRSA §2112** is enacted to read:

**§2112. Prohibition on providing conversion therapy to minors**

An individual licensed or certified under this chapter may not advertise, offer or administer conversion therapy to a minor.

**Sec. 9. 32 MRSA §2591-A, sub-§2, ¶N,** as amended by PL 2015, c. 488, §15, is further amended to read:

N. Revocation, suspension or restriction of a license to practice medicine or other disciplinary action; denial of an application for a license; or surrender of a license to practice medicine following the institution of disciplinary action by another state or a territory of the United States or a foreign country if the conduct resulting in the disciplinary or other action involving the license would, if committed in this State, constitute grounds for discipline under the laws or rules of this State; ~~or~~

**Sec. 10. 32 MRSA §2591-A, sub-§2, ¶O,** as enacted by PL 2015, c. 488, §16, is amended to read:

O. Failure to comply with the requirements of Title 22, section 7253-; or

**Sec. 11. 32 MRSA §2591-A, sub-§2, ¶P** is enacted to read:

P. A violation of section 2600-D.

**Sec. 12. 32 MRSA §2600-D** is enacted to read:

**§2600-D. Prohibition on providing conversion therapy to minors**

An individual licensed under this chapter may not advertise, offer or administer conversion therapy to a minor.

**Sec. 13. 32 MRSA §3282-A, sub-§2, ¶R,** as amended by PL 2015, c. 488, §18, is further amended to read:

R. Failure to timely respond to a complaint notification sent by the board; ~~or~~

**Sec. 14. 32 MRSA §3282-A, sub-§2, ¶S,** as enacted by PL 2015, c. 488, §19, is amended to read:

S. Failure to comply with the requirements of Title 22, section 7253-; or

**Sec. 15. 32 MRSA §3282-A, sub-§2, ¶T** is enacted to read:

T. A violation of section 3300-G.

**Sec. 16. 32 MRSA §3300-G** is enacted to read:

**§3300-G. Prohibition on providing conversion therapy to minors**

An individual licensed, registered or certified under this chapter may not advertise, offer or administer conversion therapy to a minor.

**Sec. 17. 32 MRSA §3837-A, sub-§1, ¶¶E and F,** as enacted by PL 2007, c. 402, Pt. Q, §14, are amended to read:

E. Practice by a licensed psychological examiner at a level requiring a psychologist's license or any representation by a psychological examiner that that psychological examiner is a psychologist; ~~or~~

F. Negligence in the performance of the licensee's duties; ~~or~~

**Sec. 18. 32 MRSA §3837-A, sub-§1, ¶G** is enacted to read:

G. A violation of section 3837-B.

**Sec. 19. 32 MRSA §3837-B** is enacted to read:

**§3837-B. Prohibition on providing conversion therapy to minors**

An individual licensed under this chapter may not advertise, offer or administer conversion therapy to a minor.

**Sec. 20. 32 MRSA §6217-B, sub-§1**, as amended by PL 2017, c. 407, Pt. A, §138, is further amended to read:

**1. Active use.** Active use of alcohol or any other drug that in the judgment of the board is detrimental to the performance or competency of a licensee of the board; ~~or~~

**Sec. 21. 32 MRSA §6217-B, sub-§2**, as enacted by PL 2007, c. 402, Pt. U, §12, is amended to read:

**2. Mental incompetency.** A legal finding of mental incompetency; ~~or~~

**Sec. 22. 32 MRSA §6217-B, sub-§3** is enacted to read:

**3. Prohibited conduct.** A violation of section 6223.

**Sec. 23. 32 MRSA §6223** is enacted to read:

**§6223. Prohibition on providing conversion therapy to minors**

An individual licensed, certified or registered under this chapter may not advertise, offer or administer conversion therapy to a minor.

**Sec. 24. 32 MRSA §7006** is enacted to read:

**§7006. Prohibition on providing conversion therapy to minors**

An individual licensed under this chapter may not advertise, offer or administer conversion therapy to a minor.

**Sec. 25. 32 MRSA §7059-A, sub-§§1 and 2**, as enacted by PL 2007, c. 402, Pt. V, §14, are amended to read:

**1. Addiction to the use of alcohol or other drugs.** Addiction, as confirmed by medical findings,

to the use of alcohol or other drugs, that has resulted in the licensed clinical, licensed master or licensed social worker or certified social worker - independent practice being unable to perform duties or perform those duties in a manner that would not endanger the health or safety of the clients to be served; ~~or~~

**2. Mental incompetency.** A medical finding of mental incompetency; ~~or~~

**Sec. 26. 32 MRSA §7059-A, sub-§3** is enacted to read:

**3. Prohibited conduct.** A violation of section 7006.

**Sec. 27. 32 MRSA §13742-A, sub-§1, ¶D**, as amended by PL 2017, c. 434, §2, is further amended to read:

D. Engaging in false, misleading or deceptive advertising; ~~or~~

**Sec. 28. 32 MRSA §13742-A, sub-§1, ¶E**, as enacted by PL 2017, c. 434, §3, is amended to read:

E. Failing to comply with section 13800; ~~or~~

**Sec. 29. 32 MRSA §13742-A, sub-§1, ¶F** is enacted to read:

F. A violation of section 13800-B.

**Sec. 30. 32 MRSA §13800-B** is enacted to read:

**§13800-B. Prohibition on providing conversion therapy to minors**

An individual licensed under this chapter may not advertise, offer or administer conversion therapy to a minor.

**Sec. 31. 32 MRSA §13861-A, sub-§1, ¶¶B and C**, as enacted by PL 2007, c. 402, Pt. EE, §9, are amended to read:

B. A medical finding of mental incompetency; ~~and~~

C. Having had any professional or occupational license revoked for disciplinary reasons or any application rejected for reasons relating to untrustworthiness, within 3 years of the date of application; ~~and~~

**Sec. 32. 32 MRSA §13861-A, sub-§1, ¶D** is enacted to read:

D. A violation of section 13866.

**Sec. 33. 32 MRSA §13866** is enacted to read:

**§13866. Prohibition on providing conversion therapy to minors**

An individual licensed under this chapter may not advertise, offer or administer conversion therapy to a minor.

**Sec. 34. 32 MRSA §17307, sub-§§1 and 2,** as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, are amended to read:

**1. Unfair and deceptive practices.** Engaging in unfair or deceptive practices as defined by the rules established by the board or violating the code of ethics adopted and published by the board, including selling or causing to be sold a hearing aid to a person who has not been given tests such as pure tone, air and bone audiometry or other hearing assessments as determined by the board. The results of these tests must be permanently filed; ~~or~~

**2. Negligence.** Incompetence, negligence or neglect in the conduct of the practice of dealing in and fitting of hearing aids, including, but not limited to, the improper fitting of a hearing aid, the sale of a hearing aid to a person with normal hearing, making an ear mold impression or fitting an ear mold without prior inspection of the external ear canal, making an ear mold impression or fitting an ear mold after prior inspection revealed the presence of, or impacted, cerumen in the ear canal, the failure to indicate the need for medical or audiological evaluation when the prospective purchaser's history reveals a probable risk of disease or progressive hearing impairment, the failure to make the required medical referrals, the incorrect reporting of hearing test results to a person, the failure to be present to fit the final hearing aid in the ear of the purchaser and the tampering with a satisfactorily performing hearing aid owned by a purchaser or potential purchaser to cause that hearing aid to no longer perform correctly; ~~or~~

**Sec. 35. 32 MRSA §17307, sub-§3** is enacted to read:

**3. Prohibited conduct.** A violation of section 17311.

**Sec. 36. 32 MRSA §17311** is enacted to read:

**§17311. Prohibition on providing conversion therapy to minors**

An individual licensed under this chapter may not advertise, offer or administer conversion therapy to a minor.

**Sec. 37. Legislative findings; legislative intent.**

**1. Legislative findings.** The Legislature finds that:

A. Conversion therapy is a practice or treatment, including but not limited to talk therapy, that seeks or claims to change a person's sexual orientation or gender identity. It is also referred to by other names, such as sexual orientation change efforts, gender identity change efforts, reparative therapy and reintegrative therapy;

B. A wide range of the major health and mental health associations in the United States recognize being lesbian, gay, bisexual or transgender and having same-sex sexual attractions as normal variants of human sexuality and gender identity, rather than an illness or developmental disorder;

C. The medical and social science consensus is that conversion therapy is a harmful and ineffective practice or treatment. Conversion therapy is based on the false premise that being lesbian, gay, bisexual or transgender is a mental illness or disorder and is caused by a developmental deficiency, trauma, abuse or unmet emotional needs and that conversion therapy can alter a person's sexual orientation or gender identity;

D. There is no competent and reliable scientific evidence supporting claims that conversion therapy can change an individual's sexual orientation; rather, there is substantial competent and reliable scientific evidence, including recently published research on young adults who experienced conversion therapy as children, that conversion therapy is ineffective and can and often does result in significant health and safety risks to consumers of those services, including suicidality, depression, guilt, helplessness, hopelessness, shame, social withdrawal and difficulties, substance use disorder and loss of religious faith as well as reduced educational and vocational development and economic losses;

E. In 2015, the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration developed an expert consensus about how to address distress and conflicts about sexual orientation and gender identity in minors and concluded that conversion therapy for minors is not an appropriate treatment because it can be harmful and creates poor psychosocial outcomes, such as heightened psychological distress, compromised overall well-being and increased health disparities. Additionally, the Substance Abuse and Mental Health Services Administration concluded that conversion therapy is coercive in directing the child to conform to any gender expression or sexual orientation, or directing the parents to place pressure for specific gender expressions, gender identities and sexual orientations, and that doing so is inappropriate and reinforces harmful gender and sexual orientation stereotypes;

F. The nation's leading medical and mental health professional organizations, including the American School Counselor Association, the American Psychiatric Association, the American Psychological Association, the American Association of Child and Adolescent Psychiatry, the American Psychoanalytic Association, the American Coun-

seling Association Governing Council, the American Medical Association, the American Academy of Pediatrics, the American Academy of Family Physicians, the National Association of Social Workers, the Pan American Health Organization and the World Professional Association for Transgender Health, have concluded that conversion therapy is ineffective in changing sexual orientation or gender identity and poses safety and health risks; and

G. The State has a compelling interest in protecting the physical and psychological well-being of minors, including the State's lesbian, gay, bisexual and transgender youth and those youth seeking to examine or understand their sexual orientation or gender identity, from the advertising, offering and administering of conversion therapy and in protecting its minors from the serious health and safety harms that conversion therapy can cause.

**2. Legislative intent.** It is the intent of the Legislature to protect the public health and the safety of all youth of the State, including lesbian, gay, bisexual and transgender youth and those youth seeking to examine or understand their sexual orientation or gender identity, by prohibiting the advertising, offering and administering of therapy designed to change a person's sexual orientation or gender identity, also known as conversion therapy, to individuals under 18 years of age in the State.

See title page for effective date.

**CHAPTER 166  
H.P. 849 - L.D. 1160**

**An Act To Transfer the Kim Wallace Adaptive Equipment Loan Program Fund to the Office of the Treasurer of State**

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

**Whereas**, the Legislature desires to minimize costs of programs; and

**Whereas**, currently, the Kim Wallace Adaptive Equipment Loan Program Fund Board pays monthly fees, which can be eliminated by this Act, for the placement of certain accounts; and

**Whereas**, files of the Kim Wallace Adaptive Equipment Loan Program Fund are in the process of transfer from the Finance Authority of Maine to the State; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 10 MRSA §372, sub-§1**, as amended by PL 2015, c. 412, §1, is further amended to read:

**1. Creation of fund.** There is established the Kim Wallace Adaptive Equipment Loan Program Fund, which must be used to provide funding for loans to qualified borrowers within the State in order to acquire adaptive equipment designed to assist the borrower in becoming independent and for other purposes as allowed under section 376. The fund must be deposited with and maintained by the ~~Finance Authority of Maine~~ Treasurer of State or other state agency and contain appropriations provided for that purpose, interest accrued on the fund balance, funds received by the board to be applied to the fund and funds received in repayment of loans. The Treasurer of State may make disbursements only upon written direction from the board. This fund is a nonlapsing revolving fund. All money in the fund must be continuously applied to carry out the purposes of this chapter.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**TREASURER OF STATE, OFFICE OF  
Kim Wallace Adaptive Equipment Loan Program  
N315**

Initiative: Provides allocation to establish the Kim Wallace Adaptive Equipment Loan Program in the Office of the Treasurer of State to provide loans to qualified borrowers to acquire adaptive equipment.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 30, 2019.

**CHAPTER 167  
S.P. 516 - L.D. 1619**

**An Act Regarding Licenses for  
the Sale of Liquor for  
On-premises Consumption**

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

**Whereas,** municipalities must be allowed to stop the sale of certain types of liquor in particular zones by summer; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 28-A MRSA §1011, sub-§1-A** is enacted to read:

**1-A. Exception.** Notwithstanding subsection 1, when considering an application for a new Class X license or the renewal of a Class X license under section 653, a municipality may grant the application subject to a condition that limits the types of liquor that may be sold for consumption on the premises.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 30, 2019.

**CHAPTER 168  
S.P. 294 - L.D. 1015**

**An Act To Support Maine  
Craft Distillers**

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

**Whereas,** this Act increases the discount rate for licensed small distilleries located in Maine that do not send their products through the State's spirits warehouse and distribution system and instead sell their products directly to consumers; and

**Whereas,** in order to allow small distilleries to take advantage of this change in time for the summer,

this change is scheduled to take place July 1, 2019; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 28-A MRSA §606, sub-§4-B** is enacted to read:

**4-B. Discount rate for small distilleries.** Beginning July 1, 2019, the bureau shall set the price of spirits produced by a small distillery licensed under section 1355-A, subsection 5, paragraph B and retained by that small distillery for sale under section 1355-A, subsection 5, paragraph G or H at a discount of 22.75% of the list price.

**Sec. 2. 28-A MRSA §1355-A, sub-§2, ¶C,** as enacted by PL 2011, c. 629, §22, is amended to read:

C. A licensee under this section may sell to nonlicensees during regular business hours from the licensed premises where liquor is produced by the licensee liquor produced by the bottle, by the case or in bulk for consumption off the licensed premises. Spirits sold by distillers and small distillers in accordance with this paragraph must be first sold to the State, subject to the listing, pricing and distribution provisions of this Title.

**Sec. 3. 28-A MRSA §1355-A, sub-§5, ¶G,** as amended by PL 2015, c. 440, §1, is further amended to read:

G. Notwithstanding paragraph D, a holder of a small distillery license licensed under paragraph B, subparagraph (3) to operate a retail location for that sells its products directly to consumers for off-premises consumption under paragraph B, subparagraph (3) or subsection 2, paragraph C, D or E may pay the bureau the difference between the distillery's price charged to the bureau and the discounted list price charged by the bureau when a distillery purchases its own spirits to be sold at retail from its off premises location under section 606, subsection 4-B. A small distillery is not required to transport spirits that will be sold for off-premises consumption under paragraph B, subparagraph (3) as described in this paragraph to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90 for distribution to the location where the small distillery is authorized to sell spirits produced by the small distillery for off premises consumption. A holder of a small distillery license shall record the

quantity of spirits sold for off-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

**Sec. 4. 28-A MRSA §1355-A, sub-§5, ¶H,** as enacted by PL 2015, c. 440, §2, is amended to read:

H. Notwithstanding paragraph D, a holder of a small distillery license licensed under paragraph E to operate a location licensed under chapter 43 that sells its products directly to consumers for on-premises consumption under paragraph E or subsection 2, paragraph B, E or F may pay the bureau the difference between the distillery's price charged to the bureau and the discounted list price charged by the bureau when a distillery purchases its own spirits to be sold at its on-premises location under section 606, subsection 4-B. A small distillery is not required to transport spirits that will be sold for on-premises consumption under paragraph E as described in this paragraph to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90 for distribution to the location where the small distillery is authorized to sell spirits produced by the small distillery for on-premises consumption. A holder of a small distillery license shall record the quantity of spirits sold for on-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 30, 2019.

**CHAPTER 169**

**H.P. 860 - L.D. 1186**

**An Act To Address Electricity Costs of Agricultural Fairs**

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period in order to be in effect for the 2019 agricultural fair season; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 35-A MRSA §10124** is enacted to read:

**§10124. Agricultural fair assistance program**

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

A. "Agricultural fair" has the same meaning as in Title 7, section 81, subsection 1.

B. "Demand charge" means a charge on an electric bill that is based on the customer's peak demand for electricity.

C. "Fund" means the agricultural fair assistance program fund established under subsection 3.

D. "Program" means the agricultural fair assistance program established under subsection 2.

**2. Program established.** The trust shall establish and administer an agricultural fair assistance program to help agricultural fairs reduce electricity costs through the most cost-effective opportunities available. Under the program, the trust shall:

A. Conduct outreach and provide technical assistance to agricultural fairs to:

(1) Identify opportunities to reduce electricity costs, including but not limited to opportunities to reduce peak electricity demand; and

(2) Enroll agricultural fairs in existing programs offered by the trust as appropriate; and

B. Offer custom financial incentives to agricultural fairs to implement electric efficiency and conservation measures, including but not limited to measures to reduce peak electricity demand.

The program may use a definition of cost-effective other than the definition adopted by the trust pursuant to section 10110, subsection 2.

**3. Fund established.** The trust shall establish the agricultural fair assistance program fund as a nonlapsing fund administered by the trust to fund the program. The commission shall assess each transmission and distribution utility an amount necessary to collect the total amount of demand charges paid by agricultural fairs in the State to transmission and distribution utilities during the prior year. All amounts collected under this subsection must be transferred to the fund. Any interest earned on funds in the fund must be credited to

the fund. Funds not spent in any fiscal year remain in the fund to be used by the program. The assessments charged to transmission and distribution utilities under this subsection are just and reasonable costs for rate-making purposes. The commission may issue any appropriate orders to transmission and distribution utilities necessary to achieve the goals of this subsection.

4. Report. No later than January 15, 2022 and January 15, 2024, the trust shall submit a report on the program to the joint standing committee of the Legislature having jurisdiction over energy and utility matters. The report must include information on program implementation, total deposits into and expenditures from the fund, program activity and reductions in peak electricity demand, energy consumption and electricity costs achieved. After receiving the report due by January 15, 2024, the committee may report out a bill relating to the program to the Second Regular Session of the 131st Legislature.

5. Repeal; remaining funds. This section is repealed June 30, 2024. In the event funds in the fund are not expended or contracted for expenditure as of June 30, 2024, the commission shall ensure that the value of those funds is returned to electricity consumers.

**Sec. 2. Rate design; proceeding; report.** The Public Utilities Commission shall open a proceeding to examine rate design and related issues for electricity customers that have seasonal, limited-duration, concentrated load profiles, including but not limited to agricultural fairs, seasonal festivals and other similar entities. In this proceeding, the commission shall examine options for alternative rate design, with particular attention to electricity demand charges, and identify other types of electricity customers, in addition to agricultural fairs, that may benefit from a program similar to that established under the Maine Revised Statutes, Title 35-A, section 10124. No later than December 1, 2019, the commission shall submit a report on its findings and recommendations under this section to the Joint Standing Committee on Energy, Utilities and Technology. The committee may report out a bill to the Second Regular Session of the 129th Legislature based on the report.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 30, 2019.

**CHAPTER 170  
H.P. 161 - L.D. 198**

**An Act To Require That  
Nonmotorized Carriages Be  
Equipped with Reflective Tape  
and Lights**

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

**Sec. 1. 29-A MRSA §1907, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Exceptions.** This section does not apply to animal-drawn vehicles or unregistered farm tractors.

**Sec. 2. 29-A MRSA §1909-C** is enacted to read:

**§1909-C. Animal-drawn vehicles**

An animal-drawn vehicle operated on a public way during nighttime must be equipped with the following:

**1. Light.** An oil lantern or electric lights attached to the left side of the vehicle that displays a red light toward the rear of the vehicle and a white light toward the front of the vehicle; and

**2. Reflective tape.** Grade DOT-C2 white reflective tape as described in 49 Code of Federal Regulations, Section 571.108, in effect on March 26, 2019, applied to the vehicle as follows:

A. Seventy-two inches of reflective tape applied in segments that outline the rear frame of the vehicle;

B. Thirty-six inches of reflective tape on each side of the vehicle, applied in segments that outline the frame on each side with at least 2 segments applied to the upper borders; and

C. Forty-two inches of reflective tape applied in segments that outline the front frame of the vehicle.

See title page for effective date.

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**CHAPTER 171  
S.P. 61 - L.D. 249**

**An Act To Ensure Protection  
of Patients in Medical Reviews  
by Health Insurance Carriers**

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

**Sec. 1. 24-A MRSA §4301-A, sub-§4,** as enacted by PL 1999, c. 742, §3, is amended to read:

**4. Clinical peer.** "Clinical peer" means a physician or other licensed health care practitioner who holds a nonrestricted license in a state of the United States, is board certified in the same or similar specialty as typically manages the medical condition, procedure or treatment under review, or other physician or health care practitioner with demonstrable expertise necessary to review a case and whose compensation does not depend, directly or indirectly, upon the quantity, type or cost of the medical condition, procedure or treatment that the physician or other licensed health care practitioner approves or denies on behalf of a carrier.

**Sec. 2. 24-A MRSA §4304, sub-§7** is enacted to read:

**7. Requirements for an appeal of adverse health care treatment decision.** An appeal of a carrier's adverse health care treatment decision must be conducted by a clinical peer. The clinical peer may not have been involved in making the initial adverse health care treatment decision unless additional information not previously considered during the initial review is provided on appeal. For the purposes of this subsection, "adverse health care treatment decision" does not include a carrier's rescission determination or a carrier's determination of initial coverage eligibility for coverage.

**Sec. 3. Rules.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 4309, any rules adopted by the Bureau of Insurance to conform as necessary to this Act are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 172  
H.P. 802 - L.D. 1079**

**An Act To Authorize Public Schools To Periodically Test for Radon**

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

**Sec. 1. 20-A MRSA §4013** is enacted to read:

**§4013. Radon**

**1. Testing.** A school administrative unit may hire a person registered with the division of environmental health within the Department of Health and Human Services under the Radon Registration Act to test an occupied elementary school, secondary school or other building of the school administrative unit every 5 years for radon. The method of testing must be

consistent with testing standards established in rules adopted by the Department of Health and Human Services. The school administrative unit shall maintain, make available for review and notify parents, faculty and staff of test results under this subsection. The school administrative unit shall report radon test results to the Department of Education and the Department of Health and Human Services. No later than October 1, 2025, and every 5 years thereafter, the Department of Health and Human Services shall submit a report of the test results from all school administrative units to the Legislature and the Governor.

**2. Funding.** When funds are available, the department shall disburse money to school administrative units to use for radon testing. The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. New schools.** A school administrative unit, when building a new elementary school, secondary school or other building, shall use radon-resistant new construction techniques consistent with rules adopted by the Department of Health and Human Services.

See title page for effective date.

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**CHAPTER 173  
H.P. 1106 - L.D. 1513**

**An Act To Amend the Date by Which an Applicant for Funds under the Local Road Assistance Program Must Provide Certification to the Department of Transportation**

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

**Sec. 1. 23 MRSA §1804,** as amended by PL 2011, c. 652, §8 and affected by §14, is further amended to read:

**§1804. Municipal, county or Indian reservation requirements**

To be eligible to receive funds from the Local Road Assistance Program, each municipality, county or Indian reservation shall, prior to ~~August 1st~~ November 1st each year, certify in a manner acceptable to the department that the funds are used in a manner consistent with this chapter.

See title page for effective date.

**CHAPTER 174  
S.P. 172 - L.D. 550**

**An Act To Amend the  
Definition of "Subdivision" in  
the Laws Governing Planning  
and Land Use Regulation for  
Subdivisions and a Provision  
Excepting the Division of a  
New or Existing Structure  
from Those Laws Beginning  
July 1, 2018**

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

**Sec. 1. 30-A MRSA §4401, sub-§4, ¶H-2,** as enacted by PL 2017, c. 104, §1, is amended to read:

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, ~~2019~~ 2021. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, ~~2018~~ 2020 for the definition to remain valid for the grace period ending January 1, ~~2019~~ 2021. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

**Sec. 2. 30-A MRSA §4402, sub-§6,** as enacted by PL 2017, c. 104, §4, is amended to read:

**6. Division of new or existing structures.** Beginning July 1, 2018, a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review ~~in accordance with Title 38, section 488, subsection 19 or Title 38, section 489-A.~~

A. For the purposes of this subsection, "municipal site plan review" means review under a municipal ordinance that sets forth a process for determining whether a development meets certain specified criteria, which must include criteria regarding stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety.

B. The municipal reviewing authority in each municipality shall determine whether a municipal site plan review ordinance adopted by the municipality meets the requirements of paragraph A.

**Sec. 3. Retroactivity.** This Act applies retroactively to June 30, 2018.

See title page for effective date.

**CHAPTER 175  
H.P. 576 - L.D. 771**

**An Act Regarding the  
Cancellation of Subscription  
Services**

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

**Sec. 1. 10 MRSA c. 205-B** is enacted to read:

**CHAPTER 205-B**

**AUTOMATIC SUBSCRIPTION RENEWAL**

**§1210-C. Cancellation of subscriptions**

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

A. "Automatic subscription renewal" means an agreement to provide any of the following goods or services for a specified time and price that is automatically renewed at the end of a definite term for a subsequent term unless the consumer cancels the agreement:

- (1) Online magazines, journals and periodicals;
- (2) Online media players;
- (3) Mobile apps;
- (4) Social networking services;
- (5) Internet game services; and
- (6) Online software.

B. "Extended automatic subscription renewal" means an automatic subscription renewal with a specified subscription term of 12 months or more, in which the subscription automatically renews for a specified term of more than one month unless the consumer cancels the subscription.

C. "Internet game service" means an online service that provides information, software, data, text, photographs, graphics, audio or video that may be accessed by a consumer on a paid subscription basis for the purpose of allowing that consumer to play a single-player or multiplayer game through the Internet or to download a game

for that consumer to play offline. "Internet game service" does not include online gambling or other gaming in which a person participates to win money.

D. "Mobile app" means a software application designed to be operated on a mobile device such as a smartphone.

E. "Online media player" means an online service that delivers audio or video content.

F. "Online software" means software provided by an online application.

G. "Seller" means a person who sells, leases or offers to sell or lease automatic subscription renewals or extended automatic subscription renewals and does not include an entity providing only the host platform on the website of an Internet game service.

H. "Social networking service" means an online service that facilitates the building of social relations and the sharing of information among specified groups of people.

**2. Method of cancellation of automatic subscription renewal.** A seller may not make an automatic subscription renewal offer to a consumer in this State unless the seller presents that consumer with an easily accessible disclosure of the methods that the consumer may use to cancel the subscription. The seller must provide for online cancellation of the subscription by any means of communicating information over a computer network. If a phone number is also provided for the purposes of cancellation of the subscription, the number must be toll-free and must be prominently displayed in the disclosure.

**3. Extended automatic subscriptions.** A seller may not make an extended automatic subscription renewal offer to a consumer in this State unless the seller notifies the consumer of the automatic renewal. Notice must be provided to the consumer no less than 30 days and no more than 60 days before the cancellation deadline pursuant to the automatic subscription renewal. The seller must provide for online cancellation of the subscription by any means of communicating information over a computer network. The notice must disclose clearly and conspicuously:

A. That unless the consumer cancels the subscription it will automatically renew; and

B. Where the consumer can obtain details regarding the automatic subscription renewal and cancellation procedure.

**4. Application.** This chapter applies only to an agreement entered into or renewed after January 1, 2020 under which a seller makes an automatic subscription renewal or extended automatic subscription renewal offer to a consumer in this State.

#### **§1210-D. Violation**

**1. Violations.** A violation of this section is a violation of the Maine Unfair Trade Practices Act.

**2. Exceptions.** An action may not be brought under the Maine Unfair Trade Practices Act if a seller violates this chapter as the result of an error and provides a full refund or credit for all amounts billed to or paid by the consumer from the date of the subscription renewal until the date of the termination of the subscription or the date of the subsequent notice of renewal, whichever occurs first.

See title page for effective date.

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## CHAPTER 176

### H.P. 733 - L.D. 978

#### An Act To Clarify Maine's Protection from Abuse Statutes

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

**Sec. 1. 19-A MRSA §4002, sub-§7** is enacted to read:

**7. Social media.** "Social media" means an electronic medium or service through which users create, share and view user-generated content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, e-mail, online service accounts and Internet website profiles and locations.

**Sec. 2. 19-A MRSA §4007, sub-§1, ¶D**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

D. Directing the defendant to refrain from having any direct or indirect contact with the plaintiff, including via social media;

See title page for effective date.

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## CHAPTER 177

### S.P. 491 - L.D. 1556

#### An Act Regarding Filing Fees in Transmission Line Proceedings

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

**Sec. 1. 35-A MRSA §3132, sub-§10-A**, as enacted by PL 2009, c. 26, §1, is amended to read:

**10-A. Filing fee to Office of the Public Advocate.** When a person pays a filing fee to the commis-

sion pursuant to subsection 9, the person shall, at the same time, pay to the Office of the Public Advocate an amount equal to ~~1/100~~ 2/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line. If the Office of the Public Advocate's expenses in the transmission line proceeding exceed the amount of the original filing fee, the Office of the Public Advocate may bill the person monthly for additional incurred expenses. The person may, at the time of the filing of the petition under this section, request the Office of the Public Advocate to waive all or a portion of the filing fee. The Office of the Public Advocate shall decide on the waiver request within 30 days.

Filing fees paid as required under this subsection must be segregated, apportioned and expended by the Office of the Public Advocate for the purposes of representing the interests of consumers in the proceeding before the commission or conducting public outreach to inform consumers about the proceeding. The Office of the Public Advocate shall return any portion of the filing fee that is not expended for these purposes to the person who paid the fee.

See title page for effective date.

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**CHAPTER 178**  
**S.P. 372 - L.D. 1197**

**An Act To Amend the Law  
Prohibiting the Denial by  
Health Insurers of Referrals by  
Out-of-network Providers**

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

**Sec. 1. 24-A MRSA §4303, sub-§22,** as enacted by PL 2017, c. 232, §7, is amended to read:

**22. Denial of referral by out-of-network provider prohibited.** Beginning January 1, 2018, a carrier may not deny payment for any health care service covered under an enrollee's health plan based solely on the basis that the enrollee's referral was made by a direct primary care provider who is not a member of the carrier's provider network. A carrier may not apply a deductible, coinsurance or copayment greater than the applicable deductible, coinsurance or copayment that would apply to the same health care service if the service was referred by a participating primary care provider. A carrier may require a direct primary care provider making a referral who is not a member of the carrier's provider network to provide information demonstrating that the provider is a direct primary care provider through a written attestation or copy of a direct primary care agreement with an enrollee and may request additional information necessary to implement this subsection. As used in this subsection, "direct primary care provider" has the same

meaning as in Title 22, section 1771, subsection 1, paragraph B.

See title page for effective date.

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**CHAPTER 179**  
**S.P. 321 - L.D. 1089**

**An Act To Ban Discretionary  
Clauses in Disability Income  
Insurance Policies**

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

**Sec. 1. 24-A MRSA §2770** is enacted to read:

**§2770. Absolute discretion clauses**

An individual health insurance policy, contract or certificate, including, but not limited to, a disability income insurance policy, contract or certificate, may not contain a provision purporting to reserve sole or absolute discretion to the insurer to interpret the terms of the contract, to provide standards of interpretation or review, to determine eligibility for benefits, to determine the amount of benefits or to resolve factual disputes. An insurer may not enforce a provision in a policy, contract or certificate that was offered, executed, delivered or issued for delivery in this State and has been continued or renewed by an individual policy holder in this State that purports to reserve sole or absolute discretion to the insurer to interpret the terms of the contract, to provide standards of interpretation or review, to determine eligibility for benefits, to determine the amount of benefits or to resolve factual disputes.

**Sec. 2. 24-A MRSA §2847-V** is enacted to read:

**§2847-V. Absolute discretion clauses**

A group health insurance policy, contract or certificate, including, but not limited to, a group disability income insurance policy, contract or certificate, may not contain a provision purporting to reserve sole or absolute discretion to the insurer to interpret the terms of the contract, to provide standards of interpretation or review, to determine eligibility for benefits, to determine the amount of benefits or to resolve factual disputes. An insurer may not enforce a provision in a policy, contract or certificate that was offered, executed, delivered or issued for delivery in this State and has been continued or renewed by a group policy holder in this State that purports to reserve sole or absolute discretion to the insurer to interpret the terms of the contract, to provide standards of interpretation or review, to determine eligibility for benefits, to determine the amount of benefits or to resolve factual disputes.

See title page for effective date.

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## CHAPTER 180

### H.P. 1179 - L.D. 1644

#### An Act To Clarify Conflict of Interest Requirements for the Board of Environmental Protection

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

**Sec. 1. 38 MRSA §341-C, sub-§2**, as amended by PL 2011, c. 304, Pt. H, §3, is further amended to read:

**2. Qualifications and requirements.** Members of the board must be chosen to represent the broadest possible public interest and experience that can be brought to bear on the administration and implementation of this Title and all other laws the board is charged with administering. At least 3 members must have technical or scientific backgrounds in environmental issues and no more than 4 members may be residents of the same congressional district. The boundaries of the congressional districts are defined in Title 21-A, chapter 15. A county commissioner, county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the board. If a county or municipality is a participant in an adjudicatory proceeding before the board, a commissioner, official or employee from that county or municipality may not participate in that proceeding.

**Sec. 2. 38 MRSA §341-C, sub-§8**, as amended by PL 2011, c. 357, §3, is repealed and the following enacted in its place:

**8. Federal standards.** In accordance with federal standards, board member participation is limited by this subsection. For the purposes of this subsection, "a significant portion of income" means 10% or more of gross personal income for a calendar year, except that it means 50% or more if the recipient is over 60 years of age and is receiving that portion under retirement, pension or similar arrangement.

A. A board member may not participate in the review of or act on an application for a National Pollutant Discharge Elimination System permit or the modification, renewal or appeal of a permit under Section 402 of the Federal Water Pollution Control Act, 33 United States Code, Section 1342 if the board member receives, or during the previous 2 years has received, a significant portion of income directly or indirectly from license or permit holders or applicants for a license or permit under the National Pollutant Discharge Elimination System. Board members whose participation

is restricted under this paragraph shall recuse themselves and may not participate in any National Pollutant Discharge Elimination System matter as long as the restriction applies. The recusal must be from all National Pollutant Discharge Elimination System permitting, enforcement, establishment of waste load allocations and total maximum daily loads and establishment and implementation of water quality standards but not other Federal Water Pollution Control Act matters such as water quality certification. The restriction imposed by this paragraph may not be interpreted to be more restrictive than federal law or the regulations of the United States Environmental Protection Agency.

B. A board member may not participate in the review of or act on any permitting decision or enforcement order under the federal Clean Air Act, 42 United States Code, Section 7401, et seq. if the board member receives or derives a significant portion of that board member's income from persons subject to permits or enforcement orders under the federal Clean Air Act. Board members whose participation is restricted under this paragraph shall recuse themselves from all permitting and enforcement matters under the federal Clean Air Act. The restriction imposed by this paragraph may not be interpreted to be more restrictive than federal law or the regulations of the United States Environmental Protection Agency.

See title page for effective date.

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## CHAPTER 181

### H.P. 955 - L.D. 1320

#### An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities

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

**Sec. 1. 38 MRSA §480-E, sub-§13** is enacted to read:

**13. Information sharing with affected municipality.** When the department issues or denies a permit or approves or denies a permit by rule under this article, the department shall provide a copy of the permitting decision or other authorization or denial to each municipality in which the proposed activity is to occur. The department may provide the information required under this subsection electronically.

See title page for effective date.

**CHAPTER 182  
H.P. 387 - L.D. 530**

**An Act To Protect Medical  
Payments Coverage for  
Consumers**

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

**Sec. 1. 24-A MRSA §2910-A, sub-§4** is enacted to read:

**4. Coordination of benefits and assignment of medical payments coverage.** The following provisions apply to coordination of benefits and assignment of medical payments coverage in a casualty insurance policy.

A. A carrier, as defined in section 4301-A, subsection 3, may not coordinate benefits against medical payments coverage in a casualty insurance policy and may not require medical payments coverage to be primary coverage over any health insurance policy.

B. Medical payments coverage in a casualty insurance policy is assignable only by agreement between the insured and the casualty insurer. Benefits under medical payments coverage must be applied as directed by the insured.

C. The insured has the right to submit a claim for medical expenses under medical payments coverage in a casualty insurance policy. The insured may also submit a claim for medical expenses under a health insurance policy, except that an insured is not entitled to duplicate payment from medical payments coverage and a health insurance policy for the same medical expense.

See title page for effective date.

**CHAPTER 183  
H.P. 326 - L.D. 417**

**An Act To Allow an Attorney  
To Use a Photocopied Driver's  
License To Consummate a  
Financial Transaction**

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

**Sec. 1. 29-A MRSA §2103, sub-§4, ¶B,** as enacted by PL 2003, c. 568, §1, is amended to read:

**B.** A driver's license solely for proof of identification for the consummation of a financial trans-

action conducted by either the driver or the driver's attorney;

See title page for effective date.

**CHAPTER 184  
H.P. 241 - L.D. 317**

**An Act To Amend the Laws  
Governing Appointees to the  
Maine Labor Relations Board**

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

**Sec. 1. 26 MRSA §968, sub-§1,** as amended by PL 1991, c. 798, §6, is further amended to read:

**1. Maine Labor Relations Board.** The Maine Labor Relations Board, established by Title 5, section 12004-B, subsection 2, consists of 3 members and 6 alternates appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature. The Governor, in making appointments, shall name one member and 2 alternates to represent employees, one member and 2 alternates to represent employers and one member and 2 alternates to represent the public. The member and alternates representing employees may not have worked in a management capacity or represented employer interests in any proceedings at any time during the prior 6 years. The member and alternates representing the public may not have worked in a management capacity or represented employer interests in any proceedings or have worked for a labor organization or served in a leadership role in a labor organization at any time during the prior 6 years. The member representing the public serves as the board's chair and the alternate representing the public serves as an alternate chair. Members of the board are entitled to compensation according to the provisions of Title 5, chapter 379. The alternates are entitled to compensation at the same per diem rate as the member that the alternate replaces. The term of each member and each alternate is 4 years, except that of the members and alternates first appointed, one member and 2 alternates are appointed for a term of 4 years, one member and 2 alternates are appointed for a term of 3 years and one member and 2 alternates are appointed for a term of 2 years. The members of the board, its alternates and its employees are entitled to receive necessary expenses. Per diem and necessary expenses for members and alternates of the board, as well as state cost allocation program charges, must be shared equally by the parties to any proceeding at which the board presides and must be paid into a special fund administered by the board from which all costs must be paid. The executive director may estimate costs upon receipt of a request for

services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share of the estimated cost of providing the service, the matter is scheduled for hearing. A party who has not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this provision remains in the special fund administered by the Maine Labor Relations Board, and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this provision through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action. At its discretion, the board may allocate all costs to a party that presents a frivolous complaint or defense or that commits a blatant violation of the applicable collective bargaining law. When the board meets on administrative or other matters that do not concern the interests of particular parties or when any board member presides at a prehearing conference, the members' per diem and necessary expenses must be paid from the board's regular appropriation for these purposes. The executive director and legal or professional personnel employed by the board are members of the unclassified service.

**Sec. 2. Application.** This Act applies to all appointments and reappointments to the Maine Labor Relations Board, pursuant to the Maine Revised Statutes, Title 26, section 968, of members and alternates commencing after the effective date of this Act.

See title page for effective date.

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**CHAPTER 185**  
**S.P. 89 - L.D. 277**

**An Act To Ban Telephone  
Solicitations Using an Artificial  
or Prerecorded Voice and  
Enhance Caller Identification**

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

**Sec. 1. 10 MRSA §1498, sub-§1, ¶A-1** is enacted to read:

A-1. "Misleading or inaccurate caller identification information" includes, to the extent consistent with federal law, blocked caller identification information.

**Sec. 2. 10 MRSA §1498, sub-§2**, as enacted by PL 1989, c. 775, is amended to read:

**2. Prohibition.** A person may not use an automated telephone calling device or an artificial or prerecorded voice to make solicitation calls to:

A. Any emergency telephone numbers in this State including, but not limited to, the emergency telephone numbers of any hospital, physician, health care facility, ambulance service, or fire or law enforcement officer or facility;

B. Any paging or cellular phone within the State; ~~or~~

C. Any unlisted, unpublished, toll-free long distance or direct inward dial telephone number within the State; or

D. Any residential telephone number within the State.

**Sec. 3. 10 MRSA §1498, sub-§6**, as enacted by PL 1989, c. 775, is amended to read:

**6. Exceptions.** This section does not prohibit the use of an automated telephone calling device or an artificial or prerecorded voice to:

A. Inform purchasers of the receipt, availability or delivery of goods or services or any other pertinent information on the status of any purchased goods or services;

B. Respond to a telephone inquiry initiated by the person to whom the automated call or call using an artificial or prerecorded voice is directed; ~~or~~

C. Carry out the duties of any state or local governmental unit; or school administrative unit or private school;

D. Deliver an emergency message by a governmental entity;

E. Deliver information with the prior, written, express consent of the recipient of the call; or

F. Communicate with a business about reservations, purchases and other information for customers such as hours of operation, directions and merchandise availability.

**Sec. 4. 10 MRSA §1499-A, sub-§1, ¶D**, as enacted by PL 2003, c. 70, §1 and affected by §2, is amended to read:

D. "Telemarketing" means a plan, program or campaign that is conducted by use of one or more telephones or other telecommunications services, including interconnected voice over Internet protocol and text messaging, to induce the purchase of goods or services or a charitable contribution and that involves more than one intrastate telephone call. "Telemarketing" does not include the solicitation of sales through the mailing of a cata-

log that contains a written description or illustration of the goods or services offered for sale, the business address of the seller and multiple pages of written material or illustrations, and that is issued not less frequently than once a year, if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders without further solicitation. For purposes of this paragraph, ~~the term~~ "further solicitation" does not include providing the customer with information about, or attempting to sell, any other item included in the same catalog that prompted the customer's call or in a substantially similar catalog.

**Sec. 5. 10 MRSA §1499-A, sub-§2**, as enacted by PL 2003, c. 70, §1 and affected by §2, is repealed and the following enacted in its place:

**2. Prohibition.** It is an unfair trade practice, as prohibited by Title 5, section 207 and enforced by the Office of the Attorney General, for a seller or telemarketer to cause any caller identification services to transmit misleading or inaccurate caller identification information with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value.

**Sec. 6. 10 MRSA §1499-A, sub-§3**, as enacted by PL 2003, c. 70, §1 and affected by §2, is repealed.

**Sec. 7. 10 MRSA §1499-A, sub-§4** is enacted to read:

**4. Exception.** It is not a violation of subsection 2 for:

A. A seller or telemarketer to substitute for the name and telephone number used in or billed for making the call:

(1) The name of the seller or charitable organization on whose behalf the telemarketing call is placed; or

(2) The seller's or charitable organization's customer or donor service telephone number that is answered during regular business hours; or

B. A telecommunications carrier, as defined in 47 United States Code, Section 153(51), to provide telecommunications service, as defined in 47 United States Code, Section 153(53).

See title page for effective date.

**CHAPTER 186  
H.P. 127 - L.D. 145**

**An Act Regarding the  
Membership of the Wild  
Blueberry Commission of  
Maine**

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

**Sec. 1. 36 MRSA §4312, 2nd ¶**, as enacted by PL 1983, c. 836, §9, is amended to read:

Current members of the advisory committee shall continue to serve for the duration of their current appointments. New appointments to the advisory committee shall must be for terms of 4 years, and no appointee may be eligible for reappointment until the lapse of one year from the expiration of a previous appointment members may be reappointed for additional terms.

**Sec. 2. 36 MRSA §4312-C, sub-§1, ¶D** is enacted to read:

D. An employee of the commission who leaves commission employment may not be a paid lobbyist as defined by Title 3, section 312-A, subsection 10 for a wild blueberry business for a period of one year after leaving commission employment.

**Sec. 3. 36 MRSA §4312-C, sub-§2**, as enacted by PL 1997, c. 511, §21 and affected by §25 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

**2. Appointment.** Appointments to the commission are made by the Commissioner of Agriculture, Conservation and Forestry. The commissioner shall call for and consider nominations for grower representative appointments to the commission from the wild blueberry grower community in the State. The commissioner shall call for nominations by January 15th of any year in which a grower representative term will expire and shall announce the call for nominations at a statewide agricultural trade show held in Augusta in January.

**Sec. 4. 36 MRSA §4312-C, sub-§3**, as enacted by PL 1997, c. 511, §21 and affected by §25 and amended by PL 2011, c. 657, Pt. W, §6, is repealed and the following enacted in its place:

**3. Membership.** The commission consists of 10 members who are active in and representative of the wild blueberry industry, appointed by the Commissioner of Agriculture, Conservation and Forestry.

A. Five members must be grower representatives. For the purposes of this section, "grower representative" means a person, firm, partnership, association or corporation engaged in the growing of

wild blueberries in the State, including but not limited to those who engage in organic growing, other integrated crop management growing, fresh pack sales, wild blueberry business cooperative activities and wild blueberry value-added production and those representing a federally recognized Indian nation, tribe or band in the State. "Grower representative" does not include a processor representative. Grower representative members must be selected to represent grower representatives who pay both the processor and grower portions of the wild blueberry tax under this chapter and grower representatives who pay only the grower portion of the wild blueberry tax under this chapter.

B. Five members must be processor representatives. For purposes of this section, "processor representative" means a person, firm, partnership, association or corporation that processes 1,000,000 pounds or more of wild blueberries grown in the State in a calendar year.

**Sec. 5. 36 MRSA §4312-C, sub-§4**, as repealed and replaced by PL 2011, c. 579, §2 and amended by c. 657, Pt. W, §6, is further amended to read:

**4. Term.** Members are appointed to staggered 4-year terms so that the terms of at least 2 but more than 3 members expire on August 31st of every year. If the Commissioner of Agriculture, Conservation and Forestry fails to make an appointment prior to the expiration of a member's term, that member continues to serve until the commissioner makes an appointment for the remainder of that term. If a vacancy occurs prior to the expiration of a specified term, the Commissioner of Agriculture, Conservation and Forestry shall appoint an individual to serve only the remainder of that term.

**Sec. 6. Wild Blueberry Commission of Maine membership; staggered terms.** Notwithstanding the Maine Revised Statutes, Title 36, section 4312-C, subsection 4, of the additional grower representatives appointed to the Wild Blueberry Commission of Maine pursuant to this Act, one serves an initial term of 4 years and one serves an initial term of 2 years.

See title page for effective date.

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## CHAPTER 187

### H.P. 623 - L.D. 849

#### An Act To Allow Chiropractic Internships

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

**Sec. 1. 32 MRSA §451, sub-§2-A** is enacted to read:

**2-A. Chiropractic intern.** "Chiropractic intern" means a chiropractic student who has been issued a temporary license to provide chiropractic services under the provisions of subchapter 5.

**Sec. 2. 32 MRSA c. 9, sub-c. 5** is enacted to read:

#### SUBCHAPTER 5

#### CHIROPRACTIC INTERNS

##### **§561. License**

An individual may not provide chiropractic services as a chiropractic intern except as described under this subchapter.

**1. Application for licensure.** An applicant for a temporary license to practice chiropractic as a chiropractic intern pursuant to this subchapter shall complete an application on a form in accordance with section 558 and pay a fee established by the board. An applicant for a temporary license shall:

A. Identify the college or institution at which the applicant is a student sponsoring the applicant through a preceptorship arrangement;

B. Identify the licensed chiropractic doctor who will provide supervision to the applicant, who must possess a valid, unrestricted license to practice chiropractic in the State and be approved by the sponsoring college or institution under paragraph A;

C. Provide documentation that professional liability insurance in an amount satisfactory to the board provided by the sponsoring college or institution under paragraph A that covers the internship relationship is in effect; and

D. Attest to having fully read and understood the requirements of this chapter and all rules established by the board pertaining to the legal practice of chiropractic in the State and agree to practice within the confines of state law.

The board may issue a nonrenewable temporary license, not to exceed 6 months, to practice chiropractic to an applicant meeting all of the conditions of this subsection. The temporary license must describe the place or setting where chiropractic services are provided. An applicant failing to provide documentation of the requirements of this subsection may not be granted a temporary license by the board. The board may by rule establish other requirements for temporary licensure of chiropractic interns.

##### **§562. Supervision requirements**

**1. Supervision.** A chiropractic intern may not provide chiropractic services except under the supervi-

sion of the chiropractic doctor identified in section 561, subsection 1, paragraph B and with the written informed consent of the individual receiving chiropractic services. The chiropractic doctor shall be on the premises at all times and be readily available to instruct a chiropractic intern throughout the performance of the services the chiropractic intern is providing.

**2. Changes to supervision.** In the event the supervising chiropractic doctor under subsection 1 is unable to continue providing supervision to a chiropractic intern, the intern shall immediately cease to practice and provide notice to the board within 10 days and may not continue to practice chiropractic medicine until the board has approved the chiropractic intern to practice under the supervision of another licensed chiropractic doctor.

**§563. Title**

A chiropractic intern may not use any title or initials other than the term "chiropractic intern" with respect to the provision of chiropractic services.

**§564. Rulemaking**

The board may establish rules to implement this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 188  
H.P. 644 - L.D. 870**

**An Act To Change the  
Membership of the Maine  
Commission on Domestic and  
Sexual Abuse To Include More  
Tribal Members**

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

**Sec. 1. 19-A MRSA §4013, sub-§1, ¶A,** as amended by PL 2009, c. 257, §1, is further amended to read:

A. The Governor shall name the chair from among the following members:

- (1) ~~Two members~~ One member, appointed by the Governor, who ~~are representatives~~ is a representative of the statewide coalition of domestic violence projects;
- (1-A) ~~Two members~~ One member, appointed by the Governor, who ~~are representatives~~ is a representative of the statewide coalition of sexual assault centers;

(2) One member, appointed by the Governor, who is a representative of the mental health profession;

(3) One member, appointed by the Governor, who is a representative of victims of domestic violence;

(3-A) One member, appointed by the Governor, who is a representative of victims of sexual assault;

(4) Two members, appointed by the Governor, one of whom has experience representing victims of domestic abuse, who are attorneys with experience in domestic relations cases;

(5) One member, appointed by the Governor, who was a victim of domestic abuse and used the court system;

(5-A) One member, appointed by the Governor, who was a victim of sexual assault and used the court system;

(6) One member, appointed by the Governor, who is a district attorney or assistant district attorney;

(7) One member, appointed by the Governor, who is chief of a municipal police department or the chief's designee;

(8) One member, appointed by the Governor, who is a county sheriff or the sheriff's designee;

(8-A) One member, appointed by the Governor, who is the ~~statewide coordinator~~ executive director of a statewide coalition to end domestic violence;

(8-B) One member, appointed by the Governor, who is the executive director of a statewide coalition against sexual assault;

(8-C) The Attorney General or the Attorney General's designee;

(8-D) The Chief of the Maine State Police or the chief's designee;

(9) The Commissioner of Public Safety or the commissioner's designee;

(9-A) The Commissioner of Health and Human Services or the commissioner's designee;

(9-C) The Commissioner of Education or the commissioner's designee;

(9-D) The Commissioner of Labor or the commissioner's designee;

(9-E) The Commissioner of Corrections or the commissioner's designee;

(9-F) One member, appointed by the Governor, who has experience working in batterers' intervention programs;

(10) Up to ~~6~~ 4 members-at-large, appointed by the Governor;

(11) Up to 4 members, appointed by the Governor, representing underserved populations; ~~and~~

(12) One member, appointed by the Governor, who is a tribal member and provides services through a tribal program to tribal members who are victims of domestic or sexual violence;

(13) One member, appointed by the Governor, who is an executive director of a tribal coalition against sexual assault and domestic violence;

(14) One member, appointed by the Governor, who is chief of a tribal police department or the chief's designee;

(15) One member, appointed by the Governor, who is a representative of a tribal court; and

(16) One member, appointed by the Governor, who is a representative of tribal government.

**Sec. 2. Transition.** Notwithstanding the Maine Revised Statutes, Title 19-A, section 4013, subsection 1, paragraph A, the members of the Maine Commission on Domestic and Sexual Abuse serving immediately prior to the effective date of this Act continue to serve as members of the commission for the terms for which they were appointed until the Governor appoints their successors.

See title page for effective date.

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**CHAPTER 189**  
**S.P. 76 - L.D. 264**

**An Act Regarding Liability for Taking a Blood Sample from an Operator of a Motor Vehicle Involved in a Fatal Crash**

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

**Sec. 1. 29-A MRSA §2528**, as amended by PL 2013, c. 459, §12, is further amended to read:

**§2528. Liability**

A physician, ~~physician's assistant;~~ physician assistant; registered nurse; ~~other health care provider;~~

other person whose occupational license or training allows that person to draw blood, including but not limited to an emergency medical services person or law enforcement officer; hospital or other health care provider; emergency medical service; or law enforcement agency in the exercise of due care is not liable for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this chapter.

See title page for effective date.

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**CHAPTER 190**  
**H.P. 103 - L.D. 121**

**An Act To Require the Department of Inland Fisheries and Wildlife To Promote Safety with Respect to the Handling or Use of Firearms, Watercraft, All-terrain Vehicles and Snowmobiles and in Other Outdoor Activities**

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

**Sec. 1. 12 MRSA §10056**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §17 and affected by §422, is further amended to read:

**§10056. Division of Public Information and Education**

The Division of Public Information and Education is established within the Department of Inland Fisheries and Wildlife and is responsible for the administration of programs to increase the public's knowledge and understanding of inland fisheries and wildlife resources and the management of these resources, including the administration of education programs for hunter safety and for the safe operation of snowmobiles, watercraft and all-terrain vehicles. The division's responsibilities include public education, promotion of inland fisheries and wildlife resources and the dissemination of information. The division's responsibilities also include conducting annual campaigns promoting safety in the handling and use of firearms, watercraft, all-terrain vehicles and snowmobiles as well as campaigns promoting safety with respect to other outdoor activities to the extent the division determines doing so would help improve safety in the woodlands and inland waters of the State. Campaigns to promote safety must be designed to reach target audiences effectively through television, radio, Internet or other communication mediums.

See title page for effective date.

**CHAPTER 191**  
**S.P. 221 - L.D. 708**

**An Act To Allow the Transfer  
of a Moose Hunting Permit to a  
Disabled Veteran**

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

**Whereas**, this bill needs to take effect before the expiration of the 90-day period in order to ensure the timely transfer of moose permits to disabled veterans before the next moose hunt; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §11154, sub-§16** is enacted to read:

**16. Moose permit transfer; disabled veterans.** A person who holds a valid moose permit may transfer, in accordance with this subsection, that permit to a disabled veteran who meets the eligibility and permit requirements under this section and section 10853, subsection 4 and who is not otherwise prohibited from holding a moose permit. The commissioner may authorize a permit holder to transfer the moose permit to a disabled veteran identified by the permit holder or the permit holder may return the permit to the department, which, in accordance with rules adopted by the commissioner, shall provide for the transfer of the permit to a disabled veteran. A transferor and a transferee of the permit are subject to the elimination of any accumulated points under subsection 8 and the 3-year ineligibility period under subsection 5. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 5, 2019.

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**CHAPTER 192**  
**H.P. 37 - L.D. 76**

**An Act To Change the  
Composition of the Board of  
Pesticides Control**

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

**Sec. 1. 22 MRSA §1471-B, sub-§1**, as amended by PL 2011, c. 119, §1 and affected by §2 and amended by c. 657, Pt. W, §5, is further amended to read:

**1. Board established.** The Board of Pesticides Control is established by Title 5, section 12004-D, subsection 3, within the Department of Agriculture, Conservation and Forestry. Except as provided in this chapter, the board must be composed of 7 members, appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Senate. To provide the knowledge and experience necessary for carrying out the duties of the board, the board must consist of the following members: one person with practical experience and knowledge regarding the agricultural use of chemicals; one person who has practical experience and knowledge regarding the use of chemicals in forest management; one person from the medical community; a scientist from the University of Maine System having practical experience and expertise in integrated pest management; one commercial applicator; and 2 persons appointed to represent the public. ~~The 2 members appointed to represent the public must represent different geographic areas of the State. One of the members appointed to represent the public must have practical experience and knowledge of methods of sustainable management of indoor or outdoor pests.~~ The term must be for 4 years, except that of the initial appointees, 2 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year terms and one shall serve serves a one-year term. Any vacancy must be filled by an appointment for the remainder of the unexpired term.

**Sec. 2. Application.** This Act does not require the terms of members serving on the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control on the effective date of this Act to be terminated.

See title page for effective date.

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**CHAPTER 193  
H.P. 224 - L.D. 300**

**An Act To Provide School  
Personnel Paid Hourly a Wage  
Pay Option**

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

**Sec. 1. 26 MRSA §621-A, sub-§4**, as amend-  
ed by PL 2001, c. 156, §1, is further amended to read:

**4. School personnel.** Employees of a school  
administrative unit who work the school year schedule  
may, upon written agreement between the employees  
and the school administrative unit, be paid for their  
work during the school year over 12 months or a  
shorter period, as provided in the written agreement.  
For purposes of this subsection, "written agreement"  
includes but is not limited to a collective bargaining  
agreement. A school administrative unit shall provide  
a wage payment option to school personnel who are  
paid on an hourly basis that allows those employees to  
be paid for their work during the school year over 12  
months or a shorter period.

See title page for effective date.

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**CHAPTER 194  
S.P. 136 - L.D. 458**

**An Act To Require Motorists  
To Yield to Transit Buses**

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

**Sec. 1. 29-A MRSA §2053, sub-§9** is enacted  
to read:

**9. Yield to transit buses.** An operator of a vehi-  
cle on a public way that has a maximum speed limit of  
35 miles per hour or less shall yield the right-of-way to  
a transit bus traveling in the same direction as the ve-  
hicle if:

A. The transit bus is equipped with a yield sign  
on the left side of the rear of the transit bus that il-  
luminates to signal the transit bus is reentering the  
traffic flow; and

B. The driver of the transit bus has illuminated  
the yield sign and has activated a turn signal to  
reenter the traffic flow from a bus stop or shoulder  
on a roadway.

For purposes of this subsection, "transit bus" means a  
bus operated or contracted by the State, a municipality  
or other political subdivision for the purpose of trans-  
porting members of the public from one destination to  
another but does not include a school bus.

See title page for effective date.

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**CHAPTER 195  
S.P. 182 - L.D. 595**

**An Act To Amend the Laws  
Governing the Unlawful  
Cutting of Trees**

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

**Sec. 1. 14 MRSA §7552, sub-§3, ¶B**, as re-  
pealed and replaced by PL 2015, c. 241, §1, is amend-  
ed to read:

~~B. Except within areas that have been zoned for  
residential use, for~~ For lost trees the owner may  
choose to claim:

- (1) The market value of the lost trees;
- (2) The diminution in value of the real estate  
as a whole resulting from the violation;
- (3) The forfeiture amounts determined in Ti-  
tle 17, section 2510, subsections 2 and 3; ~~or~~
- (4) If the lost trees are ornamental or fruit  
trees, the costs of replacing, replanting and  
restoring the trees with trees of comparable  
size and the same or equivalent species and  
the actual costs for cleanup of damage caused  
during the cutting; or
- (5) If the lost trees are located within 400  
feet of a dwelling, the costs of replacing, re-  
planting and restoring the trees with trees of  
comparable size and the same or equivalent  
species and the actual costs for cleanup of  
damage caused during the cutting.

In addition, the owner's damages for lost trees that  
are not ornamental or fruit trees or trees located  
within 400 feet of a dwelling may include the  
costs for regeneration of the stand in accordance  
with Title 12, section 8869.

The court may reduce the damages awarded for  
good cause shown when the cutting of trees was  
done negligently or without fault.

Public utilities, as defined in Title 35-A, section  
102, and contractors performing work for public  
utilities are not liable for damages under this par-  
agraph for lost trees the trimming or removal of  
which is necessary to provide safe and reliable  
service to the customers of the public utilities.

**Sec. 2. 14 MRSA §7552, sub-§3, ¶B-1**, as  
enacted by PL 2015, c. 241, §2, is repealed.

See title page for effective date.

**CHAPTER 196**  
**H.P. 578 - L.D. 773**

**An Act Regarding Secondary  
School Education Concerning  
Sexual Activity and Sexual  
Assault**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA §4723**, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

**§4723. Health and physical education**

The secondary course of study ~~shall~~ must include instruction in health, safety and physical education, as prescribed by the commissioner, and physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. The secondary course of study must also include instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions. For purposes of this section, "affirmative consent" means consent to sexual activity that can be revoked at any time and does not include silence, lack of resistance or consent given while intoxicated.

**Sec. 2. 20-A MRSA §6209, sub-§4**, as amended by PL 2015, c. 489, §6, is further amended to read:

**4. Review cycle.** The commissioner shall conduct a review of the content standards and performance indicators by content area on a 5-year cycle beginning in the 2015-2016 school year. The review of the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, must be included in the commissioner's review during the 2015-2016 school year. Any changes that are recommended must be approved through the same process used for establishment of the system of learning results. Beginning in the 2016-2017 school year, the commissioner shall review and make recommendations for objective measures that may be used to substantiate school certifications of postsecondary readiness. The review of the content standards and performance indicators for the content area of health, physi-

cal education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, must be included in the commissioner's review beginning in the 2019-2020 school year.

See title page for effective date.

**CHAPTER 197**  
**H.P. 605 - L.D. 831**

**An Act Concerning Visitation  
Rights of Great-grandparents**

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

**Sec. 1. 19-A MRSA §1801**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**§1801. Short title**

This chapter is known and may be cited as the "Grandparents and Great-grandparents Visitation Act."

**Sec. 2. 19-A MRSA §1802, sub-§1**, as amended by PL 2017, c. 402, Pt. C, §37 and affected by Pt. F, §1, is further amended to read:

**1. Grandparent.** "Grandparent" is a parent of a child's parent or the parent of a child's parent. "Grandparent" includes a parent of a child's parent whose parental rights have been terminated pursuant to Title 18-C, section 9-204 or Title 22, chapter 1071, subchapter 6, but only until the child's adoption.

**Sec. 3. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 19-A, chapter 59, in the chapter headnote, the words "visitation rights of grandparents" are amended to read "visitation rights of grandparents and great-grandparents" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 198**  
**H.P. 615 - L.D. 841**

**An Act To Amend the Laws  
Governing Damages Awarded  
for Wrongful Death**

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

**Sec. 1. 18-C MRSA §2-807, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Wrongful death action; damages; limitation.** Every wrongful death action must be brought by and in the name of the personal representative or special administrator of the deceased person, and is distributable, after payment for funeral expenses and the costs of recovery including attorney's fees, directly to the decedent's heirs without becoming part of the probate estate, except as may be specifically provided in this subsection. The amount recovered in every wrongful death action, except as specifically provided in this subsection, is for the exclusive benefit of the deceased's heirs to be distributed to the individuals and in the proportions as provided in sections 2-102 and 2-103. The jury may give damages as it determines a fair and just compensation with reference to the pecuniary injuries resulting from the death. Damages are payable to the estate of the deceased person only if the jury specifically makes an award payable to the estate for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses or, in the case of a settlement, the settlement documents specifically provide for such an allocation to the estate for the same. In addition, the jury may give damages not exceeding ~~\$500,000~~ \$750,000 for the loss of comfort, society and companionship of the deceased, including any damages for emotional distress arising from the same facts as those constituting the underlying claim, to the persons for whose benefit the action is brought. The jury may also give punitive damages not exceeding \$250,000. An action under this section must be commenced within 2 years after the decedent's death, except that if the decedent's death is caused by a homicide, the action may be commenced within 6 years of the date the personal representative or special administrator of the decedent discovers that there is a just cause of action against the person who caused the homicide. If a claim under this section is settled without an action having been commenced, the amount paid in settlement must be distributed as provided in this subsection. A settlement on behalf of minor children is not valid unless approved by the court, as provided in Title 14, section 1605.

See title page for effective date.

**CHAPTER 199**  
**H.P. 639 - L.D. 865**

**An Act To Provide Funding for  
Hunting Opportunities for  
Disabled Veterans**

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

**Sec. 1. 12 MRSA §10201, sub-§7** is enacted to read:

**7. Donations for disabled veterans.** The commissioner may accept money donated to support hunting opportunities in the State for disabled veterans. Any money donated to the department for this purpose must be transferred to the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to be deposited into the Hunting Opportunities for Disabled Veterans Fund established in Title 37-B, section 516.

**Sec. 2. 37-B MRSA §516** is enacted to read:

**§516. Hunting Opportunities for Disabled  
Veterans Fund**

The Hunting Opportunities for Disabled Veterans Fund, referred to in this section as "the fund," is established as a nonlapsing fund administered by the director for the purpose of supporting hunting opportunities in the State for disabled veterans. The fund receives transfers to the fund in accordance with Title 12, section 10201, subsection 7. The director may also accept and deposit into the fund any monetary gifts, donations or other contributions from public or private sources for the purposes of the fund. To the extent funds are available in the fund, the director, with assistance from the Department of Inland Fisheries and Wildlife, shall request proposals for use of those funds from organizations that provide disabled veterans with hunting opportunities in the State and shall fund those proposals that, as determined by the director, will most effectively support the purposes of the fund. The Commissioner of Defense, Veterans and Emergency Management may adopt rules governing the process for accepting proposals and disbursing funds from the fund. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY  
MANAGEMENT, DEPARTMENT OF  
Veterans Services 0110**

Initiative: Provides an ongoing allocation to establish the Hunting Opportunities for Disabled Veterans Fund to support hunting opportunities for disabled veterans.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

**CHAPTER 200  
S.P. 260 - L.D. 894**

**An Act To Expressly Allow Nonprofit Corporations To Conduct Electronic Voting**

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

**Sec. 1. 13-B MRSA §604, sub-§2**, as enacted by PL 1977, c. 525, §13, is amended to read:

**2. Members to vote in person or by proxy; validity.** A member entitled to vote may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by proxy executed in writing by the member or by ~~his~~ the member's duly authorized attorney-in-fact. ~~No A proxy shall be is not~~ valid after 11 months from the date of its execution, unless otherwise provided in the proxy. Where directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail or by electronic transmission.

**Sec. 2. 13-B MRSA §604, sub-§5** is enacted to read:

**5. Voting by electronic transmission.** The bylaws may provide, or the board of directors or members may determine, that some or all votes by members, as well as actions taken in accordance with section 606, may be conducted by electronic transmission under procedures established by the corporation. A vote conducted by electronic transmission must be filed with the minutes of members' meetings and has the same effect as an in-person vote or a vote by proxy.

See title page for effective date.

**CHAPTER 201  
H.P. 731 - L.D. 976**

**An Act To Require Additional Lead Screening for Children**

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

**Sec. 1. 22 MRSA §1315, sub-§5-C**, as amended by PL 2015, c. 267, Pt. LLLL, §1, is further amended to read:

**5-C. Lead poisoning.** "Lead poisoning" means a confirmed elevated level of blood lead ~~that is injurious, as defined in rules adopted by the department using reference levels no higher than the 97.5th percentile of blood lead levels in children established by a national health and nutrition examination survey adopted by the federal Department of Health and Human Services, Centers for Disease Control and Prevention that is equal to or exceeds 5 micrograms per deciliter.~~

**Sec. 2. 22 MRSA §1330** is enacted to read:

**§1330. Report**

The department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters whenever the federal Department of Health and Human Services, Centers for Disease Control and Prevention adopts a new blood lead reference level based on the 97.5th percentile of blood lead levels in children established by a national health and nutrition examination survey.

See title page for effective date.

**CHAPTER 202  
H.P. 740 - L.D. 985**

**An Act To Maintain High School Diploma Standards by Repealing Proficiency-based Diploma Standards and Adding the Equivalent in Standards Achievement**

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

**Sec. 1. 20-A MRSA §4722**, as amended by PL 2017, c. 466, §§8 and 9, is further amended to read:

**§4722. High school diploma standards**

~~A secondary school shall provide a comprehensive program of instruction leading to a high school diploma as set out in section 4721. The commissioner shall develop rules for the transition between the requirements of this section and the parameters for es~~

essential instruction and graduation requirements established under section 6209.

**1. Minimum instructional requirements.** A comprehensive program of instruction ~~The instructional requirements leading to a high school diploma must include a minimum 4-year program that meets the curriculum requirements established by this chapter section and any other instructional requirements established by the commissioner and the school board.~~

**2. Required subjects.** ~~Courses~~ Instruction in the following subjects ~~shall~~ must be provided in separate or integrated study programs ~~to all, and students and required must complete the following minimum requirements~~ for a high school diploma:

- A. English--4 years or the equivalent in standards achievement;
- B. Social studies and history, including American history, government, civics and personal finance--2 years or the equivalent in standards achievement;
- C. Mathematics--2 years or the equivalent in standards achievement;
- D. Science, including at least one year of laboratory study--2 years or the equivalent in standards achievement; and
- E. Fine arts, which may include art, music, forensics or drama--one year or the equivalent in standards achievement.

**2-A. Implementation of multiple pathways and opportunities.** Students may demonstrate achievement of the standards through multiple pathways ~~as set out under~~ including those identified in section 4703 and multiple opportunities. Achievement may be demonstrated by evidence documented by course and learning experiences using multiple measures, such as, but not limited to, examinations, quizzes, portfolios, performances, exhibitions, projects and community service.

**2-B. Policy.** The following are the fundamental policies in the State's high school diploma standards:

- A. To ensure that a diploma indicating graduation from a secondary school signifies that the graduate has completed the requirements described in this section and is ready to enter a postsecondary educational program or a career as a clear and effective communicator, a self-directed and lifelong learner, a creative and practical problem solver, a responsible and involved citizen and an informed and integrative thinker;
- B. To recognize that in order to help students to reach the goal described in paragraph A, school administrative units must align their instruction with the system of learning results established under section 6209; and

C. To encourage school administrative units to develop innovative multiple pathways that allow all students to learn and demonstrate their achievement through multiple means and measures pursuant to subsection 2-A.

**3. Satisfactory completion.** A diploma may be awarded to a secondary school ~~students~~ student who ~~have~~ has satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this ~~chapter~~ section. All secondary school students must achieve the content standards of the parameters for essential instruction and graduation requirements established pursuant to section 6209. ~~Children~~ A child with ~~disabilities~~ a disability, as defined in section 7001, subsection 1-B, who ~~successfully meet the content standards of the parameters for essential instruction and graduation~~ satisfies the local diploma requirements in addition to any other diploma requirements applicable to all secondary school students, as the manner specified by the goals and objectives of their the child's individualized education plans, may plan must be awarded a high school diploma. Career and technical students may, consistent with the approval of the commissioner and the local school board, satisfy the requirements of subsection 2 through separate or integrated study within the career and technical school curriculum, including through courses provided pursuant to section 8402 or 8451-A.

**4. Exception.** A secondary school student who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education or a secondary school student who has satisfactorily completed the junior and senior years in a dual enrollment career and technical education program formed pursuant to chapter 229 may be eligible to receive a high school diploma from the secondary school the student last attended, although the student may not meet the graduation requirements of this Title.

**5. Advanced study.** Nothing in this chapter may prevent the award of a diploma to a student who has completed all diploma requirements in fewer than 4 years of study.

**6. Exception for certain veterans.** A secondary school may award a high school diploma to a person who meets all of the following requirements. A diploma may be awarded posthumously.

- A. The person or the person's family must apply to the secondary school for the diploma.
- B. The person must either:
  - (1) Have attended the secondary school or attended a secondary school in the geographic area now served by the secondary school; or
  - (2) Currently reside in the geographic area served by the secondary school.

- C. The person must have left secondary school:
  - (1) Before or during World War II to serve in the Armed Forces during World War II;
  - (2) Before or during the Korean Conflict to serve in the Armed Forces in the Korean Conflict;
  - (3) Before or during the Vietnam War to serve in the Armed Forces during the Vietnam War era. For purposes of this subparagraph, "Vietnam War era" means the period beginning February 28, 1961 and ending May 7, 1975; or
  - (4) To serve in the Armed Forces during the period of wartime or peacetime after a period of wartime described in subparagraph (1), (2) or (3).

- D. The person did not graduate or receive a high school diploma because of service in the Armed Forces.
- E. The person received an honorable discharge or a certificate of honorable service from the Armed Forces.

For purposes of this subsection, "Armed Forces" means the Army, Navy, Air Force, Marine Corps or Coast Guard; and the Merchant Marines only for the period of December 7, 1941 to August 16, 1945.

7. **Applicability of requirements.** This section applies to the granting of diplomas to secondary school students beginning January 1, 2019.

**Sec. 2. 20-A MRSA §4722-A**, as amended by PL 2017, c. 466, §10, is repealed.

See title page for effective date.

**CHAPTER 203  
S.P. 307 - L.D. 1047**

**An Act To Prohibit  
Consideration of Naloxone  
Purchases in Life Insurance  
Underwriting**

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

**Sec. 1. 24-A MRSA §2159-E** is enacted to read:

**§2159-E. Discrimination against naloxone hydrochloride purchases prohibited in life insurance**

**1. Discrimination prohibited.** Notwithstanding any provision of law to the contrary and except as pro-

vided in subsection 2, an insurer authorized to do business in this State may not:

A. Limit coverage or refuse to issue or renew coverage of an individual under any life insurance policy due to the fact that the individual has been issued a prescription for naloxone hydrochloride or has purchased naloxone hydrochloride in accordance with Title 22, section 2353;

B. Consider the fact that an individual has been issued a prescription for naloxone hydrochloride or has purchased naloxone hydrochloride in determining the premium rate for coverage of that individual under a life insurance policy; or

C. Otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price or any other condition of a life insurance policy based solely and without any additional actuarial justification upon the fact that an individual has been issued a prescription for naloxone hydrochloride or has purchased naloxone hydrochloride.

**2. Exception.** An insurer may take an action described in subsection 1 with respect to an individual who has a demonstrated history of opioid use disorder.

See title page for effective date.

**CHAPTER 204  
H.P. 813 - L.D. 1109**

**An Act Regarding All-terrain  
Vehicles**

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

**Sec. 1. 12 MRSA §13001, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**3. All-terrain vehicle or ATV.** "All-terrain vehicle" or "ATV" means a motor-driven, off-road, recreational vehicle that was originally designed by the manufacturer for and is capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. "All-terrain vehicle" or "ATV" includes, but is not limited to, a multitrack, multiwheel or low-pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this subpart, "all-terrain vehicle" or "ATV" does not include ~~an automobile a motor vehicle as defined in Title 29-A, section 101, subsection 7; an electric personal assistive mobility device as defined in Title 29 A, section 101, subsection 22 A; a truck as defined in Title 29 A, section 101, subsection~~

~~88; a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; or a vehicle used exclusively for emergency, military, law enforcement or fire control purposes 42.~~

**Sec. 2. 12 MRSA §13157-A, sub-§5-A**, as enacted by PL 2007, c. 202, §1, is amended to read:

**5-A. Operating a motor vehicle on an ATV trail.** A person may not operate a ~~truck, pickup truck or passenger motor vehicle as defined in Title 29-A, section 101, subsection 42~~ on a designated ATV trail that is not on a gravel road system unless that use has been authorized by the landowner or the landowner's agent or it is necessitated by an emergency involving the safety of a person or property. ~~For purposes of this subsection, "pickup truck" and "truck" have the same meanings as in Title 29-A, section 101, subsections 55 and 88, respectively, and "passenger vehicle" means a self-propelled 4 wheel motor vehicle designed primarily to carry passengers on public roads.~~

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

See title page for effective date.

## CHAPTER 205

### S.P. 359 - L.D. 1173

#### An Act To Allow the Direct Sale of Electricity

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

**Sec. 1. 35-A MRSA §102, sub-§1-A** is enacted to read:

**1-A. Abutting property.** "Abutting property" means, with respect to a parcel of land, another parcel of land that shares a common property boundary, except that "abutting property" does not include a parcel of land separated from another parcel by a public road or highway.

**Sec. 2. 35-A MRSA §102, sub-§20-B**, as enacted by PL 1999, c. 398, Pt. A, §9 and affected by §§104 and 105, is amended to read:

**20-B. Transmission and distribution utility.** "Transmission and distribution utility" means a person, its lessees, trustees or receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation

within the State, except where the electricity is distributed by the entity that generates the electricity through private property alone solely for that entity's own use ~~or the use of the entity's tenants and not for sale to others. the use of:~~

A. The entity;

B. The entity's tenants; or

C. Commercial or industrial consumers located on:

(1) The property where the entity is located or on abutting property; or

(2) A commercial or industrial site that was served by the entity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

**Sec. 3. 35-A MRSA §2102, sub-§5** is enacted to read:

**5. Exemption for certain private electric facilities.** The provisions of this section do not apply to the construction of a transmission line, together with all associated equipment and facilities, that is constructed, owned and operated by a generator of electricity for the purpose of electrically and physically interconnecting that generator to a commercial or industrial consumer of the electricity that is located on:

A. The property where the entity that generates the electricity is located or on abutting property; or

B. A commercial or industrial site that was served by the entity that generates the electricity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

**Sec. 4. 35-A MRSA §3132, sub-§1-B**, as enacted by PL 2007, c. 148, §2, is amended to read:

**1-B. Exception; generator interconnection transmission facility.** The construction of a generator interconnection transmission facility is not subject to the requirements of this section. For the purposes of this subsection, "generator interconnection transmission facility" means a transmission line, together with all associated equipment and facilities, that is constructed, owned and operated by a generator of electricity solely for the purpose of electrically and physically interconnecting such generator to ~~the transmission system of a transmission and distribution utility.~~

A. The transmission system of a transmission and distribution utility; or

B. A commercial or industrial consumer of the electricity that is located on:

(1) The property where the entity that generates the electricity is located or on abutting property; or

(2) A commercial or industrial site that was served by the entity that generates the electricity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

**Sec. 5. 35-A MRSA §3201, sub-§5**, as amended by PL 2015, c. 29, §2, is further amended to read:

**5. Competitive electricity provider.** "Competitive electricity provider" means a marketer, broker, aggregator or any other entity selling electricity to the public at retail, but does not include an electric vehicle charging station ~~provider~~ or an entity that generates electricity solely for the use of:

A. The entity;

B. The entity's tenants; or

C. Commercial or industrial consumers located on:

(1) The property where the entity is located or on abutting property; or

(2) A commercial or industrial site that was served by the entity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

**Sec. 6. 35-A MRSA §3217, sub-§4** is enacted to read:

**4. Direct sales.** Beginning in 2022 and every 3 years thereafter, the commission shall include in its report pursuant to section 120, subsection 7, information regarding the incidence of direct sales of electricity by an entity that generates electricity to commercial or industrial consumers located on the property where the entity that generates the electricity is located or on abutting property or on a commercial or industrial site that was served by the entity that generates the electricity or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018.

**Sec. 7. Precedent established by Public Utilities Commission.** The provisions of this Act may not, except to the extent the provisions expressly modify the Maine Revised Statutes, Title 35-A, sections 102, 2102, 3132 and 3201, be interpreted to otherwise modify or nullify the analytical framework and precedent for analyzing when an entity is a transmission and distribution utility or a competitive electricity provider established by the Public Utilities Commission in opinions and orders issued prior to the effective date of this Act, including, but not limited to, opinions and orders issued under Docket Number 2000-653,

Request for Commission Investigation Regarding the Plans of Boralex Stratton Energy, Inc. to Provide Electric Service Directly from Stratton Lumber Company and Docket Number 2011-200, ReEnergy Rumford, LLC, Request for Advisory Ruling.

See title page for effective date.

## CHAPTER 206

### S.P. 395 - L.D. 1275

#### An Act To Support Access to Health Services for Homeless Youth in Maine

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

**Sec. 1. 22 MRSA §1503, sub-§1**, as enacted by PL 1995, c. 694, Pt. C, §8 and affected by Pt. E, §2, is repealed and the following enacted in its place:

**1. Living separately; independent of parental support.** Is living separately from parents or a legal guardian and is independent of parental support. A minor may prove that the minor meets the requirements of this subsection with documentation including, but not limited to:

A. A written statement affirming that the minor is living separately from parents or a legal guardian and is independent of parental support signed by:

(1) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;

(2) A local education agency liaison for homeless children and youth designated pursuant to 42 United States Code, Section 11432(g)(1)(J)(ii) or a school social worker or counselor; or

(3) An attorney representing the minor in any legal matter;

B. A copy of a protection from abuse complaint or a temporary order or final order of protection against the minor's parent or legal guardian; or

C. Proof of filing a petition for emancipation pursuant to Title 15, section 3506-A;

**Sec. 2. 22 MRSA §1503**, as enacted by PL 1995, c. 694, Pt. C, §8 and affected by Pt. E, §2, is amended by adding at the end a new paragraph to read:

A health care practitioner who obtains documentation that meets the requirements of this section prior to providing medical, mental, dental or other health counseling or services to a minor pursuant to this sec-

tion is immune from any civil or criminal liability based on the health care practitioner's determination to provide services, except that a health care practitioner may be held liable for the health care practitioner's gross negligence or willful or wanton acts or omissions.

See title page for effective date.

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## CHAPTER 207

### S.P. 403 - L.D. 1307

#### An Act To Promote Snowmobiling in Maine

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

**Sec. 1. 12 MRSA §13104, sub-§7, ¶E**, as enacted by PL 2017, c. 97, §1, is amended to read:

E. The commissioner may annually establish one 3-consecutive-day period, 2 days of which are weekend days, during which a nonresident may operate in the State a snowmobile that is not registered in this State if the nonresident's snowmobile has a valid registration from another state or a Canadian province and if the nonresident has submitted notification under paragraph F.

**Sec. 2. 12 MRSA §13104, sub-§7, ¶F** is enacted to read:

F. The commissioner shall establish an online notification process to promote seasonal nonresident snowmobile registration opportunities to nonresident snowmobile operators and to promote general snowmobile recreational activities in the State through regional state tourism organizations and a statewide organization with an interest in snowmobiling. The process must allow a nonresident who plans to operate in this State during the 3-consecutive-day period under paragraph E a snowmobile that is not registered in this State to provide information to the department using an electronic form accessible through the department's publicly accessible website. The commissioner may not require a fee to submit the electronic form. The electronic form must:

(1) Briefly describe the purpose of this process and clearly indicate that the notification process is free;

(2) Request the nonresident snowmobile operator's name, address, telephone number and e-mail address and the location or locations where the nonresident plans to operate the snowmobile during the 3-consecutive-day period under paragraph E; and

(3) Include a statement that by submitting the electronic form the person named on the electronic form authorizes the commissioner to share the information on the electronic form with the Department of Economic and Community Development, Office of Tourism after the end of the 3-consecutive-day period under paragraph E for purposes of promoting seasonal nonresident snowmobile registration opportunities to nonresident snowmobile operators and promoting general snowmobile recreational activities in the State through regional state tourism organizations and a statewide organization with an interest in snowmobiling.

The commissioner shall share the information collected on the electronic form under this paragraph with the Department of Economic and Community Development, Office of Tourism annually after the end of the 3-consecutive-day period under paragraph E for purposes of promoting seasonal nonresident snowmobile registration opportunities to nonresident snowmobile operators and promoting general snowmobile recreational opportunities in the State through regional state tourism organizations and a statewide organization with an interest in snowmobiling.

Notwithstanding any other provisions of law, failure to comply with this paragraph is not a violation of any law or rule administered by the department. Nothing in this paragraph relieves a person of the person's responsibilities under any law or rule regulating the ownership or operation of a snowmobile in the State.

**Sec. 3. Production and distribution of promotional materials relating to seasonal nonresident snowmobile registration and snowmobile recreational opportunities.**

The Director of the Office of Tourism within the Department of Economic and Community Development shall, within existing budgeted resources, collaborate with the Commissioner of Inland Fisheries and Wildlife in the production and distribution through regional state tourism organizations and a statewide organization with an interest in snowmobiling of promotional materials relating to seasonal nonresident snowmobile registration and general snowmobile recreational opportunities using information collected pursuant to the Maine Revised Statutes, Title 12, section 13104, subsection 7, paragraph F.

**Sec. 4. Effective date.** This Act takes effect January 1, 2020.

Effective January 1, 2020.

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**CHAPTER 208  
H.P. 949 - L.D. 1314**

**An Act To Extend Protections  
for Genetic Information**

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

**Sec. 1. 24-A MRSA §2159-C, sub-§4** is enacted to read:

**4. Use of information obtained through direct-to-consumer genetic testing.** In connection with the issuance, withholding, extension or renewal of an insurance policy for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit accident insurance or an annuity, an insurer may not request, require, purchase or use information obtained from an entity providing direct-to-consumer genetic testing without the informed written consent of the individual who has been tested.

See title page for effective date.

**CHAPTER 209  
H.P. 395 - L.D. 538**

**An Act To Ensure Access to  
Medical Cannabis for Visiting  
Qualifying Patients**

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

**Whereas,** the requirement in current law that visiting qualifying patients must obtain a written certification from their own medical providers that meets the qualifications of Maine law is complicated and onerous; and

**Whereas,** the summer tourism season, during which visiting qualifying patients will need access to marijuana for medical use in this State, is quickly approaching; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §2423-D,** as amended by PL 2017, c. 452, §7, is further amended to read:

**§2423-D. Authorized conduct by a visiting  
qualifying patient**

A visiting qualifying patient from another jurisdiction that authorizes the medical use of marijuana pursuant to a law recognized by the department who possesses a valid written certification as described in section 2423-B from the visiting qualifying patient's medical provider and a valid medical marijuana certification from that other jurisdiction and photographic identification or a driver's license from that jurisdiction may engage in conduct authorized for a qualifying patient under this chapter, except that a visiting qualifying patient may not:

1. **Cultivate.** Cultivate marijuana plants;
2. **Possess.** Possess more than 2 1/2 ounces of harvested marijuana in a 15-day period; or
3. **Transfer or furnish.** Transfer or furnish harvested marijuana to another person;

~~4. **Obtain.** Obtain harvested marijuana from a registered caregiver or dispensary unless the visiting qualifying patient has designated the registered caregiver or dispensary in order to have that caregiver or dispensary provide harvested marijuana to the visiting qualifying patient. A designation pursuant to this subsection must be in a standardized written document, developed by the department, and signed and dated by the visiting qualifying patient. The designation is valid for the term provided by the visiting qualifying patient's medical provider pursuant to section 2423-B. The document must include the signed acknowledgment of the registered caregiver or dispensary that the caregiver or dispensary may be contacted to confirm the designation of the caregiver or dispensary to provide harvested marijuana to the visiting qualifying patient.~~

The department shall maintain a list of other jurisdictions that authorize the medical use of marijuana and the images of the valid medical marijuana certifications from those jurisdictions and make that information available to registered caregivers and registered dispensaries.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 6, 2019.

**CHAPTER 210**  
**H.P. 711 - L.D. 956**

**An Act To Allow Student  
License Holders in the  
Monhegan Lobster  
Conservation Area To Fish for  
or Take Lobsters during a  
Closed Season**

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

**Whereas,** it is important for a student license holder to gain experience during the summer months when it is safer to fish and when that license holder is not in school; and

**Whereas,** it is necessary that this legislation take effect by June 26, 2019 in order for a student license holder in the Monhegan Lobster Conservation Area to be able to fish for or take lobster during the interim between school years; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §6421, sub-§3-A, ¶E,** as amended by PL 2015, c. 68, §3, is further amended to read:

E. A student license authorizes the license holder to engage in the licensed activities under subsection 2. A student license may be issued only to a person who, at the time of application, is 8 years of age or older and under 23 years of age. A Except as provided in section 6477, a person issued a student license may not submerge more than:

- (1) Ten lobster traps in the coastal waters of the State if the person is 8 years of age or older and under 11 years of age;
- (2) Fifty lobster traps in the coastal waters of the State if the person is 11 years of age or older and under 14 years of age; or
- (3) One hundred and fifty lobster traps in the coastal waters of the State if the person is 14 years of age or older and under 23 years of age.

A person issued a student license is enrolled in the apprentice program under section 6422. When applying for a license the person must designate a

sponsor and may designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section.

**Sec. 2. 12 MRSA §6472, sub-§1,** as amended by PL 2007, c. 219, §2, is further amended to read:

**1. Closed season.** Except as provided in section 6477, it is unlawful for a person to fish for or take lobsters in the Monhegan Lobster Conservation Area from June 26th to August 31st September 30th, both days inclusive, and on any day not included in the open season established by the commissioner under subsection 2.

**Sec. 3. 12 MRSA §6477,** as enacted by PL 1997, c. 574, §4, is repealed and the following enacted in its place:

**§6477. Student license holder**

**1. Trap tags.** Notwithstanding section 6474, a person issued a student license under section 6421 may not be issued by the commissioner more than:

A. Ten Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 8 years of age or older and under 11 years of age;

B. Twenty-five Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 11 years of age or older and under 14 years of age; or

C. Fifty Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 14 years of age or older and under 23 years of age.

The license holder must tend the tagged traps from a vessel operated by a person registered under section 6474. The student license holder must be present when that license holder's lobster traps are tended. A student license holder shall certify on forms supplied by the commissioner that a person registered under section 6474 authorizes the student license holder to fish for or take lobsters from that person's vessel.

**2. Student fishing during the closed season.** Notwithstanding section 6472, subsection 1, a person with a student license issued pursuant to section 6421 who is issued trap tags pursuant to this section is authorized to fish for or take lobsters in the Monhegan Lobster Conservation Area during the closed season if that closed season occurs during an interim between school years.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 6, 2019.

**CHAPTER 211**

**H.P. 1140 - L.D. 1578**

**An Act To Improve  
Administration of the Maine  
Aeronautical Advisory Board  
and the Public Transit  
Advisory Council**

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

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to allow the Commissioner of Transportation to adjust the memberships of the Maine Aeronautical Advisory Board and the Public Transit Advisory Council at the beginning of the next fiscal year on July 1, 2019; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 6 MRSA §302**, as amended by PL 2009, c. 485, §1, is further amended to read:

**§302. Maine Aeronautical Advisory Board**

**1. Board established.**

A. The Maine Aeronautical Advisory Board, established by Title 5, section 12004-I, subsection 81, and in this section called "the board," ~~shall be~~ is a board within the Department of Transportation.

**2. Membership.**

A. The membership of the board consists of at least 7 voting members: ~~one person from an airport association in the State appointed by the association's board of directors; one person from a pilot's association in the State appointed by the association's board of directors; and the remaining members~~ appointed by the Commissioner of Transportation. All members shall serve a term of office of 2 years consistent with the state fiscal year. ~~Vacancies in membership must be filled in the same manner as the original appointment. The commissioner serves as secretary of the board. Terms must be staggered so that approximately half of the board is renewed each year. The commissioner shall endeavor to appoint a balance~~

of public and private sector members holding diverse knowledge and perspectives of the aeronautics industry. Vacancies may be filled to serve out the remainder of a term if a member resigns or is terminated for cause or a vacancy is created in any other manner.

B. The commissioner or the commissioner's designee shall serve as a nonvoting secretary and clerk of the board and be responsible for board records and filings. All other members are voting members.

C. The board shall annually elect a chair and vice-chair from among its membership to serve a one-year term. If a vacancy occurs in the office of chair or vice-chair, the board shall endeavor to fill that office for the remainder of the term.

D. Members are not entitled to compensation.

**3. Meetings.**

~~A. The board shall annually elect a chair from among its members, and the chair serves a term of one year. The board shall meet at the call of the chair, or at the call of at least 3 members of the board, and there must be at least one meeting held a year at which time officers are elected for the ensuing year.~~

~~B. Members shall be compensated as provided in Title 5.~~

**4. Duties.**

~~A. The board shall advise the department on matters relating to aeronautics and recommendations for change to the aeronautical laws and comments upon the present and future needs of that service.~~

4-A. Powers. The board is authorized to adopt bylaws and other appropriate policies to effectively govern its proceedings.

**5. Staff support.**

A. The department shall supply reasonable staff support requested by the board.

**6. Transition.**

A. Of the initial members appointed to the board, 3 shall serve for a term of one year and 2 shall serve for a term of 2 years. After expiration of the initial term of any member of the board, any appointment to the membership ~~shall be~~ is for a term of 2 years.

**Sec. 2. 23 MRSA §4209-A**, as enacted by PL 2015, c. 182, §8, is amended to read:

**§4209-A. Public Transit Advisory Council**

**1. Council established.** The Public Transit Advisory Council, referred to in this section as "the council," is established in accordance with Title 5, section

12004-I, subsection 82-A to advise the Legislature and the department regarding public transit services in the State. The council shall advise the department on the review and approval of locally coordinated plans for regional transit under section 4209 and shall advise on any statewide strategic transit planning undertaken by the department, including short-term and long-term fiscal, operating and capital investments, and the integration of transit planning with the Sensible Transportation Policy Act.

**2. Membership.** The council must include, but is not limited to, the following:

- A. The commissioner or the commissioner's designee; and
- B. The following individuals appointed by the commissioner:
  - (1) One representative each from the federally designated planning organizations for the Bangor, Kittery, Lewiston and Auburn and Portland regions;
  - (2) One representative of private bus operators;
  - (3) One representative of a statewide non-profit organization advocating on behalf of the elderly;
  - (4) One representative of a medical provider;
  - (5) One representative of a business that relies on public transportation;
  - (6) One representative of a statewide association of planning and development agencies;
  - (7) One representative of an organization representing persons with disabilities;
  - (8) One representative of a nonprofit transit provider;
  - (9) One representative of an economic development organization; and
  - (10) One representative of an organization representing low-income persons.

In making appointments, the commissioner shall ensure that rural and urban areas are represented.

**3. Council invitees.** In addition to the requirements in subsection 2, the commissioner shall invite at least 2 members of the joint standing committee of the Legislature having jurisdiction over transportation matters representing different political parties and at least one representative of the Northern New England Passenger Rail Authority, established in Title 5, section 12004-F, subsection 16, to participate in council meetings. These invitees may be designated as voting council members at the commissioner's discretion.

**4. Terms, vacancies and council chair.** A member of the council appointed pursuant to subsection 2, paragraph ~~E~~ B serves for a term of 3 years. Terms must be staggered so that approximately one-third of the council is renewed each calendar year. If a member is unable to complete the term, the commissioner shall appoint a member from the same category of members listed in subsection 2, paragraph ~~E~~ B as the member who vacated the council to serve out the unexpired portion of the term. The commissioner shall determine how the council is to choose a chair and for how long the chair is to serve.

**4-A. Meetings and deliberations.** The council shall meet no less than once per year at the call of the chair. The council may adopt bylaws and other policies to effectively govern its proceedings.

**5. Report.** The council shall report on its deliberations and any recommendations by March 1st of each odd-numbered year to the Governor and the joint standing committees of the Legislature having jurisdiction over transportation matters and health and human services matters. The report must include ~~the~~ the following:

- A. An assessment of the level of public transportation services provided to the public;
- B. Recommendations for the level of service that should be provided and an estimate of the cost of providing those services; and
- ~~C. Recommendations for the optimal coordination of transit services with other senior and veteran services.~~
- D. A progress report on recommendations contained in the most recent statewide strategic transit plan for the department as well as the quinquennial locally coordinated plan for regional transit under section 4209, subsection 2.

**Sec. 3. Commissioner of Transportation authorized to adjust terms of Maine Aeronautical Advisory Board.** Notwithstanding the Maine Revised Statutes, Title 6, section 302, subsections 2 and 6, the Commissioner of Transportation is authorized to adjust the terms of members of the Maine Aeronautical Advisory Board on July 1, 2019 to comply with the staggered terms requirement in Title 6, section 302, subsection 2, paragraph A.

**Sec. 4. Commissioner of Transportation to adjust terms of Public Transit Advisory Council.** Notwithstanding the Maine Revised Statutes, Title 23, section 4209-A, subsection 4, the Commissioner of Transportation shall adjust the terms of members of the Public Transit Advisory Council on July 1, 2019 appointed pursuant to Title 23, section 4209-A, subsection 2, paragraph B to comply with the staggered terms requirement in Title 23, section 4209-A, subsection 4.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect July 1, 2019.

Effective July 1, 2019.

**CHAPTER 212  
H.P. 1178 - L.D. 1643**

**An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2019-20**

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

**Whereas,** prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2019-20 is as follows:

Fiscal Administration - Office of the State Auditor	\$243,730
Education	12,851,922
Forest Fire Protection	150,000
Human Services - General Assistance	65,000

Property Tax Assessment - Operations	1,470,866
Maine Land Use Planning Commission - Operations	588,000
<b>TOTAL STATE AGENCIES</b>	<b>\$15,369,518</b>
County Reimbursements for Services:	
Aroostook	\$1,511,803
Franklin	976,795
Hancock	239,050
Kennebec	10,870
Oxford	1,459,650
Penobscot	1,125,982
Piscataquis	1,156,857
Somerset	1,618,913
Washington	1,032,529
<b>TOTAL COUNTY SERVICES</b>	<b>\$9,132,449</b>
COUNTY TAX INCREMENT FINANCING DISTRIBUTIONS FROM FUND	
Tax Increment Financing Payments	\$3,867,519
<b>TOTAL REQUIREMENTS</b>	<b>\$28,369,486</b>
COMPUTATION OF ASSESSMENT	
Requirements	\$28,369,486
Less Revenue Deductions:	
General Revenue	
Municipal Revenue Sharing	\$100,000

Homestead Reimbursement	100,000
Miscellaneous Revenues	10,000
Transfer from Fund Balance	350,000
<hr/>	
TOTAL GENERAL REVENUE DEDUCTIONS	\$560,000
Educational Revenue	
Land Reserved Trust	\$70,000
Tuition/School Transportation	80,000
United States Forestry Payment in Lieu of Taxes	5,000
Special - Teacher Retirement	230,000
<hr/>	
TOTAL EDUCATION REVENUE DEDUCTIONS	\$385,000
TOTAL REVENUE DEDUCTIONS	\$945,000
TAX ASSESSMENT BEFORE COUNTY TAXES and OVERLAY (Title 36 §1602)	\$27,424,486

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 6, 2019.

**CHAPTER 213  
H.P. 321 - L.D. 412**

**An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18**

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

**Sec. 1. 20-A MRSA §15680-A, sub-§§1 and 2,** as enacted by PL 2017, c. 284, Pt. C, §35, are repealed.

**Sec. 2. 20-A MRSA §15680-A, sub-§4,** as enacted by PL 2017, c. 284, Pt. C, §35, is repealed and the following enacted in its place:

**4. Beginning in fiscal year 2020-21. Beginning in fiscal year 2020-21, the system administration allocation is \$135 per pupil.**

See title page for effective date.

**CHAPTER 214  
S.P. 157 - L.D. 492**

**An Act To Extend from 6 Months to One Year the Notice Period Required under the Maine Tort Claims Act**

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

**Sec. 1. 14 MRSA §8107, sub-§1,** as amended by PL 1989, c. 327, is further amended to read:

**1. Notice requirements for filing.** Within ~~180~~ 365 days after any claim or cause of action permitted by this chapter accrues, or at a later time within the limits of section 8110, when a claimant shows good cause why notice could not have reasonably been filed within the ~~180-day~~ 365-day limit, a claimant or a claimant's personal representative or attorney shall file a written notice containing:

- A. The name and address of the claimant, and the name and address of the claimant's attorney or other representative, if any;
- B. A concise statement of the basis of the claim, including the date, time, place and circumstances of the act, omission or occurrence complained of;
- C. The name and address of any governmental employee involved, if known;
- D. A concise statement of the nature and extent of the injury claimed to have been suffered; and
- E. A statement of the amount of monetary damages claimed.

**Sec. 2. 14 MRSA §8107, sub-§2,** as amended by PL 2001, c. 249, §1, is further amended to read:

**2. Incapacity.** If the claimant is incapacitated and thereby prevented from presenting and filing the claim within the time prescribed or if the claimant is a minor, the claim may be presented and filed on behalf of the claimant by any relative, attorney or agent representing the claimant. If the claimant is a minor when the cause of action accrues, the notice may be present-

ed within 180 365 days of the minor's attaining 18 years of age.

**Sec. 3. Application.** This Act applies only to causes of action that accrue on or after January 1, 2020.

See title page for effective date.

**CHAPTER 215  
H.P. 642 - L.D. 868**

**An Act To Require That the  
Terms of a Settlement to  
Which a Governmental Entity  
is a Party Be Made Available to  
the Public**

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

**Sec. 1. 14 MRSA §8109, sub-§5** is enacted to read:

**5. Settlement agreement public record.** Except for information that is designated confidential by statute or that is not a public record under Title 1, section 402, subsection 3, a settlement agreement entered into by a governmental entity under this section, including a payment by an insurer of the governmental entity, is a public record.

See title page for effective date.

**CHAPTER 216  
S.P. 275 - L.D. 946**

**An Act To Protect the Privacy  
of Online Customer  
Information**

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

**Sec. 1. 35-A MRSA c. 94** is enacted to read:

**CHAPTER 94**

**BROADBAND INTERNET ACCESS SERVICE  
CUSTOMER PRIVACY**

**§9301. Privacy of broadband Internet access  
service customer personal information**

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

**A. "Broadband Internet access service"** means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet

endpoints, including any capabilities that are incidental to and enable the operation of the service, excluding dial-up Internet access service.

**B. "Customer"** means an applicant for or a current or former subscriber of broadband Internet access service.

**C. "Customer personal information" means:**

(1) Personally identifying information about a customer, including but not limited to the customer's name, billing information, social security number, billing address and demographic data; and

(2) Information from a customer's use of broadband Internet access service, including but not limited to:

(a) The customer's web browsing history;

(b) The customer's application usage history;

(c) The customer's precise geolocation information;

(d) The customer's financial information;

(e) The customer's health information;

(f) Information pertaining to the customer's children;

(g) The customer's device identifier, such as a media access control address, international mobile equipment identity or Internet protocol address;

(h) The content of the customer's communications; and

(i) The origin and destination Internet protocol addresses.

**D. "Provider"** means a person who provides broadband Internet access service.

**2. Privacy of customer personal information.** A provider may not use, disclose, sell or permit access to customer personal information, except as provided in subsections 3 and 4, Title 16, chapter 3, subchapters 10 and 11 and 18 United States Code, Section 2703.

**3. Customer consent exception.** Consent of a customer is governed by this subsection.

**A.** A provider may use, disclose, sell or permit access to a customer's customer personal information if the customer gives the provider express, affirmative consent to such use, disclosure, sale or access. A customer may revoke the customer's consent under this paragraph at any time.

**B.** A provider may not:

(1) Refuse to serve a customer who does not provide consent under paragraph A; or

(2) Charge a customer a penalty or offer a customer a discount based on the customer's decision to provide or not provide consent under paragraph A.

C. A provider may use, disclose, sell or permit access to information the provider collects pertaining to a customer that is not customer personal information, except upon written notice from the customer notifying the provider that the customer does not permit the provider to use, disclose, sell or permit access to that information.

**4. Other exceptions.** Notwithstanding the provisions of subsections 2 and 3, a provider may collect, retain, use, disclose, sell and permit access to customer personal information without customer approval:

A. For the purpose of providing the service from which such information is derived or for the services necessary to the provision of such service;

B. To advertise or market the provider's communications-related services to the customer;

C. To comply with a lawful court order;

D. To initiate, render, bill for and collect payment for broadband Internet access service;

E. To protect users of the provider's or other providers' services from fraudulent, abusive or unlawful use of or subscription to such services; and

F. To provide geolocation information concerning the customer:

(1) For the purpose of responding to a customer's call for emergency services, to a public safety answering point; a provider of emergency medical or emergency dispatch services; a public safety, fire service or law enforcement official; or a hospital emergency or trauma care facility; or

(2) To a provider of information or database management services solely for the purpose of assisting in the delivery of emergency services in response to an emergency.

**5. Security of customer personal information.**

A provider shall take reasonable measures to protect customer personal information from unauthorized use, disclosure or access.

A. In implementing security measures required by this subsection, a provider shall take into account each of the following factors:

(1) The nature and scope of the provider's activities;

(2) The sensitivity of the data the provider collects;

(3) The size of the provider; and

(4) The technical feasibility of the security measures.

B. A provider may employ any lawful measure that allows the provider to comply with the requirements of this subsection.

**6. Notice required.** A provider shall provide to each of the provider's customers a clear, conspicuous and nondeceptive notice at the point of sale and on the provider's publicly accessible website of the provider's obligations and a customer's rights under this section.

**7. Applicability.** The requirements of this section apply to providers operating within the State when providing broadband Internet access service to customers that are physically located and billed for service received in the State.

**Sec. 2. Effective date.** This Act takes effect July 1, 2020.

Effective July 1, 2020.

**CHAPTER 217**

**H.P. 818 - L.D. 1129**

**An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act**

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

**Sec. 1. 22 MRSA §2422, sub-§1-F** is enacted to read:

**1-F. Caregiver retail store.** "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

**Sec. 2. 22 MRSA §2423-A, sub-§2, ¶P**, as enacted by PL 2017, c. 452, §4, is amended to read:

P. Operate one caregiver retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; and

**Sec. 3. 22 MRSA §2423-A, sub-§3, ¶C-1**, as enacted by PL 2017, c. 452, §4, is amended to read:

C-1. A caregiver operating under paragraph C may engage in the conduct authorized in subsection 2, except that a caregiver operating under paragraph C may not:

- (1) Cultivate marijuana plants for more than 2 members of the family or members of the same household;
- (2) Cultivate more than 6 mature marijuana plants and 12 immature marijuana plants for each qualifying patient who has designated the caregiver to cultivate marijuana plants on the patient's behalf;
- (3) Possess more than 8 pounds of harvested marijuana;
- (4) Sell marijuana plants or harvested marijuana at wholesale under subsection 2, paragraph K-1;
- (5) Use a pesticide under subsection 2, paragraph J;
- (6) Operate a caregiver retail store under subsection 2, paragraph P; or
- (7) Organize as a business entity under subsection 2, paragraph Q.

**Sec. 4. 22 MRSA §2424, sub-§4, ¶B**, as enacted by PL 2017, c. 452, §10, is amended to read:

B. Minimum security requirements for registered caregivers operating caregiver retail stores pursuant to section ~~242-A~~ 2423-A, subsection 2, paragraph P and registered dispensaries and any additional location at which a dispensary cultivates marijuana plants for medical use by qualifying patients.

**Sec. 5. 22 MRSA §2429-D**, as enacted by PL 2017, c. 452, §18, is amended to read:

**§2429-D. Local regulation**

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, ~~registered~~ caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A municipality may not:

**1. Registered caregivers.** Prohibit or limit the number of registered caregivers;

**2. Stores, dispensaries, testing and manufacturing facilities.** Prohibit ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under this chapter, including, but not limited to, a conditional use approval or site plan approval.

al. "Municipal approval" does not include issuance of a building, electrical or other similar permit or authorization that does not address the use of the structure or facility for which the permit or authorization is issued; or

**3. Municipal authorization needed.** Authorize ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.

See title page for effective date.

**CHAPTER 218**

**H.P. 954 - L.D. 1319**

**An Act To Prohibit Employer Disciplinary Action against Firefighters and Emergency Medical Services Persons Responding to an Emergency**

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

**Sec. 1. 26 MRSA §809**, as amended by PL 2013, c. 477, §§1 to 6, is further amended to read:

**§809. Absence for emergency response**

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

A. "Employer" means any private or public employer, including the State and political subdivisions of the State.

A-1. "Firefighter" has the same meaning as "municipal firefighter" and "volunteer firefighter" in Title 30-A, section 3151, subsections 2 and 4.

A-2. "Emergency medical services person" has the same meaning as in Title 32, section 83, subsection 12 and includes a volunteer emergency medical services person.

B. "Responding to an emergency" means responding to, working at the scene of or returning from a fire or emergency medical services call, a hazardous or toxic materials spill and cleanup or any other situation to which the fire department or emergency medical services provider has been dispatched.

**2. Prohibition against discharge or disciplinary action.** An employer may not discharge or take any other disciplinary action against or otherwise discriminate against an employee because of the employee's failure to report for work at the beginning of the employee's regular working hours or the employee's absence during the employee's regular working hours if the employee failed to do so or was absent because the employee was responding to an emergency in the employee's capacity as a firefighter or emergency medical services person and the employee reported for work as soon as reasonably possible after being released from the emergency. An employer may charge the lost time against the employee's regular pay or against the employee's available leave time. This subsection does not apply to the absence of a firefighter or emergency medical services person from ~~the firefighter's~~ that person's regular employment as a law enforcement officer, a utility worker or medical personnel when the services of that person are essential to protect public health or safety or if the employee has been designated as essential by the employer pursuant to subsection 6.

**3. Notification; verification.** ~~If time permits, when an employee is responding as a firefighter to an emergency, the~~ An employee responding to an emergency under subsection 2 shall make every effort to immediately notify the employer that the employee may be late arriving to work or absent from work as a result of responding to an emergency prior to or during the employee's regular working hours. Notification ~~may be provided by the employee, the employee's designee or the fire department supervisor shall notify the employer that the employee will not report to work at the appointed time or the emergency medical services provider.~~ At the request of an employer, an employee losing work time as provided in subsection 2 shall provide the employer with a statement from the chief of the fire department or emergency medical services provider or the chief's designee stating that the employee was responding to an emergency call and the time of release from the call verifying that the employee was responding to an emergency and specifying the date, time and duration of the response.

**4. Enforcement; penalty for violation.** If an employer has violated subsection 2, the employee may bring an action in Superior Court in the county in which the employee resides or in the county in which the employer's place of business is located. The action must be brought within one year of the date of the alleged violation. If the court finds that the employer violated subsection 2, and if the employee so requests, the court shall order the employer to reinstate the employee in the employee's former position without reduction of pay, seniority or other benefits. The court also shall order any other appropriate remedy necessary to return the employee to the position the employee would have been in had the employer not vio-

lated subsection 2, including payment of back pay and reinstatement of any other benefits lost during the period in which the discharge or disciplinary action was in effect.

**5. Impact on individual agreements.** This section does not apply if the employer and the employee have entered into a written agreement, signed by the employer and the employee, that governs procedures to be followed when the employee is called to respond to an emergency as a firefighter or emergency medical services person. ~~This subsection applies only if:~~

~~A. The local official in charge of calling out firefighters has a written policy that:~~

~~(1) Specifies the circumstances under which firefighters will be ordered to remain at an emergency; and~~

~~(2) Affirms that firefighters will be released as soon as practicable; and~~

~~B. The employee presents a copy of the policy to the employer upon notifying the employer of the employee's status as a firefighter.~~

**6. Designation as essential.** Upon receiving notice of an employee's firefighter status, an employer may designate the employee essential to the employer's operations when the absence of the employee would cause significant disruption of the employer's business. This designation must be made in writing and signed by both the employee and employer.

**7. Information to be filed by employee with employer.** This section applies only if:

~~A. The chief of the fire department or emergency medical services provider has a written policy that:~~

~~(1) Specifies the circumstances under which firefighters or emergency medical services persons are needed to respond to an emergency; and~~

~~(2) Affirms that firefighters or emergency medical services persons will be released as soon as practicable; and~~

~~B. The employee presents a copy of the policy described in paragraph A to the employer upon notifying the employer of the employee's status as a firefighter or emergency medical services person within 30 days of employment or within 180 days of the effective date of this subsection.~~

An employee shall notify the employer of any change to the employee's status as a firefighter or emergency medical services person, including the termination of that status, within 30 days of the change.

**Sec. 2. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 26, chapter 7, subchapter 4-C, in the

subchapter headnote, the words "firefighter; absence from work" are amended to read "firefighter or emergency medical services person; absence from work" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 219  
H.P. 969 - L.D. 1341**

**An Act To Provide Flexibility  
for Efficient and Effective  
Management of School  
Management and Leadership  
Centers**

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

**Sec. 1. 20-A MRSA §1051, sub-§6, ¶D**, as repealed and replaced by PL 2017, c. 475, Pt. A, §23, is amended to read:

D. A group of school administrative units that have an interlocal agreement pursuant to Title 30-A, chapter 115 in order to establish ~~a school management and leadership~~ an education service center to jointly purchase the services of a superintendent may elect the superintendent in the manner prescribed in their interlocal agreement.

**Sec. 2. 20-A MRSA §3801**, as amended by PL 2019, c. 70, §3, is further amended to read:

**§3801. General provisions**

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

A. "Municipality" means a city, town or organized plantation.

B. "~~School management and leadership~~ Education service center" means a multiservice agency established and operated exclusively for the purposes of developing, managing and providing services or programs to 2 or more members pursuant to section 3802, subsection 2 and may include associate members pursuant to section 3802, subsection 3. A "~~school management and leadership~~ An education service center" is a political subdivision pursuant to section 3802, subsection 7.

**2. Establishment.** A school administrative unit as described in section 3802, subsection 2 may become a member of ~~a school management and leadership~~ an education service center through an interlocal agreement pursuant to Title 30-A, chapter 115 and the

agreement may include associate members as described in section 3802, subsection 3.

**3. Interlocal agreement.** An interlocal agreement establishing ~~a school management and leadership~~ an education service center must include the structure and governance of the ~~school management and leadership~~ education service center and its functions, programs and services.

A. An interlocal agreement must include the specifications required pursuant to Title 30-A, section 2203, subsection 2 and a description of:

(1) The ~~school management and leadership~~ education service center board composition, election or appointment of officers, board member terms and method of voting;

(2) An approval process for a new school administrative unit to join the ~~school management and leadership~~ education service center;

(3) An approval process for an existing member to transfer to another ~~school management and leadership~~ education service center;

(4) The process for determining the sharing of costs for and the assessments of or payments to the ~~school management and leadership~~ education service center;

(5) The budget process that requires ~~a school management and leadership~~ an education service center budget be adopted by a date established in order to meet local school administrative unit budget deadlines. The budget process must include a contingency plan for a budget failure and must be in the cost center summary budget format pursuant to section 1485;

(6) The process for a balanced budget as required by section 3802, subsection 10 and the method of determining the return of any excess funds to the members of the ~~school management and leadership~~ education service center; and

(7) The process for the disposition of indebtedness and property including by sale or lease, transferred to or from or administered by the ~~school management and leadership~~ education service center.

B. An interlocal agreement may include but is not limited to a description of the following:

(1) The approval process for the formation of ~~a school management and leadership~~ an education service center;

- (2) Any associate members, the process for including associate members and their roles in the ~~school management and leadership~~ education service center;
- (3) The process to authorize the ~~school management and leadership~~ education service center to borrow funds for school construction purposes including bonds and notes;
- (4) The process to approve the purchase or lease of buildings or land by the ~~school management and leadership~~ education service center;
- (5) The process by which a ~~school management and leadership~~ an education service center may establish, maintain and expend funds from a reserve fund or contingency fund;
- (6) The process of hiring an executive director or contracting services for leadership for the ~~school management and leadership~~ education service center; and
- (7) A transition plan to move authorized programs and services from a member to the ~~school management and leadership~~ education service center.

An interlocal agreement cannot transfer a school administrative unit's responsibility for providing the opportunity of a free public education to each of its students or a free, appropriate education to each of its students with a disability as required by this Title or by federal law.

**4. Duties of education service center.** ~~A school management and leadership~~ An education service center's functions, programs and services may include but are not limited to the following:

- A. Accounting, payroll and financial management services and procurement;
- B. Transportation, transportation routing and vehicle maintenance;
- C. Reporting functions;
- D. Special education programs and administration;
- E. Gifted and talented programs and administration;
- F. Alternative education programs and administration;
- G. Substitute teachers and staff augmentation;
- H. Technology and technology support;
- I. Food service planning and purchasing;
- J. Energy management and facilities maintenance;

- L. Staff training and professional development;
- M. Shared educational programs or staff;
- N. Shared support service programs;
- O. Educational programs such as summer school, extended school year, tutoring, advanced placement and other programs that serve students and improve student achievement;
- P. Shared extracurricular or cocurricular programs; and
- Q. Superintendent services.

**Sec. 3. 20-A MRSA §§3802 to 3805**, as enacted by PL 2017, c. 284, Pt. VVVVV, §6, are amended to read:

**§3802. Education service center authorized**

~~A school management and leadership~~ An education service center shall provide administrative and education functions in accordance with this chapter and shall function as an extension of the member school administrative units and associate members of the ~~school management and leadership~~ education service center. A member school administrative unit of the ~~school management and leadership~~ education service center cannot transfer the responsibility for providing the opportunity of a free public education to each of its students or a free, appropriate education to each of its students with a disability as required by this Title or by federal law.

**1. Geographic boundaries.** The commissioner shall determine ~~9 to 12~~ geographic areas for the establishment of each ~~school management and leadership~~ education service center. Membership in a particular ~~school management and leadership~~ education service center does not require the member to be physically located in the ~~school management and leadership~~ education service center's geographic boundary.

**2. Members.** Members in a ~~school management and leadership~~ an education service center must be determined by interlocal agreement pursuant to Title 30-A, chapter 115 and may include the following types of school administrative units:

- A. Community school districts pursuant to chapter 105;
- B. Municipal school units pursuant to chapter 111;
- C. Regional school units pursuant to chapter 103-A;
- D. School administrative districts pursuant to chapter 103; ~~and~~
- E. Schools established on tribal lands pursuant to Title 30, chapter 601-; and

F. Public charter schools as defined in chapter 112.

**3. Associate members.** Associate members for a ~~school management and leadership~~ an education service center may include the following through a contractual agreement or memorandum of understanding with the members of the ~~school management and leadership~~ education service center:

- A. Career and technical education regions pursuant to chapter 313, subchapter 4;
- ~~B. Public charter schools as defined in chapter 112;~~
- C. Providers of child development services pursuant to chapter 303;
- D. Magnet schools pursuant to chapters 312 and 312-A;
- E. The Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf pursuant to chapter 304;
- F. Providers of education in the unorganized territory pursuant to chapter 119; or
- G. Municipalities and counties pursuant to Title 30-A.

**4. Provision of services to or from other public entities or nonprofit entities.** ~~A school management and leadership~~ An education service center may provide services to or purchase services from other types of political subdivisions, public entities or nonprofit organizations or associations.

**5. Purchase of services from another education service center.** A member of a ~~school management and leadership~~ an education service center may purchase services from another ~~school management and leadership~~ education service center if not provided by the member's ~~school management and leadership~~ education service center.

**6. Validation.** A ~~school management and leadership~~ an education service center authorized and organized under this chapter is validated, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity that may have occurred in the organization of the ~~school management and leadership~~ education service center or in the selection of the board of that ~~school management and leadership~~ education service center.

**7. Political subdivision.** A ~~school management and leadership~~ an education service center is a political subdivision within the meaning of Title 5, section 19002, subsection 6 and a quasi-municipal corporation within the meaning of Title 30-A, section 5701, and all the provisions of those sections apply to it. Notwithstanding Title 30-A, section 2203, subsection 8, paragraph B, the members of a ~~school management and~~

~~leadership~~ an education service center may delegate eminent domain power to the ~~school management and leadership~~ education service center by agreement. A ~~school management and leadership~~ an education service center is considered a tax-exempt governmental entity for the purposes of Title 36, section 1760, subsection 2.

**8. Executive director; leadership services.** A ~~school management and leadership~~ an education service center shall employ an executive director or contract for leadership services, and the interlocal agreement under section 3801, subsection 3 must specify that the executive director or the provider of leadership services shall administer, in compliance with this chapter, the provisions of the interlocal agreement in the ~~school management and leadership~~ education service center.

**9. Personnel.** The executive director or the provider of leadership services of a ~~school management and leadership~~ an education service center may employ a chief financial officer and may employ additional staff necessary or hire a fiscal agent to administer the functions assigned to the ~~school management and leadership~~ education service center through the provisions of the interlocal agreement under section 3801, subsection 3.

**10. Balanced budget.** A ~~school management and leadership~~ an education service center must have a balanced budget and return excess funds to the members as prescribed by the interlocal agreement under section 3801, subsection 3.

**11. Authority to borrow, expend and accept funds.** A ~~school management and leadership~~ an education service center may:

- A. Borrow funds in anticipation of a member's payment of its share of the ~~school management and leadership~~ education service center budget. ~~Such borrowing;~~
  - ~~(1) Must be repaid within one year; and~~
  - ~~(2) May not at any time exceed 3/4 of the school management and leadership center's annual approved budget;~~
- B. Expend available funds to pay debt service, security and maintenance costs; and
- C. Accept and expend funds from state, federal and other sources and expend those funds on behalf of the members.

**12. Bonding authority.** A ~~school management and leadership~~ an education service center may issue bonds and notes for school construction purposes. For purposes of this section, "school construction purposes" includes minor capital costs relating to maintenance of a school's physical plant. The ~~school management and leadership~~ education service center board

shall decide whether the issuance of bonds or notes by the ~~school management and leadership education service~~ center for school construction purposes is necessary. The board shall determine whether the issuance of bonds or notes is authorized, and, if so, the board shall issue the bonds or notes and administer the proceeds of, and the payment of principal of and interest on, those bonds or notes after issuance. ~~A school management and leadership~~ An education service center may issue bonds and notes for school construction purposes only under the provisions of the interlocal agreement under section 3801, subsection 3.

**13. Withdrawal from education service center.** If a single school administrative unit applies to withdraw, it must demonstrate to the commissioner that ~~as a result of the school administrative unit's withdrawing that there will be no increase in costs or decrease in student programs and services for~~ is in the best interests of the withdrawing school administrative unit and ~~for~~ of any of the remaining member school administrative units of the ~~school management and leadership education service~~ center.

**14. Dissolution of education service center.** ~~A school management and leadership~~ An education service center may not be dissolved unless it applies to the commissioner for approval and:

A. All member school administrative units apply to transfer to another ~~school management and leadership education service~~ center; or

B. If all the member school administrative units of a ~~school management and leadership~~ an education service center apply to dissolve the ~~school management and leadership education service~~ center, they demonstrate to the commissioner that ~~there will be no increase in costs or decrease in student programs and services for any of the member school administrative units of the school management and leadership center~~ it is in the best interests of the member school administrative units of the education service center to dissolve the education service center.

**15. Reporting requirements.** ~~A school management and leadership~~ An education service center must meet state and federal reporting requirements on behalf of each member school administrative unit.

### §3803. Oversight

The commissioner shall provide oversight of the ~~school management and leadership education service~~ centers, and this oversight must include the following.

**1. Data collection; monitoring.** The commissioner or the commissioner's designee is responsible for collecting, analyzing and reporting data from ~~school management and leadership education service~~ centers. The commissioner or the commissioner's designee shall monitor the performance and legal com-

pliance of the ~~school management and leadership education service~~ centers, including collecting and analyzing data to support ongoing evaluation of the ~~school management and leadership education service~~ centers.

**2. Notification of unsatisfactory performance or compliance.** If a ~~school management and leadership~~ an education service center's performance or legal compliance appears unsatisfactory, the commissioner shall promptly provide written notice to the ~~school management and leadership education service~~ center and its members of perceived problems and provide reasonable opportunity for the ~~school management and leadership education service~~ center to remedy the problems. The ~~school management and leadership education service~~ center shall provide the commissioner a corrective action plan to remedy the problems.

### §3804. Audit

~~A school management and leadership~~ An education service center shall adhere to generally accepted accounting principles and shall annually engage an external auditor to do an independent audit of the ~~school management and leadership education service~~ center's finances. The ~~school management and leadership education service~~ center shall submit the audit to its members and to the department. The audit must be conducted in the same manner as a school administrative unit audit in accordance with chapter 221, subchapter 2.

### §3805. Application for and approval of an education service center

**1. Application.** The commissioner shall establish an application process under this chapter for the formation of a ~~school management and leadership~~ an education service center. The application must be in a form and contain such information as required by the commissioner, including, but not limited to:

A. The identification of the school administrative units that are applying to form the ~~school management and leadership education service~~ center;

B. The specified structure and governance of the ~~school management and leadership education service~~ center and its purposes, functions, programs and services;

C. How any savings resulting from the formation of the ~~school management and leadership education service~~ center will be used; and

D. A copy of the proposed interlocal agreement pursuant to section 3801, subsection 3.

**2. Commissioner's approval.** If an application under this section contains the information required pursuant to subsection 1, the commissioner shall notify each school administrative unit participating in the ~~school management and leadership education service~~ center that, pending ~~voter~~ school board approval as set

forth in subsection 3, the ~~school management and leadership education service~~ center is approved pursuant to this chapter. The commissioner shall keep a register of ~~school management and leadership education service~~ centers that have been approved pursuant to this chapter.

**3. School administrative unit approval.** If the commissioner approves an application for a ~~school management and leadership~~ an education service center pursuant to subsection 2, the ~~school management and leadership education service center~~ must receive voter approval using the process specified in the inter-local agreement pursuant to section 3801, subsection 3, paragraph B, subparagraph (1) school board approval.

**Sec. 4. 20-A MRSA §3806**, as enacted by PL 2017, c. 284, Pt. VVVVV, §6, is repealed and the following enacted in its place:

**§3806. Direct state funding of an education service center**

An education service center receives direct state funds for start-up costs in accordance with section 15689, subsection 9. An education service center that provides to members at least 2 different services covering a total of at least 2 different categories as specified in section 15683-C, subsection 2 must receive annual state support for:

**1. Salary and benefits.** Fifty-five percent of the executive director's salary and benefits or contracted leadership services, not to exceed 55% of the statewide average superintendent's salary and benefits using the most recent data available. For purposes of this subsection, "benefits" means the amounts paid by an employer to or on behalf of an employee that are not included in salary but augment salary as part of a full compensation package and are subject to federal income tax withholding;

**2. Accounting system.** An accounting and payroll system or financial software to assist with the fiscal management for the education service center; and

**3. Student information system.** A student information system.

The school administrative units that are members of an education service center must receive state funds in accordance with section 15683-C.

**Sec. 5. 20-A MRSA §5205, sub-§6-B**, as enacted by PL 2017, c. 284, Pt. VVVVV, §7, is amended to read:

**6-B. Education service center enrollment policies.** ~~Members in a school management and leadership~~ an education service center, as defined in section 3801, subsection 1, paragraph B, may adopt a mutual policy allowing the transfer of students, with parental approval, among the member school administrative

units. The mutual policy must set forth procedures and standards governing the transfers, including but not limited to the school year or years in which the policy applies, application procedures and standards of responsibility for transportation and special education. Each member school board that adopts the mutual policy under this subsection shall post a copy of the mutual policy on the school administrative unit's publicly accessible website and shall provide timely notice of the policy to residents of the school administrative unit governed by that school board. For the purposes of chapter 606-B, a student transferred under this subsection is considered a resident of the school administrative unit to which the student transferred.

**Sec. 6. 20-A MRSA §13025, sub-§1, ¶C**, as enacted by PL 2017, c. 477, §1, is amended to read:

C. "School entity" means an approved private school, school administrative unit, public charter school, ~~school management and leadership education service center~~, school in the unorganized territory or school operated by the State.

**Sec. 7. 20-A MRSA §15683-C**, as amended by PL 2019, c. 70, §6, is further amended to read:

**§15683-C. Education service center members; calculation of education service center administration allocation and state contribution**

~~Beginning with fiscal year 2018-19, this~~ This section applies to school administrative units that are members of ~~school management and leadership education service centers~~ pursuant to chapter 123.

**1. Calculation of education service center per-pupil rate.** The commissioner shall calculate a per-pupil amount for ~~school management and leadership education service center~~ administration. The per-pupil amount for ~~school management and leadership education service center~~ administration is based on the actual General Fund expenditures for school administrative units with 2,500 students or more for the functions of school boards, elections and central offices, as defined in the State's accounting handbook for local school systems for the most recent year available, excluding expenditures for administrative technology-related software and less miscellaneous revenues from other local governments, divided by the average of October and April enrollment counts for that fiscal year and adjusted by appropriate trends in the Consumer Price Index or other comparable index.

**2. Categories of services of education service center.** The following are the categories of services that a school administrative unit that is a member of a ~~school management and leadership~~ an education service center pursuant to chapter 123 may purchase for funding purposes under section 3806.

A. Category 1, appropriate instructional services in the least restrictive settings that comply with federal regulations and state rules, including:

- (1) Special education programs and administration;
- (2) Gifted and talented programs and administration;
- (3) Alternative education programs and administration;
- (4) Shared educational programs or staff; and
- (5) Educational programs such as summer school, extended school year, tutoring, advanced placement and other programs that serve students and improve student achievement.

B. Category 2, education support services, including the following services:

- (1) Substitute teachers and staff augmentation;
- (2) Technology and technology support;
- (3) Staff training and professional development;
- (5) Shared support services programs; and
- (6) Shared extracurricular or cocurricular programs.

C. Category 3, central office services, including the following services:

- (1) Accounting, payroll, financial management services and procurement;
- (2) Reporting functions;
- (3) Food service planning and purchasing; and
- (4) Superintendent services.

D. Category 4, facilities and transportation system services, including the following services:

- (1) Transportation, transportation routing and vehicle maintenance; and
- (2) Energy management and facilities maintenance.

**3. Eligibility for education service center allocation.** The commissioner shall determine that a school administrative unit is eligible for a ~~school management and leadership~~ an education service center allocation if according to its ~~school management and leadership~~ education service center interlocal agreement pursuant to section 3801, subsection 3, the school administrative unit purchases at least 2 different services covering a total of at least 2 different cat-

egories from the ~~school management and leadership~~ education service center as specified in subsection 2.

**4. Total allocation and state contribution.** The commissioner shall determine an eligible school administrative unit's total ~~school management and leadership~~ education service center allocation under subsection 3 as the ~~school management and leadership~~ education service center per-pupil rate in subsection 1 multiplied by the school administrative unit's subsidizable pupil count for October 1st of the most recent calendar year prior to the year of funding. The state contribution for each school administrative unit's ~~school management and leadership~~ education service center allocation is the allocation multiplied by the school administrative unit's state share percentage pursuant to section 15672, subsection 31, not to exceed 70% and not less than 30%.

**Sec. 8. 20-A MRSA §15689, sub-§9, ¶¶B and C,** as enacted by PL 2017, c. 284, Pt. VVVVV, §11, are amended to read:

B. For direct support to ~~school management and leadership~~ education service centers established pursuant to chapter 123 including those costs specified in section 3806; and

C. For department costs incurred for the review of applications and interlocal agreements for ~~school management and leadership~~ education service centers under chapter 123.

**Sec. 9. Role of the Department of Education.** In order to provide for the orderly implementation of this Act, the Department of Education shall develop an application form for the formation of an education service center under the Maine Revised Statutes, Title 20-A, section 3805 and convene an application review team. Funds from Title 20-A, section 15689, subsection 9 may be used for the necessary expenses of the department in the development and administration of education service centers.

**Sec. 10. Transition.** A school management and leadership center pursuant to Public Law 2017, chapter 284, Part VVVVV established before the effective date of this Act is deemed to be an education service center under this Act.

**Sec. 11. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 20-A, chapter 123, in the chapter headnote, the words "school management and leadership centers" are amended to read "education service centers" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 12. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes, Title 20-A the words "school management and leadership center" appear or reference is made to

that entity or those words, those words are amended to read or mean, as appropriate, "education service center" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 220**

**H.P. 1011 - L.D. 1397**

**An Act Regarding the Admissibility of Certain Statements of Juveniles**

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

**Sec. 1. 15 MRSA §3204, first ¶**, as amended by PL 1999, c. 624, Pt. B, §7, is further amended to read:

Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made to a juvenile community corrections officer during the course of a preliminary investigation ~~or made to a community resolution team under section 3304~~ are not admissible in evidence at an adjudicatory hearing against that juvenile if a petition based on the same facts is later filed.

**Sec. 2. 15 MRSA §3204**, as amended by PL 1999, c. 624, Pt. B, §7, is further amended by adding at the end the following:

Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made to a juvenile community corrections officer during an informal adjustment or during a restorative justice program or made to a clinical provider during substance use disorder, sexual behavior or mental health assessment or treatment attended by the juvenile are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts that caused the referral for informal adjustment, restorative justice, assessment or treatment.

Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during school disciplinary proceedings, including but not limited to manifestation determinations, special education meetings, suspension meetings or expulsion hearings, are not admissible in evidence during the State's case in chief at an adjudicatory hearing against the juvenile on a petition based on the same facts that caused the need for the school disciplinary proceedings.

As used in this section, "restorative justice program" means a program in which offenders take responsibility for causing harm and engage in a facilitated process with victims, family members, community

members or advocates and others impacted by the harm that focuses on repairing the harm, addressing needs and preventing future harm.

See title page for effective date.

**CHAPTER 221**

**S.P. 436 - L.D. 1408**

**An Act To Allow Law Enforcement Officers To Wear Insignia on Their Uniforms To Indicate That They Are Veterans**

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

**Sec. 1. 25 MRSA c. 411** is enacted to read:

**CHAPTER 411**

**LAW ENFORCEMENT OFFICERS' UNIFORMS**

**§3851. Definitions**

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

**1. Law enforcement agency.** "Law enforcement agency" means any state, county, municipality or other political unit within the territory belonging to the State or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government that employs law enforcement officers.

**2. Law enforcement officer.** "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

**§3852. Law enforcement officer uniform**

Notwithstanding any provision of law to the contrary, a law enforcement agency may allow a law enforcement officer who is a veteran of the Armed Forces of the United States and who is employed by the agency to wear insignia on the officer's uniform to indicate that the officer is a veteran.

See title page for effective date.

**CHAPTER 222**  
**H.P. 1084 - L.D. 1482**

**An Act To Clarify Provisions  
of the Blueberry Tax**

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

**Sec. 1. 36 MRSA §4303, first ¶**, as amended by PL 2013, c. 331, Pt. C, §23, is further amended to read:

There is levied and imposed a tax at the rate of 1 1/2¢ per pound on all wild blueberries processed in ~~this~~ the State and on all unprocessed wild blueberries shipped to a destination outside ~~this~~ the State. All wild blueberries harvested in the State that are to be shipped outside the State for processing must be weighed on a state-certified scale in the State prior to being shipped outside the State. The tax is computed on the gross weight of the wild blueberries as delivered prior to any processing or shipping. The processor that first receives unprocessed wild blueberries in the State, or the shipper that transports unprocessed wild blueberries to a destination outside the State, is responsible for reporting and paying the tax.

**Sec. 2. 36 MRSA §4307**, as amended by PL 2013, c. 331, Pt. C, §28, is further amended to read:

**§4307. Records and reports; payment of tax**

Every processor or shipper responsible for reporting and paying the tax imposed by section 4303 shall, on or before November 1st of each year, report to the State Tax Assessor the quantity of unprocessed wild blueberries that are processed in ~~this~~ the State ~~or~~ shipped to a destination outside the State or imported from a destination outside the State during the current season, on forms furnished by the State Tax Assessor. The report must contain the information pertinent to collection of tax under this chapter as the State Tax Assessor prescribes. With the report, each processor or shipper shall forward payment of the full 1 1/2¢ per pound tax upon all wild blueberries reported.

**1. Shippers.** A shipper shall report the amount of tax due for each load of unprocessed wild blueberries subject to the tax shipped to a destination outside the State, including for each load:

A. The date shipped; and

B. The gross weight of the wild blueberries shipped.

**2. Report to commission.** The State Tax Assessor annually shall forward a report with a summary of the data collected under this section to the Wild Blueberry Commission of Maine, including the total number of pounds of the following:

A. Wild blueberries grown in the State;

B. Wild blueberries processed in the State;

C. Unprocessed wild blueberries imported into the State; and

D. Unprocessed wild blueberries exported from the State.

**Sec. 3. 36 MRSA §4308**, as amended PL 1997, c. 511, §17 and PL 2011, c. 657, Pt. W, §6, is further amended to read:

**§4308. Inspection**

The State Tax Assessor ~~or~~ the assessor's duly authorized agents, the Commissioner of Agriculture, Conservation and Forestry and the commissioner's deputies, agents or employees have authority to enter any place of business of any processor or shipper or any car, boat, truck or other conveyance in which wild blueberries are to be or are being transported, including on a public way, and to inspect any books or records of any processor or shipper, or any premises where wild blueberries are stored, handled, transported or merchandised, for the purpose of determining what wild blueberries are taxable under this chapter or for the purpose of determining the truth or falsity of any statement or return made by any processor or shipper; ~~and the State Tax Assessor may delegate that power to the~~ The Commissioner of Agriculture, Conservation and Forestry, or the commissioner's deputies, agents or employees, shall conduct periodic random inspections of processors and shippers under this section and section 4316, subsection 4.

**Sec. 4. 36 MRSA §4316, sub-§1**, as amended by PL 2007, c. 694, §10, is further amended to read:

**1. Record keeping required.** A shipper or processor who transports or receives wild blueberries shall keep a permanent record of each lot or load of wild blueberries. The record must include the name of the driver of the vehicle used to deliver the wild blueberries, the date of delivery, the delivery point, a copy of the transportation permit, the driver's license number ~~and~~ the total pounds of wild blueberries delivered, the origin of the delivery and, if the origin is a location in the State, the name and address of the grower or seller and the grower's or seller's certificate number if the grower or seller is certified under section 4305.

**Sec. 5. 36 MRSA §4316, sub-§2-A** is enacted to read:

**2-A. Tracking.** Wild blueberries must be uniquely identified during transportation to a receiving facility by the field from which they were harvested.

**Sec. 6. 36 MRSA §4316, sub-§4**, as amended by PL 2007, c. 694, §10 and PL 2011, c. 657, Pt. W, §5, is further amended to read:

**4. Audits.** The Wild Blueberry Commission of Maine may request the Department of Agriculture, Conservation and Forestry to conduct ~~audits~~, and the

department at its own discretion may conduct, an audit of the records of ~~shippers a shipper or processors a processor~~ for the purpose of ascertaining compliance with this section. The ~~commissioner~~ Commissioner of Agriculture, Conservation and Forestry, or a duly authorized agent, has free access, during normal business hours, to all records required to be kept by shippers or processors pursuant to this section and also to shippers' or processors' accounts payable, accounts receivable, records of inventories, actual inventories, records of shipments and such other business records as are needed to ascertain compliance with this section. Any documents inspected or taken by the department in furtherance of the audit functions or any other information collected by the department pursuant to the audit must be kept confidential notwithstanding any provision to the contrary contained in Title 1, chapter 13, subchapter 1. This confidential status does not apply to any documents, records or information that is needed as evidence in any civil or criminal proceeding to enforce any law under this chapter or any other criminal law.

**Sec. 7. Effective date.** This Act takes effect January 1, 2020.

Effective January 1, 2020.

**CHAPTER 223**

**H.P. 1110 - L.D. 1517**

**An Act To Facilitate the  
Deployment of Small Wireless  
Facilities in Maine**

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

**Sec. 1. 30-A MRSA §4362** is enacted to read:

**§4362. Small wireless facilities**

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

A. "Small wireless facility" means a wireless facility each antenna of which could fit within an enclosure of no more than 3 cubic feet and of which all associated wireless equipment other than antennas, electric meters and concealment elements has a cumulative volume of no more than 28 cubic feet.

B. "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications; radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and rectifiers; and comparable

equipment, regardless of technological configuration. "Wireless facility" includes a small wireless facility. "Wireless facility" does not include the structure or improvements on, under, within or adjacent to which the equipment is colocated or coaxial or fiber-optic cable that is between wireless support structures or poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

**2. Small wireless facilities.** Notwithstanding any zoning or land use ordinance to the contrary, a small wireless facility must be a permitted use within the public right-of-way, subject to permitting requirements and duly adopted, nondiscriminatory conditions otherwise applicable to permitted uses within the municipality and consistent with state and federal law, including, without limitation, any permitting requirements in Title 35-A, chapter 25. This section does not affect or alter the rights and responsibilities of a cable television company under the franchise agreement executed pursuant to section 3008, subsection 5.

See title page for effective date.

**CHAPTER 224**

**H.P. 1126 - L.D. 1551**

**An Act To Clarify Fishing  
Laws between the Department  
of Inland Fisheries and  
Wildlife and the Department of  
Marine Resources as They  
Relate to Striped Bass in  
Inland Waters**

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

**Sec. 1. 12 MRSA §12602, sub-§2,** as amended by PL 2017, c. 150, §5, is further amended to read:

**2. Possess fish in violation of certain rules.** Possess fish in violation of the number, amount, weight or size limits established by rules adopted by the commissioner; ~~or~~

**Sec. 2. 12 MRSA §12602, sub-§3,** as enacted by PL 2017, c. 150, §5, is amended to read:

**3. Alter fish from their natural state prior to measuring for bag limit.** When rules adopted by the commissioner limit the volume of fish that may be taken, alter those fish from or possess fish altered from their natural state prior to their being measured for compliance with the volume limit; ~~or~~

**Sec. 3. 12 MRSA §12602, sub-§4** is enacted to read:

**4. Violation of certain Department of Marine Resources rules; striped bass.** Fish for striped bass in inland waters or possess striped bass taken from inland waters in a number, amount or size that exceeds the number, amount or size limits for striped bass established by rules adopted by the Commissioner of Marine Resources under section 6171. Notwithstanding section 6002 or any provision of law to the contrary, for purposes of this subsection only, the number, amount and size limits for striped bass established by rules adopted by the Commissioner of Marine Resources under section 6171 apply to the inland waters of the State.

**Sec. 4. 12 MRSA §12602,** as amended by PL 2017, c. 150, §5, is further amended by adding at the end a new paragraph to read:

A person who fishes for striped bass in or possesses striped bass taken from the coastal waters of the State in violation of rules adopted by the Commissioner of Marine Resources under section 6171 is subject to the provisions of section 6174.

See title page for effective date.

**CHAPTER 225**

**H.P. 1127 - L.D. 1552**

**An Act To Make Technical Changes to Maine's Marine Resources Laws**

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

**Sec. 1. 5 MRSA §12004-I, sub-§57-C,** as reenacted by PL 2011, c. 598, §1, is amended to read:

**57-C.**

Marine Resources	Aquaculture Advisory Council	<del>Not Authorized</del> <u>Expenses Only</u>	12 MRSA §6080
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**Sec. 2. 12 MRSA §6001, sub-§13-I,** as enacted by PL 2005, c. 26, §1, is amended to read:

**13-I. Established base of operations.** "Established base of operations" means the location where a vessel has its primary relationship. Among the factors identifying a primary relationship are the locations at which the vessel is primarily moored or docked, where it prepares for expeditions and hires a crew and to which it regularly returns for repairs, supplies and activities relating to its business or trade. The fact that a vessel carries on one or more of these activities at more than one location within this State or at a location or locations outside this State does not prevent the

vessel from being considered to have an established base of operations within the State if a substantial portion of these activities are carried on at a location or locations within this State. For purposes of this subsection, "substantial portion" means a period exceeding ~~60~~ 30 days in any calendar year.

**Sec. 3. 12 MRSA §6024, sub-§1-A,** as amended by PL 2009, c. 369, Pt. A, §23, is further amended to read:

**1-A. Appointment; composition; term; compensation.** The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of ~~16~~ 15 members. The chair of the Lobster Advisory Council, ~~the chair of the Sea Run Fisheries and Habitat Advisory Council,~~ the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council are ex officio members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources matters and to confirmation by the Legislature. Five members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 5 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those 5 members may represent lobster harvesters. The remaining 7 members must include one public member, 4 persons who hold a nonharvesting-related license under this Part, one person representing recreational saltwater anglers and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The composition of the council must reflect a geographical distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. The chair of the Lobster Advisory Council, ~~the chair of the Sea Run Fisheries and Habitat Advisory Council,~~ the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council shall serve until a new chair of the Lobster Advisory Council, ~~a new chair of the Sea Run Fisheries and Habitat Advisory Council,~~ a new chair of the Sea Urchin Zone Council or a new chair of the Shellfish Advisory Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

**Sec. 4. 12 MRSA §6139,** as enacted by PL 2007, c. 240, Pt. QQ, §6, is repealed.

**Sec. 5. 12 MRSA §6140-A, first ¶,** as enacted by PL 2007, c. 240, Pt. QQ, §8, is amended to read:

Unless more restrictive rules are adopted by the ~~commission~~ department, the following restrictions apply to methods of fishing and the season for Atlantic salmon.

**Sec. 6. 12 MRSA §6140-A, sub-§4**, as enacted by PL 2007, c. 240, Pt. QQ, §8, is amended to read:

**4. Open season.** ~~The commission, after consultation with and advice from the Sea Run Fisheries and Habitat Advisory Council,~~ department may establish by rule an open season during which a person may fish for Atlantic salmon. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 7. 12 MRSA §6421, sub-§5-D, ¶B**, as amended by PL 2011, c. 266, Pt. A, §5, is further amended to read:

B. Possesses a valid federal lobster permit or a valid lobster fishing license from a state other than this State; ~~and~~

**Sec. 8. 12 MRSA §6421, sub-§5-D, ¶C**, as amended by PL 2011, c. 266, Pt. A, §6, is further amended to read:

C. Except as authorized under subsection 5-E, does not operate a lobster and crab fishing vessel with an established base of operations in this State; ~~and~~

**Sec. 9. 12 MRSA §6421, sub-§5-D, ¶E** is enacted to read:

E. Has not had that individual's lobster fishing license or right to obtain a lobster fishing license suspended in this State or in another state.

**Sec. 10. 12 MRSA §6808, sub-§1**, as enacted by PL 2001, c. 186, §1, is amended to read:

**1. License required.** It is unlawful for a person to engage in the activities authorized by ~~this license under this section~~ subsection 2 without a current commercial green crab only license. This subsection does not apply to a person who holds a current lobster and crab fishing license issued pursuant to section 6421, subsection 1, paragraph A, B, C or E.

**Sec. 11. 12 MRSA §6808, sub-§4-A** is enacted to read:

**4-A. Exemptions.** Notwithstanding subsection 1, a license is not required to fish for, take, possess or transport green crabs for personal use if the green crabs are taken by hand or by a method exempted from licensing requirements under section 6501, subsection 3, paragraph A.

See title page for effective date.

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**CHAPTER 226**  
**S.P. 492 - L.D. 1557**

**An Act To Adjust the Staffing and Resources of the Office of the Public Advocate**

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

**Sec. 1. 35-A MRSA §116, sub-§8, ¶B**, as amended by PL 1999, c. 259, §3, is further amended to read:

B. The Public Advocate may use the revenues provided in accordance with this section to fund the Public Advocate and ~~9~~ 10 employees and to defray the costs incurred by the Public Advocate pursuant to this Title, including administrative expenses, general expenses, consulting fees and all other reasonable costs incurred to administer this Title.

**Sec. 2. 35-A MRSA §1701, sub-§3**, as amended by PL 2011, c. 655, Pt. P, §1, is further amended to read:

**3. Salaries of certain employees.** The salaries of the following employees of the Public Advocate are within the following salary ranges:

- A. Deputy Public Advocate, salary range 53;
- B. Senior Counsel, salary range 36;
- ~~D. Research Assistant, salary range 30;~~
- E. Business Services Manager, salary range 26; ~~and~~
- F. Special Assistant to the Public Advocate, salary range 20; ~~and~~
- G. Economic Analyst, salary range 36.

The employees listed in this subsection serve at the pleasure of the Public Advocate and are confidential employees. All other employees of the Public Advocate are subject to the Civil Service Law.

The Public Advocate may compensate one or more Senior Counsels at salary range 37 if, in the judgment of the Public Advocate, an increase is necessary to provide competitive salary levels.

See title page for effective date.

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CHAPTER 227  
H.P. 1185 - L.D. 1649

An Act To Implement  
Recommendations of the  
Department of Environmental  
Protection Regarding the  
State's Product Stewardship  
Program Framework Laws

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

Sec. 1. 38 MRSA §1771, sub-§6-A is enacted to read:

**6-A. Proprietary information.** "Proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

Sec. 2. 38 MRSA §1772, sub-§5, as enacted by PL 2013, c. 315, §5, is amended to read:

**5. Legislation to establish product stewardship programs.** Annually, after reviewing the report submitted by the department pursuant to subsection 1, the joint standing committee of the Legislature having jurisdiction over natural resources matters may submit a bill legislation to implement recommendations included in the department's report to establish new product stewardship programs or revise existing product stewardship programs.

Sec. 3. 38 MRSA §1776, sub-§1, ¶A, as enacted by PL 2013, c. 315, §7, is amended to read:

A. The program must include a collection system that is convenient and adequate to serve the needs of covered entities in both rural and urban areas. No later than one year following commencement of product collections by the program's collection system, the collection system must include permanent collection locations located within 15 miles of 90% of the residents of the State unless the commissioner determines that the requirements of this paragraph are not practicable due to geographical constraints or that an alternative collection system that does not meet the requirements of this paragraph will result in equivalent and more efficient collection.

Sec. 4. 38 MRSA §1776, sub-§1, ¶D is enacted to read:

D. The program must include at a minimum a half-time employee or contracted agent whose job duties are dedicated to implementing the program in the State unless the commissioner determines that a lesser staffing requirement is adequate to provide the administrative oversight, training and

ongoing technical support to collection locations, education and outreach efforts, program performance assessment and reporting necessary for program implementation.

Sec. 5. 38 MRSA §1776, sub-§4, as enacted by PL 2013, c. 315, §7, is amended to read:

**4. Costs.** Producers in a product stewardship program shall finance the collection, transportation and reuse, recycling or disposition of the relevant product; effective education and outreach related to the program; program assessment; program reporting; any incentives necessary to achieve program goals; payment of reasonable fees to the department for review of the program plan and any proposed amendments; and payment of annual fees to the department to cover the department's actual costs for the program for annual report review, oversight, administration and enforcement, which may not exceed \$100,000 per year per program and which must be properly documented and provided by the department to the program prior to or at the time that such payment is required.

Sec. 6. 38 MRSA §1776, sub-§5, ¶¶B, E, H, I, J and K, as enacted by PL 2013, c. 315, §7, are amended to read:

B. A description of the collection system, including:

- (1) The types of sites locations or other collection services to be used;
- (2) How all products covered under the product stewardship program will be collected in all counties of the State; and
- (3) How the collection system will be convenient and adequate to serve the needs of all entities;

E. ~~If possible, a~~ A description of the ~~method methods~~ to be used to reuse, deconstruct ~~or~~ and recycle the unwanted product to ensure that the product components are transformed or remanufactured to the extent feasible;

H. A description of the education and outreach methods that will be used to recruit, train and monitor collection locations and to encourage participation in the program on an ongoing basis by collection locations and by consumers throughout the State;

I. A description of how education and outreach methods will be evaluated, including, at a minimum, completion of an annual consumer awareness survey to assess consumer knowledge regarding product management options and collection locations. The survey questions and methodology must be approved by the department, and the survey must be administered by a 3rd party;

~~J. Any~~ A description of how program performance will be assessed, including performance goals established by producers or a stewardship organization to show success of the program; and. When a performance goal is expressed as a recycling rate or a diversion from disposal rate, the plan must include a description of the methodology and the relevant historic sales data used to develop the rate. Sales information submitted to the department pursuant to this paragraph that is identified by the producer or stewardship organization as proprietary information is confidential and must be handled by the department in accordance with subsection 10. The performance goals under this paragraph must include, at a minimum, one of the following goals:

(1) That at least 50% of the residents of the State will be aware of the program by no later than the end of the 3rd year of program implementation and at least 70% of the residents of the State will be aware of the program by no later than the end of the 6th year of program implementation;

(2) That a diversion from disposal rate of at least 50% will be achieved by the program by no later than the end of the 4th year of program implementation; or

(3) An alternative performance goal that does not meet the criteria in subparagraph (1) or (2) as long as sufficient evidence is provided to the department to justify that alternative performance goal;

~~K. A description of how the program will be financed. If the program is financed by a per unit assessment paid by the producer to a stewardship organization consumer at the point of sale, a plan for an annual 3rd-party audit to ensure revenue from the assessment does not exceed the cost of implementing the product stewardship program must be included; and~~

**Sec. 7. 38 MRSA §1776, sub-§5, ¶L** is enacted to read:

L. An anticipated annual budget for the program that includes identification of specific anticipated administrative, collection, transportation, disposition and communication costs for the program. The anticipated annual budget must be sufficient to fund the program staffing required under subsection I, paragraph D and the reimbursement by the producer or stewardship organization of the department's actual costs incurred in annual report review and in overseeing, administering and enforcing the program. The anticipated annual budget may not include costs for legal fees or costs related to legislative efforts that have been

or will be incurred by the producer or stewardship organization.

**Sec. 8. 38 MRSA §1776, sub-§6**, as enacted by PL 2013, c. 315, §7, is repealed.

**Sec. 9. 38 MRSA §1776, sub-§6-A** is enacted to read:

**6-A. Plan amendments.** In accordance with the provisions of this subsection, a producer or stewardship organization or the department may initiate changes to an approved product stewardship plan.

A. A change to an approved product stewardship plan by a producer or stewardship organization operating the program implemented under the plan must be submitted to the department for review and approval prior to the implementation of that change, except that if the producer or stewardship organization determines that the change is not substantive, such as the addition of or a change to collection locations, or if an additional producer joins the program, the producer or stewardship organization must inform the department of the change within 14 days of implementing the change but need not receive department approval unless the department determines that the change is substantive. The department shall review and approve plan amendments in accordance with subsection 8.

B. If the department determines that a program has failed to make adequate progress toward achieving the program's performance goals described in the approved product stewardship plan pursuant to subsection 5, paragraph J, the department shall notify the producer or stewardship organization operating the program in writing regarding its determination and may direct the producer or stewardship organization to implement specific changes to the plan within 6 months of the written notification, which may include, but are not limited to, improvements to the convenience of the collection system or to the education and outreach efforts under the program to improve program performance. The department may also recommend in its annual report under section 1772, subsection 1 that the program be amended to require financial incentives or, if appropriate for the product, implementation of a deposit and refund system.

**Sec. 10. 38 MRSA §1776, sub-§§7, 8 and 10**, as enacted by PL 2013, c. 315, §7, are amended to read:

**7. Annual reporting.** By February March 1st of the calendar year after the calendar year in which an approved product stewardship program is implemented, and annually thereafter, the producer or stewardship organization operating the program shall submit to the department a report on the program for the pre-

vious calendar year. The report must include, at a minimum:

- A. The amount of product collected ~~per county~~ at each collection location;
- B. A description of the methods used to collect, transport and process the product;
- C. An evaluation of ~~the program performance~~, including, if possible, diversion and recycling rates together with certificates of recycling or similar confirmations and an evaluation of the convenience of the collection system implemented under the program;
- D. A description of the methods used for education and outreach efforts ~~and an evaluation of the convenience of collection~~ and an evaluation of the effectiveness of outreach and education those efforts. ~~Every 2 years, the~~ The report must include the results of an assessment of the methods used for and effectiveness of education and outreach efforts. The assessment must be completed by a 3rd party;
- E. If applicable, the report of the 3rd-party audit conducted to ensure that revenue collected from the assessment does not exceed implementation costs pursuant to subsection 5, paragraph K; ~~and~~
- F. Any recommendations for changes to the product stewardship program and to the approved goals for the program to improve convenience of collection, consumer education and program evaluation; ~~and~~
- G. A financial report on the program, including the total cost of implementing the program as determined by an independent financial audit that includes identification of specific administrative, collection, transportation, disposition and communication costs for the program, and an anticipated budget for the program for the next program year.

**8. Department review and approval.** Within ~~20~~ business 120 days after receipt of a proposed product stewardship plan, the department shall determine whether the plan complies with ~~subsection 5~~ this section. If the plan is approved, the department shall notify the submitter in writing. If the department rejects the plan, the department shall notify the submitter in writing stating the reason for rejecting the plan. ~~A submitter whose plan is rejected must submit a revised plan to the department within 60 days of receiving a notice of rejection.~~

**10. Proprietary information.** Proprietary information submitted to the department in a product stewardship plan, in an amendment to a product stewardship plan or pursuant to reporting requirements of this section that is identified by the submitter as proprietary information is confidential and must be han-

dled by the department in the same manner as confidential information is handled under section 1310-B.

~~As used in this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.~~

See title page for effective date.

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## CHAPTER 228

### H.P. 1206 - L.D. 1682

#### An Act To Amend the Laws Governing the Removal of Unlawful Signs

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

**Sec. 1. 23 MRSA §1903, sub-§16-A** is enacted to read:

**16-A. Urban compact municipality.** "Urban compact municipality" has the same meaning as described in section 754, subsection 2, paragraph B.

**Sec. 2. 23 MRSA §1913-A, sub-§5**, as enacted by PL 1981, c. 318, §3, is repealed and the following enacted in its place:

**5. Prohibited practices.** None of the signs referred to in this section may be painted or drawn upon a rock or other natural feature or erected or maintained on:

- A. A traffic control sign or device;
- B. A public utility pole or fixture;
- C. A rotary traffic island;
- D. A tree in a public right-of-way;
- E. A control-of-access area; or
- F. A median less than 6 feet wide.

**Sec. 3. 23 MRSA §1917, sub-§§1, 2, and 5**, as repealed and replaced by PL 1981, c. 318, §4, are amended to read:

**1. Notice to remove.** The owner of a sign ~~which~~ that was or is unlawfully erected or maintained either prior to or after the effective date of this chapter shall be October 24, 1977 is in violation of this chapter until the sign is removed. The owner of the sign shall remove the sign within ~~30~~ 14 days of receipt of a notice to remove, ~~sent by certified mail, return receipt requested, by the commissioner~~ a notice from the agency that has responsibility for the maintenance of that public way. If the identity of such owner is not known or reasonably ascertainable ~~by the commissioner~~, such

notice may instead be sent to the owner of the land on which the sign is placed.

2. **Authority to remove sign.** If the owner fails to remove the sign as required, the ~~commissioner~~ department shall remove the sign if it is on a state or state aid highway that is not in an urban compact municipality and the governing municipality may remove the sign if it is located on a town way or state or state aid highway in an urban compact municipality at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner.

5. **Summary removal of illegal signs within the public right-of-way.** ~~Signs which are~~ A sign that is erected in nonconformance with this chapter and which are that is within the limits of any public right-of-way shall be is subject to immediate removal by the ~~commissioner~~ department if the public right-of-way is a state or state aid highway not in an urban compact municipality. The department may remove any sign on any public right-of-way for the purposes of public safety. A sign that is erected in nonconformance with this chapter and that is within the limits of a town way or a state or state aid highway in an urban compact municipality may be removed by the municipality having jurisdiction over that way or highway.

See title page for effective date.

**CHAPTER 229**

**H.P. 1214 - L.D. 1699**

**An Act To Make a Technical Correction to the Law Governing Certification of Seed Potatoes**

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

**Sec. 1.** 7 MRSA §2103-A, sub-§2, as enacted by PL 1987, c. 336, is amended to read:

2. **Post-harvest tested.** ~~No A seed potato may be certified which that~~ has not been winter post-harvest tested may not be certified. Seed shipped before winter post-harvest test results are available shall must be certified based on field certification.

See title page for effective date.

**CHAPTER 230**

**H.P. 1234 - L.D. 1732**

**An Act To Eliminate the Scallop Drag Size Limitation in Blue Hill Bay**

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

**Sec. 1.** 12 MRSA §6723, as amended by PL 2015, c. 494, Pt. A, §5, is repealed.

See title page for effective date.

**CHAPTER 231**

**H.P. 1188 - L.D. 1652**

**An Act To Make Technical Changes to the Taxation of Marijuana**

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

**Whereas,** state tax law needs to be updated before the 90-day period expires to avoid delay in the development of adult use marijuana rules, to allow the Legislature time to act on that rulemaking before it adjourns and to avoid delay in the processing of adult use marijuana establishment licenses; and

**Whereas,** legislative action is immediately necessary to ensure continued and efficient administration of state taxation of marijuana and state administration of adult use marijuana; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1.** 28-B MRSA §511, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

1. **Record keeping; inspection of records.** A licensee shall maintain a complete set of all records of the licensee's business transactions, which must be open to inspection and examination by the department upon demand and without notice during all business hours. Records must be maintained by a licensee at a minimum for a period comprising the current tax year

and the ~~2~~ 5 immediately preceding tax years in accordance with Title 36, section 135.

**Sec. A-2. 36 MRSA §172, sub-§1**, as amended by PL 2013, c. 368, Pt. V, §57, is further amended to read:

**1. Liquor licensee.** If the taxpayer is a liquor licensee, to the Department of Administrative and Financial Services, which shall construe that liability and lack of cooperation to be a ground for denying, suspending or revoking the taxpayer's liquor license in accordance with Title 28-A, section 707 and chapter 33; ~~or~~

**Sec. A-3. 36 MRSA §172, sub-§2**, as amended by PL 1995, c. 65, Pt. A, §137 and affected by §153 and Pt. C, §15, is further amended to read:

**2. Motor vehicle dealer.** If the taxpayer is a licensed motor vehicle dealer, to the Secretary of State, who shall construe that liability and lack of cooperation to be a ground for denying, suspending or revoking the taxpayer's motor vehicle dealer license in accordance with Title 29-A, section 903; or

**Sec. A-4. 36 MRSA §172, sub-§3** is enacted to read:

**3. Adult use marijuana licensed establishment.** If the taxpayer is a marijuana establishment, as defined in Title 28-B, section 102, subsection 29, to the Department of Administrative and Financial Services, which shall construe that liability and lack of cooperation to be a ground for denying, suspending or revoking the taxpayer's marijuana establishment license in accordance with Title 28-B, chapter 1, subchapter 8.

**Sec. A-5. 36 MRSA §1752, sub-§3-B, ¶¶F and G**, as enacted by PL 2015, c. 267, Pt. OOOO, §2 and affected by §7, are amended to read:

F. Prepared food; ~~and~~

G. The following food and drinks ordinarily sold for consumption without further preparation:

- (1) Soft drinks and powdered and liquid drink mixes except powdered milk, infant formula, coffee and tea;
- (2) Sandwiches and salads;
- (3) Supplemental meal items such as corn chips, potato chips, crisped vegetable or fruit chips, potato sticks, pork rinds, pretzels, crackers, popped popcorn, cheese sticks, cheese puffs and dips;
- (4) Fruit bars, granola bars, trail mix, breakfast bars, rice cakes, popcorn cakes, bread sticks and dried sugared fruit;
- (5) Nuts and seeds that have been processed or treated by salting, spicing, smoking, roasting or other means;

(6) Desserts and bakery items, including but not limited to doughnuts, cookies, muffins, dessert breads, pastries, croissants, cakes, pies, ice cream cones, ice cream, ice milk, frozen confections, frozen yogurt, sherbet, ready-to-eat pudding, gelatins and dessert sauces; and

(7) Meat sticks, meat jerky and meat bars.

As used in this paragraph, "without further preparation" does not include combining an item with a liquid or toasting, microwaving or otherwise heating or thawing a product for palatability rather than for the purpose of cooking the product; and

**Sec. A-6. 36 MRSA §1752, sub-§3-B, ¶H** is enacted to read:

H. Notwithstanding any other provision of law to the contrary, any food product containing any amount of marijuana or marijuana product.

**Sec. A-7. 36 MRSA §1752, sub-§6-E** is enacted to read:

**6-E. Marijuana.** "Marijuana" has the same meaning as in Title 28-B, section 102, subsection 27.

**Sec. A-8. 36 MRSA §1752, sub-§6-F** is enacted to read:

**6-F. Marijuana product.** "Marijuana product" has the same meaning as in Title 28-B, section 102, subsection 33.

**Sec. A-9. 36 MRSA §1752, sub-§9-G** is enacted to read:

**9-G. Qualifying patient.** "Qualifying patient" has the same meaning as in Title 22, section 2422, subsection 9.

**Sec. A-10. 36 MRSA §1811, first ¶**, as amended by PL 2017, c. 409, Pt. D, §2, is further amended to read:

A tax is imposed on the value of all tangible personal property, products transferred electronically and taxable services sold at retail in this State. The rate of tax is 7% on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43; 7% on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp; 10% on the value of rental for a period of less than one year of an automobile, of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles or of a loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty; 7% on the value of prepared food; and 5% on the value of all other tangible personal property and taxable services and products transferred electronically. Not-

withstanding the other provisions of this section, from October 1, 2013 to December 31, 2015, the rate of tax is 8% on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp; 8% on the value of prepared food; 8% on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43; and 5.5% on the value of all other tangible personal property and taxable services and products transferred electronically. Notwithstanding the other provisions of this section, beginning January 1, 2016, the rate of tax is 9% on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp; 8% on the value of prepared food; 8% on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43; and 5.5% on the value of all other tangible personal property and taxable services and products transferred electronically. Notwithstanding the other provisions of this section, beginning on the first day of the calendar month in which adult use marijuana and adult use marijuana products may be sold in the State by a marijuana establishment licensed to conduct retail sales pursuant to Title 28-B, chapter 1, the rate of tax is 10% on the value of adult use marijuana ~~and~~ adult use marijuana products and, if sold by a person to an individual who is not a qualifying patient, marijuana and marijuana products. Value is measured by the sale price, except as otherwise provided. The value of rental for a period of less than one year of an automobile or of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles is the total rental charged to the lessee and includes, but is not limited to, maintenance and service contracts, drop-off or pick-up fees, airport surcharges, mileage fees and any separately itemized charges on the rental agreement to recover the owner's estimated costs of the charges imposed by government authority for title fees, inspection fees, local excise tax and agent fees on all vehicles in its rental fleet registered in the State. All fees must be disclosed when an estimated quote is provided to the lessee.

## PART B

**Sec. B-1. 28-B MRSA §205, sub-§4, ¶A,** as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

A. Within 10 days of receiving certification of local authorization from a municipality as required by section 402, subsection 3, paragraph B or, in the case of a marijuana establishment to be located in the unorganized and deorganized areas, from the Maine Land Use Planning Commission as required by section 403, subsection 3, paragraphs B and C, the department shall notify the applicant that certification of local authorization has been confirmed and that, in order for the de-

partment to issue an active license, the applicant must:

(1) Pay the applicable license fee required pursuant to section 207;

(2) Submit a facility plan that specifies the location, size and layout of the marijuana establishment within the municipality or, in the case of a marijuana establishment to be located in the unorganized and deorganized areas, within the town, plantation or township in which the marijuana establishment will be located;

(3) If the application is for a license to operate a cultivation facility, submit updated operating and cultivation plans as required under section 302 based upon the actual premises to be licensed, except that, if no changes to the original operating and cultivation plans submitted by the applicant are necessary based upon the actual premises to be licensed, then the applicant may satisfy this requirement by resubmitting the original operating and cultivation plans and noting on those plans that no changes are necessary; ~~and~~

(4) If the application is for any license except a license to operate a nursery cultivation testing facility, as described in section 301, subsection 5, or a marijuana store, register with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of adult use marijuana and adult use marijuana products imposed under Title 36, section 1811; ~~and~~

(5) If the application is for a license to operate a cultivation facility, register with the State Tax Assessor pursuant to Title 36, section 4922 to collect and remit the excise tax on the sale of adult use marijuana imposed under Title 36, chapter 723.

**Sec. B-2. 28-B MRSA §501, sub-§3, ¶C,** as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

C. A nursery cultivation facility may sell and distribute to marijuana stores and other cultivation facilities only immature marijuana plants, seedlings and marijuana seeds. Adult use marijuana sold by a nursery cultivation facility to marijuana stores and other cultivation facilities is subject to the excise tax imposed pursuant to ~~subchapter 10~~ Title 36, chapter 723, which must be paid to the ~~department~~ State Tax Assessor as required by subsection 9.

**Sec. B-3. 28-B MRSA §501, sub-§6, ¶B,** as enacted by PL 2017, c. 409, Pt. A, §6 and amended by c. 452, §37, is further amended to read:

B. A cultivation facility licensee authorized pursuant to paragraph A to purchase marijuana plants and marijuana seeds from registered caregivers and registered dispensaries that transacts such a purchase shall pay to the ~~department~~ State Tax Assessor the excise taxes ~~that would have been imposed under subchapter 10 pursuant to Title 36, chapter 723 on the sale of the marijuana plants and marijuana seeds if the marijuana plants and marijuana seeds had been sold by a cultivation facility licensee to another licensee.~~ In addition to payment of the required excise taxes under this paragraph, the cultivation facility licensee shall provide the department with an accounting of the transaction, which must include information on the registered caregiver or registered dispensary from which the licensee purchased the marijuana plants and marijuana seeds, the number of mature marijuana plants, immature marijuana plants, seedlings and marijuana seeds purchased in the transaction and any other information required by the department by rule.

**Sec. B-4. 28-B MRSA §501, sub-§9**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**9. Excise tax; sales tax.** A cultivation facility licensee shall ensure that the tax imposed on the sale of adult use marijuana ~~by a cultivation facility to other licensees pursuant to subchapter 10 Title 36, chapter 723~~ is paid to the ~~department~~ State Tax Assessor. A nursery cultivation facility licensee shall ensure that the tax imposed on the sale of adult use marijuana and adult use marijuana products under Title 36, section 1811 is collected and remitted in accordance with the requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.

**Sec. B-5. 28-B MRSA c. 1, sub-c. 10**, as amended, is repealed.

**Sec. B-6. 28-B MRSA §1101, sub-§1, ¶A**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

A. Money received from the excise tax imposed on the sale of adult use marijuana ~~by a cultivation facility licensee to other licensees pursuant to subchapter 10 Title 36, chapter 723~~ in the amount required under ~~section 1003~~ Title 36, section 4925;

**Sec. B-7. 36 MRSA c. 723** is enacted to read:

#### CHAPTER 723

#### MARIJUANA EXCISE TAX

#### §4921. Definitions

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

**1. Adult use marijuana.** "Adult use marijuana" has the same meaning as in Title 28-B, section 102, subsection 1.

**2. Cultivation facility.** "Cultivation facility" has the same meaning as in Title 28-B, section 102, subsection 13.

**3. Immature marijuana plant.** "Immature marijuana plant" has the same meaning as in Title 28-B, section 102, subsection 19.

**4. Licensee.** "Licensee" has the same meaning as in Title 28-B, section 102, subsection 24.

**5. Marijuana establishment.** "Marijuana establishment" has the same meaning as in Title 28-B, section 102, subsection 29.

**6. Marijuana flower.** "Marijuana flower" has the same meaning as in Title 28-B, section 102, subsection 31.

**7. Marijuana plant.** "Marijuana plant" has the same meaning as in Title 28-B, section 102, subsection 32.

**8. Marijuana trim.** "Marijuana trim" has the same meaning as in Title 28-B, section 102, subsection 35.

**9. Mature marijuana plant.** "Mature marijuana plant" has the same meaning as in Title 28-B, section 102, subsection 36.

**10. Registered caregiver.** "Registered caregiver" has the same meaning as in Title 22, section 2422, subsection 11.

**11. Registered dispensary.** "Registered dispensary" has the same meaning as in Title 22, section 2422, subsection 6.

**12. Seedling.** "Seedling" has the same meaning as in Title 28-B, section 102, subsection 51.

#### §4922. Registration

**1. Generally.** A cultivation facility licensee operating in this State shall register with the assessor each cultivation facility operated by the cultivation facility licensee and collect and remit taxes in accordance with the provisions of this chapter. A person required to be registered as a cultivation facility licensee pursuant to this section must also be in compliance with Title 28-B, chapter 1. A registration issued pursuant to this section is not a license within the meaning of that term in the Maine Administrative Procedure Act.

**2. Applications; forms.** A registration application under this section must be made on a form prescribed by the assessor and must state the name and address of the applicant, the address of the applicant's registered cultivation facility and such other information as the assessor may require for the proper administration of this chapter.

**3. Penalties.** The following penalties apply to violations of this section.

A. A cultivation facility licensee that sells at wholesale, offers for sale at wholesale or possesses with intent to sell at wholesale any adult use marijuana without being registered with the assessor pursuant to this section commits a civil violation for which a fine of not less than \$250 and not more than \$500 must be adjudged.

B. A cultivation facility licensee that violates paragraph A after having been previously adjudicated as violating paragraph A commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 must be adjudged for each subsequent violation.

**4. Surrender, revocation and suspension.** A registration pursuant to this section is nontransferable. The assessor may revoke or suspend the registration of any registered cultivation facility licensee for failure to comply with any provision of this chapter or if the person no longer cultivates adult use marijuana. A person aggrieved by a revocation or suspension may request reconsideration as provided in section 151.

**5. Notification.** A cultivation facility licensee that has its registration under this section suspended or revoked shall, within 10 business days of the suspension or revocation, inform in writing all its accounts in this State that it no longer holds a valid registration. The assessor may publish the name of a cultivation facility licensee that has had its registration suspended or revoked.

**§4923. Excise tax imposed**

Beginning on the first day of the calendar month in which adult use marijuana may be sold in the State by a cultivation facility under Title 28-B, chapter 1, an excise tax on adult use marijuana is imposed in accordance with this chapter.

**1. Excise tax on marijuana flower and mature marijuana plants.** A cultivation facility licensee shall pay an excise tax of \$335 per pound or fraction thereof of marijuana flower or mature marijuana plants sold to other licensees in the State.

**2. Excise tax on marijuana trim.** A cultivation facility licensee shall pay an excise tax of \$94 per pound or fraction thereof of marijuana trim sold to other licensees in the State.

**3. Excise tax on immature marijuana plants and seedlings.** A cultivation facility licensee shall pay an excise tax of \$1.50 per immature marijuana plant or seedling sold to other licensees in the State.

**4. Excise tax on marijuana seeds.** A cultivation facility licensee shall pay an excise tax of 30¢ per marijuana seed sold to other licensees in the State.

**5. Excise tax on purchases from registered caregivers and registered dispensaries.** A cultivation facility licensee authorized pursuant to Title 28-B, section 501, subsection 6, paragraph A to purchase marijuana plants and marijuana seeds from registered caregivers and registered dispensaries that transacts such a purchase shall pay to the assessor the excise taxes that would have been imposed under subsections 1 to 4 on the sale of the marijuana plants and marijuana seeds if the marijuana plants and marijuana seeds had been sold by a cultivation facility licensee to another licensee.

**6. Multiple licenses.** When a cultivation facility licensee also holds a license to operate another marijuana establishment, the taxes imposed by subsections 1 to 4 apply to any transfer of marijuana from the cultivation facility to the other marijuana establishment or, if no such transfer is made, to any activity undertaken pursuant to Title 28-B, section 501, subsection 2 or 4 with regard to marijuana cultivated by the cultivation facility.

**§4924. Returns; payment of excise tax**

On or before the 15th day of each month, a cultivation facility licensee shall file a return, as required by the assessor, and pay to the assessor all excise taxes due under this chapter for the preceding calendar month.

**§4925. Application of excise tax revenue**

All excise tax revenue collected by the assessor pursuant to this chapter on the sale of adult use marijuana must be deposited into the General Fund, except that, on or before the last day of each month, the assessor shall transfer 12% of the excise tax revenue received during the preceding month pursuant to this chapter to the Adult Use Marijuana Public Health and Safety Fund established in Title 28-B, section 1101.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 7, 2019.

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**CHAPTER 232**

**S.P. 574 - L.D. 1725**

**An Act To Create a Minimum Age To Hold a Limited-purpose Aquaculture License**

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

**Whereas**, in order to avoid an influx of applications for limited-purpose aquaculture licenses by individuals who are under 12 years of age, this legislation needs to become effective before 90 days after the adjournment of the First Regular Session of the 129th Legislature; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §6072-C, sub-§3**, as amended by PL 2017, c. 159, §6, is further amended to read:

**3. Eligibility.** A limited-purpose aquaculture license may be issued only to an individual who is 12 years of age or older or to a municipal shellfish management committee established pursuant to section 6671 that has met any requirements established under subsection 3-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 7, 2019.

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**CHAPTER 233**

**H.P. 1243 - L.D. 1744**

**An Act To Update References  
to the United States Internal  
Revenue Code of 1986  
Contained in the Maine  
Revised Statutes**

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

**Whereas**, state tax law needs to be updated to conform to federal law before the 90-day period expires to avoid delay in the processing of income tax returns for 2018; and

**Whereas**, legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-

tion of the public peace, health and safety; now, therefore,

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

**Sec. 1. 36 MRSA §111, sub-§1-A**, as amended by PL 2017, c. 474, Pt. A, §1, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of ~~March 23~~ December 31, 2018.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 2018 and to any prior tax years as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2018.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 7, 2019.

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**CHAPTER 234**

**H.P. 82 - L.D. 96**

**An Act To Require Disclosure  
at the Sale or Transfer whether  
Methamphetamine Is Present  
or Has Been Removed from  
Real Estate**

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

**Sec. 1. 33 MRSA §173, sub-§4, ¶C**, as enacted by PL 1999, c. 476, §1, is amended to read:

C. Radon; ~~and~~

**Sec. 2. 33 MRSA §173, sub-§4, ¶D**, as amended by PL 2017, c. 181, §1, is further amended to read:

D. Underground oil storage tanks as required under Title 38, section 563, subsection 6; and

**Sec. 3. 33 MRSA §173, sub-§4, ¶E** is enacted to read:

E. Methamphetamine;

See title page for effective date.

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**CHAPTER 235**  
**S.P. 37 - L.D. 150**

**An Act To Improve Attendance  
at Public Elementary Schools**

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

**Sec. 1. 20-A MRSA §3271, sub-§1-A** is enacted to read:

**1-A. Attendance of persons 5 years of age or older and under 7 years of age.** A person 5 years of age or older and under 7 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

**Sec. 2. 20-A MRSA §3271, sub-§2,** as amended by PL 2007, c. 667, §4, is further amended to read:

**2. Alternative instruction.** Alternative instruction may be substituted for attendance in a day school in the following cases when approved by the school principal. A person 5 years of age or older and under 7 years of age is not required to meet the requirements of this subsection.

A. The person is enrolled in an approved special education program.

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner.

**Sec. 3. 20-A MRSA §3272, sub-§2,** as corrected by RR 2011, c. 2, §17, is amended to read:

**2. Truancy.** A person is truant if:

A. The person is required to attend school or alternative instruction and has completed grade 6 under this chapter and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; ~~or~~

B. The person is required to attend school or alternative instruction and is at least 7 years of age and has not completed grade 6 under this chapter and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or

C. The person is required to attend school pursuant to section 3271, subsection 1-A and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

**Sec. 4. 20-A MRSA §5001-A, sub-§1-A** is enacted to read:

**1-A. Attendance of persons 5 years of age or older and under 7 years of age.** A person 5 years of age or older and under 7 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

**Sec. 5. 20-A MRSA §5001-A, sub-§3,** as amended by PL 2007, c. 111, §1, is further amended to read:

**3. Alternatives to attendance at public day school.** Alternatives to attendance at public day school are as follows. A person 5 years of age or older and under 7 years of age is not required to meet the requirements of this subsection.

A. Equivalent instruction alternatives are as follows.

(1) A person is excused from attending a public day school if the person obtains equivalent instruction in:

(a) A private school approved for attendance purposes pursuant to section 2901;

(b) A private school recognized by the department as providing equivalent instruction;

(c-1) A home instruction program that complies with the requirements of subparagraph (4); or

(d) Any other manner arranged for by the school board and approved by the commissioner.

(2) A student is credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the student resides.

(4) The following provisions govern a home instruction program.

(a) The student's parent or guardian shall provide a written notice of intent to provide home instruction simultaneously to the school officials of the administrative unit in which the student resides and to the commissioner within 10 calendar days of the beginning of home instruction. The notice must contain the following information:

(i) The name, signature and address of the student's parent or guardian;

(ii) The name and age of the student;

(iii) The date the home instruction program will begin;

(iv) A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers; and

(v) A statement of assurance that indicates that the home instruction program will include an annual assessment of the student's academic progress that includes at least one of the forms of assessment described in division (b).

(b) On or before September 1st of each subsequent year of home instruction, the student's parent or guardian shall file a letter with the school officials of the administrative unit in which the student resides and the commissioner stating the intention to continue providing home instruction and enclose a copy of one of the following forms of annual assessment of the student's academic progress:

(i) A standardized achievement test administered through the administrative unit in which the student resides or through other arrangements approved by the commissioner. If the test is administered through the administrative unit in which the student resides, that administration must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(ii) A test developed by the school officials of the administrative unit in which the student resides appropriate to the student's home instruction program, which must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(iii) A review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate;

(iv) A review and acceptance of the student's progress based on, but not limited to, a presentation of an educational portfolio of the student to a local area homeschooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or

(v) A review and acceptance of the student's progress by a local advisory board selected by the superintendent of the administrative unit in which the student resides that includes one administrative unit employee and 2 home instruction tutors. For the purpose of this subdivision, a "home instruction tutor" means the parent, guardian or other person who acts or will act as a primary teacher of the student in the home instruction program. This provision must be agreed to by the school officials of the administrative unit in which the student resides prior to submission of the written notice of intent to provide home instruction.

(c) Dissemination of any information filed under this subparagraph is governed by the provisions of section 6001; the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 United States Code, Sections 1401 to 1487 (2002), except that "directory information," as defined by the federal Family Educational Rights and Privacy Act of 1974, is confidential and is not subject to public disclosure unless the parent or guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of the information filed under this subparagraph must be maintained by the student's parent or guardian until the home instruction program concludes. The records must be made available to the commissioner upon request.

(d) If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public

school or an equivalent instruction alternative as provided for in this paragraph. The receiving school shall determine the placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of the system of learning results as established in section 6209.

B. A person may be excused from attendance at a public day school pursuant to section 5104-A or section 8605.

**Sec. 6. 20-A MRSA §5051-A, sub-§1, ¶B,** as amended by PL 2007, c. 304, §5, is further amended to read:

B. Has completed grade 6 and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; or

**Sec. 7. 20-A MRSA §5051-A, sub-§1, ¶C,** as enacted by PL 2007, c. 304, §5, is amended to read:

C. Is at least 7 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or

**Sec. 8. 20-A MRSA §5051-A, sub-§1, ¶D** is enacted to read:

D. Is enrolled in a public day school, is at least 5 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

See title page for effective date.

**CHAPTER 236  
S.P. 159 - L.D. 494**

**An Act To Update the Family  
Planning Statutes**

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

**Sec. 1. 22 MRSA §1823,** as amended by PL 2017, c. 407, Pt. A, §73, is further amended to read:

**§1823. Treatment of minors**

Any hospital licensed under this chapter or alcohol or drug treatment facility licensed pursuant to section 7801 that provides facilities to a minor in connection with the prevention of a sexually transmitted infection or the treatment of that minor for ~~venereal disease~~ a sexually transmitted infection or treatment of

that minor for substance use or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of the provision of such facilities so long as such facilities have been provided at the direction of the person or persons referred to in Title 32, sections 2595, 3292, 3817, 6221 or 7004. The hospital shall notify and obtain the consent of that minor's parent or guardian if that hospitalization continues for more than 16 hours.

**Sec. 2. 22 MRSA §1901,** as enacted by PL 1973, c. 624, §1, is amended to read:

**§1901. Legislative intent**

The Legislature finds that family planning services are not sufficiently available as a practical matter to many persons in this State; that unwanted ~~conception~~ pregnancy may place severe medical, emotional, social and economic burdens on the family unit and that it is desirable that inhibitions and restrictions to the delivery of family planning services be reduced so that all persons desiring and needing such services ~~shall~~ have ready and practicable access ~~thereto to the services~~ in appropriate settings sensitive to their persons' needs and beliefs. The Legislature therefore declares that it is consistent with public policy to make available comprehensive medical knowledge, assistance and services relating to family planning.

**Sec. 3. 22 MRSA §1902,** as amended by PL 2001, c. 654, §1, is further amended to read:

**§1902. Definitions**

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

**1. Contraceptive procedures.** "Contraceptive procedures" means any medically accepted procedure to prevent ~~conception~~ pregnancy when performed by or under the direction of a physician health care practitioner on a requesting and consenting patient.

**1-A. Comprehensive family life education.** "Comprehensive family life education" means education in kindergarten to grade 12 regarding human development and sexuality, including education on family planning and sexually transmitted diseases, that is medically accurate and age appropriate; that respects community values and encourages parental communication; that develops skills in communication, decision making and conflict resolution; that contributes to healthy relationships; that promotes responsible sexual behavior with an emphasis on abstinence; that addresses the use of contraception; that promotes individual responsibility and involvement regarding sexuality; and that teaches skills for responsible decision making regarding sexuality.

**2. Contraceptive supplies.** "Contraceptive supplies" means those medically approved drugs, prescriptions, rhythm charts, devices and other items designed to prevent ~~conception~~ pregnancy through chemical, mechanical, behavioral or other means.

**3. Family planning.** "Family planning" means informed and voluntary self-determination of desired family size and of the timing of child bearing based upon comprehensive knowledge of factors pertinent to this determination.

**4. Family planning services.** "Family planning services" means ~~counseling with trained personnel regarding family planning, contraceptive procedures and the treatment of infertility; distribution of literature relating to family planning, contraceptive procedures and the treatment of infertility; referral of patients to physicians or health agencies for consultation, examination, tests, medical treatment and prescription for the purposes of family planning, contraceptive procedures and treatment of infertility and provision of contraceptive procedures and contraceptive supplies by those qualified to do so under the laws of this State~~ medically safe and effective sexual and reproductive health care and education that enable persons to freely plan their children, avoid unintended pregnancy and maintain reproductive and sexual health through the provision of contraceptive supplies, contraceptive procedures and related counseling; the prevention and treatment of infertility; appropriate prenatal and obstetric care; the prevention or treatment of sexually transmitted infections; and other services necessary for reproductive and sexual health.

**5. Physician.** "Physician" means any doctor of medicine or doctor of osteopathy duly licensed to practice his profession in this State.

**5-A. Health care practitioner.** "Health care practitioner" means an individual who is licensed, certified or otherwise authorized under the laws of the State to provide health care services.

**6. Person.** "Person" means any person regardless of sex, race, sexual orientation, gender identity, number of children, marital status, motive and citizenship.

**Sec. 4. 22 MRSA §1903**, as amended by PL 1981, c. 470, Pt. A, §73, is further amended to read:

**§1903. Authority and policy**

It ~~shall be~~ is the policy and authority of this State that:

**1. Availability.** Family planning services ~~shall~~ must be readily and practicably available to all persons desiring and needing such services;

**2. Consistent with public policy.** The delivery of family planning services by duly authorized persons in all agencies and instrumentalities of this State is consistent with public policy;

**3. Refusal.** Nothing in this chapter ~~shall inhibit~~ inhibits a physician health care practitioner from refusing to furnish family planning services when the refusal is for medical reasons; ~~and~~

**4. Objections.** ~~No~~ A private institution or ~~physi-~~ cian health care practitioner or ~~no~~ agent or employee of such institution or ~~physician~~ health care practitioner ~~shall~~ may not be prohibited from refusing to provide family planning services when such refusal is based upon religious or conscientious objection; and

**5. Scope of practice.** Nothing in this chapter changes the scope of practice of a health care practitioner.

**Sec. 5. 22 MRSA §1904**, as enacted by PL 1973, c. 624, §1 and amended by PL 2003, c. 689, Pt. B, §§6 and 7, is repealed and the following enacted in its place:

**§1904. Rules**

The commissioner is authorized and directed to adopt rules and establish programs to enable the department, either directly or under contractual arrangements with other organizations, to promptly implement this chapter.

**Sec. 6. 22 MRSA §1905**, as enacted by PL 1973, c. 624, §1 and amended by PL 1975, c. 293, §4 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**§1905. Funds**

~~The Department of Health and Human Services~~ department is authorized to receive and disburse such funds as may be available to it for family planning services to any nonprofit organization, public or private, engaged in providing such services. Family planning programs administered by the ~~Department of Health and Human Services~~ department may be developed in consultation, in coordination or on a contractual basis, with other family planning agencies in this State, including, but not limited to, the Family Planning Association of Maine, Inc., and its affiliates.

**Sec. 7. 22 MRSA §1906**, as enacted by PL 1973, c. 624, §1 and amended by PL 1975, c. 293, §4 and PL 2003, c. 689, Pt. B, §§6 and 7, is repealed and the following enacted in its place:

**§1906. Availability**

To the extent family planning funds are available, the department shall provide family planning services to medically indigent persons eligible for such services as determined by rules adopted by the commissioner. Family planning services must also be available to all others who are unable to reasonably obtain these services privately, at a reasonable cost to be determined by the rules adopted by the commissioner. Any funds so collected must be retained by the department for the support of these services.

**Sec. 8. 22 MRSA §1907**, as enacted by PL 1973, c. 624, §1, is amended to read:

**§1907. Refusal**

The refusal of any person to accept family planning services ~~shall~~ does not affect the right of ~~such that~~ that person to receive public assistance or public health services or to ~~avail himself of access~~ access any other public benefit. The employees of agencies engaged in the administration of this chapter shall recognize that the right to make decisions concerning family planning is a fundamental personal right of the individual, and nothing in this chapter ~~shall~~ in any way ~~abridge~~ abridges such right nor ~~shall~~ may any individual be required to receive family planning services or to state ~~his~~ his reasons for refusing the offer of family planning services.

**Sec. 9. 22 MRSA §1908**, as enacted by PL 1973, c. 624, §1, is repealed and the following enacted in its place:

**§1908. Minors**

Notwithstanding section 1503, family planning services may be furnished to any minor by a health care practitioner. The health care practitioner is under no obligation to obtain the consent of the minor's parent or guardian or to inform the parent or guardian of the prevention or treatment under this section. Nothing in this section may be construed to prohibit the health care practitioner rendering the prevention services or treatment from informing the parent or guardian.

**Sec. 10. 32 MRSA §2595**, as amended by PL 1999, c. 90, §3, is further amended to read:

**§2595. Treatment of minors**

An individual licensed under this chapter who renders medical care to a minor for the prevention or treatment of venereal disease a sexually transmitted infection or abuse of drugs or alcohol treatment of substance use or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to obtain the consent of the minor's parent or guardian or to inform the parent or guardian of the prevention or treatment or collection. Nothing in this section may be construed so as to prohibit the licensed individual rendering the prevention services or treatment or collection from informing the parent or guardian. For purposes of this section, ~~"abuse of drugs substance use"~~ "substance use" means the use of drugs or alcohol solely to induce a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

**Sec. 11. 32 MRSA §3292**, as amended by PL 2017, c. 407, Pt. A, §128, is further amended to read:

**§3292. Treatment of minors**

An individual licensed under this chapter who renders medical care to a minor for the prevention or treatment of venereal disease a sexually transmitted infection or treatment of substance use or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to obtain the consent of the minor's parent or guardian or to inform the parent or guardian of the prevention or treatment or collection. This section may not be construed to prohibit the licensed individual rendering the prevention services or treatment or collection from informing the parent or guardian. For purposes of this section, "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

See title page for effective date.

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**CHAPTER 237**

**S.P. 322 - L.D. 1090**

**An Act To Update the  
Criminal Animal Welfare  
Laws**

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

**Sec. 1. 17 MRSA §1021, sub-§3**, as amended by PL 2007, c. 702, §42, is further amended to read:

**3. Full hearing.** A full hearing must be held within 31 days of application for authorization under subsection 1. The court shall take notice that the evidence in a matter under this subsection is a living animal requiring proper care and nourishment and shall advance the matter on the docket and give the matter priority over other cases when the court determines that the interests of justice so require. In the event of a postponement of the original hearing date, the court shall reschedule the matter for full hearing no more than 14 days later than the original hearing date. It is the owner's responsibility at the hearing to show cause why the animal should not be seized permanently or disposed of humanely. If it appears at the hearing that the animal has been ~~cruelly~~ cruelly abandoned or cruelly treated by its owner or the animal is maimed, disabled, diseased, dehydrated, malnourished or injured, the court shall:

**A. ~~Direct~~ Declare the animal forfeited and direct the applicant or other suitable person to take possession of and provide for the animal, or order its sale, adoption or placement;**

B. Order the animal to be disposed of humanely if a veterinarian determines that, given reasonable time and care, the animal's recovery is doubtful or that the animal is diseased or disabled beyond recovery; or

C. If appropriate, allow the animal to be returned to its owner.

All veterinary records, seizure reports prepared by a humane agent, a state veterinarian or a person authorized to make arrests, police reports, witness statements and other written documents are admissible as evidence when the authors of these documents are available for cross-examination at a hearing. An oral statement of a witness included in a police report is admissible only if the witness is present. After hearing, the court shall issue a writ of possession, order the disposition of the animal or return the animal to its owner, in which case the animal must be returned within 30 days of the seizure.

**Sec. 2. 17 MRSA §1021, sub-§3-A** is enacted to read:

**3-A. Emergency euthanasia.** If an animal in possession of a humane agent, state veterinarian, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner is in a condition that could cause the animal to suffer while in custody or if the animal is severely sick or severely injured and there is no possibility of recovery, the animal may be euthanized. The custodian of the animal shall submit in writing to the district attorney in the prosecutorial district where the animal is located a written report including a statement from a veterinarian stating the condition of the animal and how continued care could cause greater harm or damage to the animal. An animal euthanized under this subsection must receive a full necropsy to detail the condition of the animal and confirm the veterinarian's diagnosis.

**Sec. 3. 17 MRSA §1021, sub-§5, ¶A**, as corrected by RR 2013, c. 2, §30, is amended to read:

A. Whenever a humane agent, a state veterinarian or a person authorized to make arrests has reason to believe that an animal may be disabled, diseased, dehydrated or malnourished, the humane agent, state veterinarian or person shall apply to the District Court or Superior Court for authorization to take possession of the animal and turn it over to the applicant or other suitable person for examination and observation for a 30-day period. At the end of 30 days, the court must receive a report from the person in possession of the animal and either dissolve the possession order or set the matter for hearing within ~~30~~ 31 days under subsection 3.

**Sec. 4. 17 MRSA §1021, sub-§5-A**, as amended by PL 2011, c. 559, Pt. A, §16, is further amended to read:

**5-A. Seizure by humane agent, state veterinarian or person authorized to make arrests without court order.** A ~~state~~ humane agent ~~or a~~ state veterinarian ~~or person authorized to make arrests~~ who has reasonable cause to believe that a violation of section 1031 or 1032 has taken place or is taking place may take possession of and retain the cruelly treated animal. Upon taking possession of an animal under this section, the humane agent or the state veterinarian shall present the owner with a notice that:

A. States the reason for seizure;

B. Gives the name, address and phone number of the humane agent ~~or~~ the state veterinarian ~~or the person authorized to make arrests~~ to contact for information regarding the animal; and

C. Advises the owner of the ensuing court procedure.

If the owner can not be found, the humane agent ~~or~~ the state veterinarian ~~or the person authorized to make arrests~~ shall send a copy of the notice to the owner at the owner's last known address by certified mail, return receipt requested. If the owner is not known or can not be located, the humane agent ~~or~~ the state veterinarian ~~or the person authorized to make arrests~~ shall contact the animal shelter or shelters used by the municipality in which the animal was found. The humane agent ~~or~~ the state veterinarian ~~or the person authorized to make arrests~~ shall provide the shelter with a description of the animal, the date of seizure and the name of a person to contact for more information.

Within 3 working days of possession of the animal, the humane agent ~~or~~ the state veterinarian ~~or the person authorized to make arrests~~ shall apply to the court for a possession order under subsection 3. ~~Upon~~ Notwithstanding the provisions of subsection 3, upon good cause shown, the court shall expedite the case and schedule a prehearing conference to take place within 7 days of the seizure. The court shall set a hearing date, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. The humane agent ~~or~~ the state veterinarian ~~or the person authorized to make arrests~~ shall arrange care for the animal, including medical treatment, if necessary, pending the hearing.

The humane agent ~~or~~ the state veterinarian ~~or the person authorized to make arrests~~ shall notify the owner, if located, of the time and place of the hearing. If the owner has not been located, the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found stating the case and circumstances and giving 48 hours notice of the hearing.

~~It is the owner's responsibility at the hearing to show cause why the animal should not be seized permanently or disposed of humanely. If it appears at the hearing that the animal has been abandoned or cruelly treated by its owner, the court shall declare the animal forfeited and order its sale, adoption or donation or order the animal to be disposed of humanely if a veterinarian determines that the animal is diseased or disabled beyond recovery. In the case of an expedited hearing, the court shall issue a writ of possession or return the animal to its owner within 30 days of the seizure.~~

~~For an expedited hearing, the State, prior to the pre-hearing conference, shall submit all veterinary records, reports by investigating officers and other relevant records in the State's possession to the court and shall mail or deliver copies of these same reports and records to the owner of the animal.~~

~~All veterinary records, seizure reports prepared by humane agents, police reports, witness statements or other written documents are admissible as evidence when the authors of these documents are available for cross-examination at a possession hearing. Oral statements of a witness included in a police report are only admissible if the witness is present at the possession hearing.~~

**Sec. 5. 17 MRSA §1021, sub-§5-B** is enacted to read:

**5-B. Temporary possession ban.** An owner or keeper of an animal that was lawfully seized or impounded pursuant to this section or section 1034 is prohibited from possessing or acquiring an animal prior to any hearing to determine possession of the animal that was lawfully seized or impounded. Notice of the prohibition under this subsection must be served to the owner or keeper subject to the prohibition. An owner or keeper who violates the prohibition under this subsection commits a civil violation for which a fine of not more than \$200 may be adjudged for each day of violation.

**Sec. 6. 17 MRSA §1022**, as amended by PL 1997, c. 690, §65, is further amended to read:

**§1022. Prevention of cruelty**

The commissioner, a humane agent, a state veterinarian or any person authorized to make arrests may lawfully interfere to prevent the perpetration of any act of cruelty upon an animal in that person's presence.

**Sec. 7. 17 MRSA §1027, sub-§1, ¶A**, as enacted by PL 2007, c. 439, §36, is amended to read:

A. "Authority" means the commissioner or a state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, person authorized to make arrests or animal control officer that seizes or impounds an animal pursuant to section 1021.

**Sec. 8. 17 MRSA §1027, sub-§2**, as amended by PL 2011, c. 559, Pt. A, §17, is repealed.

**Sec. 9. 17 MRSA §1027, sub-§2-A** is enacted to read:

**2-A. Appeal of action or order.** When an animal is lawfully seized or impounded pursuant to section 1021 or 1034, if the owner, custodian or person claiming an interest in the animal wishes to contest the order, the owner, custodian or person claiming an interest may appeal the action or order to the Superior Court pursuant to the Maine Rules of Civil Procedure.

**Sec. 10. 17 MRSA §1031, sub-§1, ¶D**, as amended by PL 2003, c. 452, Pt. I, §13 and affected by Pt. X, §2, is further amended to read:

D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including, but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime;

See title page for effective date.

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**CHAPTER 238**

**H.P. 844 - L.D. 1155**

**An Act To Protect Patients and the Prudent Laysperson Standard**

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

**Sec. 1. 24-A MRSA §4301-A, sub-§§4-A and 4-B** are enacted to read:

**4-A. Emergency medical condition.** "Emergency medical condition" means the sudden and, at the time, unexpected onset of a physical or mental health condition, including severe pain, manifesting itself by symptoms of sufficient severity, regardless of the final diagnosis that is given, that would lead a prudent laysperson, possessing an average knowledge of medicine and health, to believe:

A. That the absence of immediate medical attention for an individual could reasonably be expected to result in:

(1) Placing the physical or mental health of the individual or, with respect to a pregnant woman, the health of the pregnant woman or her unborn child in serious jeopardy;

(2) Serious impairment of a bodily function; or

(3) Serious dysfunction of any organ or body part; or

B. With respect to a pregnant woman who is having contractions, that there is:

(1) Inadequate time to effect a safe transfer of the woman to another hospital before delivery; or

(2) A threat to the health or safety of the woman or unborn child if the woman were to be transferred to another hospital.

4-B. Emergency service. "Emergency service" means a health care item or service furnished or required to evaluate and treat an emergency medical condition that is provided in an emergency facility or setting.

**Sec. 2. 24-A MRSA §4304, sub-§5,** as enacted by PL 1999, c. 742, §13, is amended to read:

**5. Emergency services.** When conducting utilization review or making a benefit determination for emergency services, a carrier shall provide benefits for emergency services consistent with the requirements of this subsection and any applicable bureau rule.

A. Before a carrier denies benefits or reduces payment for an emergency service based on a determination of the absence of an emergency medical condition or a determination that a lower level of care was needed, the carrier shall conduct a utilization review done by a board-certified emergency physician who is licensed in this State, including a review of the enrollee's medical record related to the emergency medical condition subject to dispute. If a carrier requests records related to a potential denial of or payment reduction for an enrollee's benefits when emergency services were furnished to an enrollee, a provider has an affirmative duty to respond to the carrier in a timely manner. This paragraph does not apply when a reduction in payment is made by a carrier based on a contractually agreed upon adjustment for health care service.

**Sec. 3. 24-A MRSA §4320-C,** as enacted by PL 2011, c. 364, §34, is amended to read:

**§4320-C. Emergency services**

~~If a carrier offering a health plan subject to the requirements of the federal Affordable Care Act provides or covers any benefits with respect to services in an emergency department of a hospital facility or setting, the plan must cover emergency services in accordance with the requirements of the federal Affordable Care Act, including requirements that emergency services be covered without prior authorization and that cost-sharing. Cost-sharing requirements, ex-~~

pressed as a copayment amount or coinsurance rate, for out-of-network services are the same as requirements that would apply if such services were provided in network. A carrier offering a health plan in this State shall also comply with the requirements of section 4304, subsection 5.

**Sec. 4. Rulemaking.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 4309, any rules adopted by the Department of Professional and Financial Regulation, Bureau of Insurance to amend rule Chapter 850: Health Plan Accountability as necessary to conform to this Act are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 239**

**S.P. 379 - L.D. 1217**

**An Act To Clarify the Oversight of the Family Development Account Program**

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

**Sec. 1. 5 MRSA §12004-I, sub-§18-F** is enacted to read:

**18-F.**

<u>Education:</u>	<u>Advisory</u>	<u>Expenses</u>	<u>20-A</u>
<u>Financial</u>	<u>Committee</u>	<u>for mem-</u>	<u>MRSA</u>
<u>Aid</u>	<u>on Family</u>	<u>bers repre-</u>	<u>§10985</u>
	<u>Development</u>	<u>sents</u>	
	<u>Accounts</u>	<u>account</u>	
		<u>holders: not</u>	
		<u>authorized</u>	
		<u>for all other</u>	
		<u>members</u>	

**Sec. 2. 5 MRSA §12004-I, sub-§25-B,** as amended by PL 2003, c. 673, Pt. QQ, §1, is repealed.

**Sec. 3. 10 MRSA c. 110, sub-c. 4-A,** as amended, is repealed.

**Sec. 4. 20-A MRSA c. 412-B** is enacted to read:

**CHAPTER 412-B**

**FAMILY DEVELOPMENT ACCOUNT PROGRAM**

**§10981. Definitions**

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

**1. Account holder.** "Account holder" means an eligible person who owns a family development account.

**2. Community development organization.** "Community development organization" means a charitable organization, a community action agency or a nonprofit organization under the United States Internal Revenue Code of 1986, Section 501(c)(3) approved by the university to administer family development accounts.

**3. Eligible person.** "Eligible person" means an individual whose family income is below 200% of the nonfarm income official poverty line as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, subsection 2.

**4. Family development account; account.** "Family development account" or "account" means a financial instrument established pursuant to this chapter.

**5. Family development account reserve fund.** "Family development account reserve fund" means the fund created by a community development organization for the purposes of funding the administrative costs of the program and providing matching funds for deposit in family development accounts.

**6. Financial institution.** "Financial institution" means a credit union or financial institution authorized to do business in this State under Title 9-B and that meets standards established by the university.

**7. Program.** "Program" means the family development account program administered by the university under this chapter.

**8. University.** "University" means the University of Maine System.

#### **§10982. Family development account program**

The university shall administer the family development account program to allow eligible persons to establish savings accounts to be used for education, job training, purchase or repair of a home, purchase or repair of a vehicle for access to work or education, capitalization of a small business, health care costs over \$500 not covered by private or public insurance or other basic necessity. The program is designed to encourage savings as a means of investing in the future and investing in the people, institutions and businesses of the State.

**1. Soliciting proposals.** The university shall, on a schedule established by the university, solicit proposals from community development organizations seeking to administer family development accounts on a nonprofit basis. The university may not limit the number of community development organizations par-

ticipating based solely upon geographic region. The proposals must include:

A. A process for including account holders in decision making regarding the investment of funds in the accounts;

B. The specific populations the community development organization plans to identify for participation in the program; and

C. A requirement that deposits into accounts must be accepted from account holders with or without matching contributions and from community development organizations.

**2. Reviewing proposals.** In reviewing the proposal of a community development organization, the university shall establish criteria to use that must include the following factors:

A. The nonprofit status of the community development organization;

B. The fiscal accountability of the community development organization;

C. The ability of the community development organization to provide or raise money for matching contributions and to establish and administer a family development account reserve fund; and

D. The significance and quality of proposed auxiliary services and their relationship to the goals of the family development account program.

**3. Administrative costs.** No more than 15% of the family development account reserve fund may be used for administrative costs of the program.

**4. Establishment of accounts.** A financial institution approved by the university may establish family development accounts pursuant to this chapter. The financial institution shall certify to the university in the manner required by the university that accounts have been established pursuant to the provisions of this chapter and that deposits have been made on behalf of account holders. A financial institution establishing a family development account shall:

A. Keep the account in the name of the account holder;

B. Permit deposits to be made into the account by the account holder or a community development organization on behalf of the account holder, including money deposited to match the account holder's deposits. Matching contribution deposits may not exceed \$4,000 per year and must be approved in writing by the community development organization. An account with a balance exceeding \$10,000 is ineligible for matching contribution deposits;

C. Credit interest to the account at a rate equal to or higher than the rate applicable to comparable accounts within the financial institution;

D. Permit the account holder to withdraw money from the account for any of the purposes listed in section 10983, subsection 1; and

E. Require the account holder to allow the financial institution to provide all account information to the community development organization.

**5. Appeals.** Any dispute between the account holder and the community development organization may be appealed to the university. Any adverse decision of the university may be appealed to the Superior Court pursuant to Title 5, chapter 375, subchapter 7.

**6. Rules; stakeholders.** The university may adopt rules to implement and administer the provisions of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. In administering the program and periodically assessing its effectiveness, the university may consult with stakeholders from the community, including but not limited to program participants, community development organizations and financial institutions, as well as organizations representing the interests of low-income persons in the State.

#### **§10983. Withdrawal of funds**

**1. Use of funds.** An account holder may withdraw funds from the account with the approval of the community development organization administrator without penalty for the following expenditures:

A. Expenses for education or job training or to attend an accredited or approved postsecondary education or training institution;

B. The purchase or repair of a home that is or will be the person's principal residence;

C. The purchase or repair of a vehicle used for transportation to work or to attend an education or training program;

D. Expenses for an emergency that may cause the loss of shelter, employment or other basic necessities;

E. Capital to start or purchase a small business for any family member who is 18 years of age or older; or

F. Health care costs exceeding \$500 not covered by public or private insurance.

**2. Unauthorized withdrawal; penalty.** Money withdrawn from an account by an account holder that is not withdrawn pursuant to subsection 1 may be subject to a penalty of 15%. All penalties must be paid by the account holder and deposited into the family de-

velopment account reserve fund of the community development organization.

**3. Death of account holder.** When opening an account an account holder may name a beneficiary and contingent beneficiaries. An account holder may change beneficiaries at any time. When an account holder dies the account must be transferred to the ownership of the designated beneficiary or, if there is none or if the transfer is not possible, the account must be transferred to the estate of the deceased.

**4. Exempt from taxation.** Account balances and withdrawals are exempt from taxation pursuant to Title 36, chapter 803.

#### **§10984. No reduction in benefits**

Notwithstanding any other rule or provision of state law, the first \$10,000 of funds and any accrued interest in an account under this chapter are excluded from consideration in determining eligibility or benefit levels for any assistance or benefit granted under state law.

#### **§10985. Advisory committee**

The Advisory Committee on Family Development Accounts, established in Title 5, section 12004-I, subsection 18-F, is referred to in this section as "the committee."

**1. Committee membership.** The committee consists of 10 members as follows:

A. Four members appointed by the Governor, including one representative of the Maine State Housing Authority, one representative of the Department of Health and Human Services and 2 representatives of financial institutions participating in the program;

B. Three members appointed by the President of the Senate, including one representative of a statewide community development foundation, one person who is an account holder or is eligible to be an account holder or is a program graduate and one representative of a financial institution participating in the program; and

C. Three members appointed by the Speaker of the House of Representatives, including one person who is an account holder or is eligible to be an account holder or is a program graduate, one representative of a contributor of matching funds to the program and one representative of a financial institution participating in the program.

Members from state departments serve at the pleasure of their appointing authorities. All other members serve 3-year terms and may continue to serve beyond their terms until their successors are appointed. If a vacancy occurs before a term has expired, the vacancy must be filled for the remainder of the unexpired term by the authority who made the original appointment.

If a member is absent for 2 consecutive meetings and has not been excused by the chair from either meeting, the committee may remove the member by majority vote.

**2. Chair.** The committee shall elect a chair from its members.

**3. Duties; report.** The committee shall meet at least 2 times per year to study and evaluate the effectiveness of family development accounts in this State and other states; make recommendations with respect to changes in law, rule or policy that will enhance the ability of account holders to improve their economic security; and advise the university, relevant state agencies, community development organizations and the Legislature as to its findings. The committee shall provide a comprehensive report to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters by March 1st of each year.

**4. Freedom of access; confidential information.** Meetings of the committee are public meetings and records and papers of the committee are public records for the purposes of the freedom of access laws in Title 1, chapter 13, subchapter 1, except that information obtained about account holders and their families that is confidential under state or federal law, rule or regulation is confidential and may not be disclosed.

**5. Staffing.** The university shall provide staffing to the committee and may, within existing resources, obtain technical assistance from appropriate sources with expertise in asset development for low-income households.

**6. Voluntary service.** Members of the committee serve without compensation or reimbursement for expenses, except that members representing account holders may be reimbursed for expenses.

**§10986. Support of advisory committee**

The university shall provide support to the Advisory Committee on Family Development Accounts under section 10985, certify participating financial institutions and review proposals from community development organizations seeking to manage family development accounts.

**Sec. 5. 22 MRSA §3769-D**, as enacted by PL 2015, c. 267, Pt. RRRR, §4, is amended to read:

**§3769-D. Temporary Assistance for Needy Families block grant; family development accounts**

In fiscal year 2016-17 and annually thereafter, the Department of Health and Human Services may use \$500,000 in funds provided under the Temporary As-

sistance for Needy Families block grant to promote financial literacy and healthy savings habits of families with income less than 200% of the federal poverty guidelines through the placement of funds in family development accounts established pursuant to Title ~~10~~ **20-A**, chapter ~~410~~ **412-B**, ~~subchapter 4-A~~.

**Sec. 6. Transition of family development account program.** The following provisions govern the transition of the family development account program, referred to in this section as "the program," from the Finance Authority of Maine, referred to in this section as "FAME," to the University of Maine System, referred to in this section as "the university."

1. The university is the successor in every way to the powers, duties, responsibilities, programs, services and functions assigned to FAME in the administration of the program.

2. All rules of FAME, as they pertain to the administration of the program, that are in effect on the effective date of this Act remain in effect until rescinded, revised or amended.

3. All contracts, agreements and compacts of FAME, as they pertain to the powers, duties, responsibilities, programs, services and functions of the program that are in effect on the effective date of this Act remain in effect until the contracts, agreements and compacts expire or are altered by the parties involved in the contracts, agreements or compacts.

4. All records of FAME as they pertain to the powers, duties, responsibilities, programs, services and functions of FAME in the administration of the program are transferred to the university as necessary to implement the transition.

See title page for effective date.

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**CHAPTER 240**

**H.P. 898 - L.D. 1237**

**An Act To Simplify Municipal Collective Bargaining by Removing the 120-Day Notice Required Prior to Certain Negotiations**

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

**Sec. 1. 26 MRSA §965, sub-§1**, as amended by PL 2009, c. 107, §5, is further amended to read:

**1. Negotiations.** It is the obligation of the public employer and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purposes of this chapter, their mutual obligation:

A. To meet at reasonable times;

B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, as long as the parties have not otherwise agreed in a prior written contract. This obligation is suspended during the period between a referendum approving a new regional school unit and the operational date of the regional school unit, as long as the parties meet at reasonable times during that period;

C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party may be compelled to agree to a proposal or be required to make a concession and except that public employers of teachers shall meet and consult but not negotiate with respect to educational policies; for the purpose of this paragraph, educational policies may not include wages, hours, working conditions or contract grievance arbitration;

D. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation but may not exceed 3 years; and

E. To participate in good faith in the mediation, fact-finding and arbitration procedures required by this section.

~~Whenever wages, rates of pay or any other matter requiring appropriation of money by any municipality or county are included as a matter of collective bargaining conducted pursuant to this chapter, it is the obligation of the bargaining agent to serve written notice of request for collective bargaining on the public employer at least 120 days before the conclusion of the current fiscal operating budget, except that this requirement is waived in the event that a bargaining agent of a newly formed bargaining unit is recognized or certified during the period not more than 120 days nor less than 30 days prior to the end of the fiscal period. The 120 day notice requirement is also waived with respect to regional school units formed pursuant to Title 20-A, chapter 103-A, subchapter 2 prior to their first year of operation.~~

See title page for effective date.

**CHAPTER 241**

**S.P. 382 - L.D. 1262**

**An Act To Allow Funds from the Federal E-Rate Program To Be Applied to Maine Preschool Programs**

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

**Sec. 1. 20-A MRSA §1, sub-§23-A**, as enacted by PL 2007, c. 141, §2, is amended to read:

**23-A. Public preschool program.** "Public preschool program" means a program offered by a public elementary school pursuant to chapter 203 that provides instruction to children who are 4 years of age, including but not limited to a Head Start program that is approved as a component of the public preschool program.

See title page for effective date.

**CHAPTER 242**

**S.P. 386 - L.D. 1266**

**An Act To Create Transportation Corridor Districts for the Purpose of Funding Transportation and Transit Services**

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

**Sec. 1. 30-A MRSA §3501, sub-§1, ¶¶C and D**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

C. A municipality voting to provide mass transportation service without the creation of a district; and

D. A regional transportation corporation, except that sections 3510, 3512 and 3517 do not apply to a regional transportation corporation; and

**Sec. 2. 30-A MRSA §3501, sub-§1, ¶E** is enacted to read:

E. A transportation corridor district, except that section 3502, section 3505, section 3516, subsections 2 and 3 and section 3517 do not apply to a transportation corridor district.

**Sec. 3. 30-A MRSA §3501, sub-§4** is enacted to read:

**4. Transportation corridor district.** "Transportation corridor district" means a specified area contiguous with a transportation route or facility that has been formed by a municipality or municipalities and approved by the voters as provided under section 3502-A.

**Sec. 4. 30-A MRSA §3502-A** is enacted to read:

**§3502-A. Formation of a transportation corridor district; powers**

**1. Formation.** A municipality may, in accordance with the requirements of this section, by itself or in cooperation with one or more other municipalities, form a transportation corridor district for the purposes of funding public transportation and serving accessibility needs, including passenger rail, ferry, bus, bicycle and pedestrian facilities and routes, and promoting economic development at transportation station areas and in downtown areas. The municipality or group of municipalities shall select the borders of the transportation corridor district. The transportation corridor district may include the entire municipality or group of municipalities or a portion of the municipality or portions of the municipalities, but must encompass an existing or proposed transportation corridor.

**2. Notice and hearing.** Before forming a transportation corridor district, a municipality or group of municipalities shall hold at least one public hearing on the proposed transportation corridor district in the municipality or in each of the participating municipalities. Notice of the hearing must be published at least 10 days before the hearing in a newspaper of general circulation within the municipality or municipalities and on each participating municipality's publicly accessible website if the municipality has a publicly accessible website. The municipality or group of municipalities shall provide notification by first-class mail of the public hearing to all owners of property within the borders of the proposed transportation corridor district. The municipality or group of municipalities shall provide notification of the public hearing to the Department of Transportation and to adjoining municipalities of the proposed transportation corridor district. After adjoining municipalities are notified of the public hearing, but before voter approval under subsection 3, the municipality or group of municipalities may coordinate with adjoining municipalities along the transportation corridor to change the borders.

**3. Voter approval.** The formation of a transportation corridor district must be approved by a voter referendum in each participating municipality.

**4. General powers; area of service.** A transportation corridor district formed under this section is a body politic and corporate and may sue, be sued, plead and be impleaded, adopt a name, adopt and alter a common seal and do all things necessary to furnish transportation within that district, including charter service, for public purposes in the interest of the health, safety, comfort and convenience of the inhabitants of the municipality or municipalities composing the district.

**5. Incidental rights.** All incidental powers, rights and privileges necessary to accomplish the main objective set forth in this chapter are granted to a transportation corridor district formed under this sec-

tion. Such a district is subject to the jurisdiction of the Public Utilities Commission only to the extent provided in this chapter.

**Sec. 5. 30-A MRSA §3503**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

**§3503. Addition to or modification of a district**

**1. Application for membership to a district.** A municipality that is contiguous to any other municipality authorized to provide transportation services under this chapter or contiguous to any municipality that is a member of a transit district may apply to the transit district for membership, and the board of directors may accept or refuse the application for membership.

**2. Modification of borders of a transportation corridor district.** The board of directors, with approval from all municipalities in the transportation corridor district, may change the borders of a transportation corridor district.

**3. Joining a transportation corridor district.** Notwithstanding anything to the contrary in subsection 1, a municipality with an existing or proposed transportation corridor connecting to an established transportation corridor district may apply to join the transportation corridor district. The municipality applying to join an established transportation corridor district must receive approval by a majority of voters within the municipality. The board of directors of the established transportation corridor district, with approval from all municipalities in the district, may approve the municipality's application by a majority vote.

**Sec. 6. 30-A MRSA §3504, first ¶**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

The affairs of a district formed under section 3502 or 3502-A must be managed by a board of directors chosen from the inhabitants of the municipality or municipalities ~~comprising~~ composing the district.

**Sec. 7. 30-A MRSA §3504, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**2. Appointment; terms; quorum.** The municipal officers of each municipality shall appoint the directors of a ~~transit~~ district. Initially, the directors' terms of office shall ~~must~~ be determined by lot at their first organizational meeting as follows: One-third of those appointed shall serve for 3 years, 1/3 for 2 years and the remaining number for one year. All subsequent appointments are for a term of 3 years. Directors shall serve until their successors have been appointed, with vacancies being filled for the unexpired portion of the respective terms.

A majority of the directors constitutes a quorum for the transaction of business. Action taken by 2/3 of the directors present at any meeting at which a quorum is in attendance is considered to be the action of the full board of directors.

**Sec. 8. 30-A MRSA §3512, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**2. Notes and securities authorized.** For accomplishing the purposes of this chapter and for paying any indebtedness and any necessary expenses and liabilities incurred for that purpose, including organizational and other necessary expenses, ~~the a district, except for a transportation corridor district,~~ by vote of its board of directors, or a transportation corridor district, if approved by voter referendum in each municipality participating in the transportation corridor district, may:

A. Borrow money temporarily and issue its negotiable notes for that money; and

B. From time to time, issue securities of the district in one series or in separate series in such amount or amounts, bearing interest at such rate or rates and having such terms and provisions as the board of directors determines. These securities may be issued with or without provision for calling the securities before maturity and, if callable, may be made callable at par or at any premium determined by the board of directors. The board of directors may from time to time issue its securities in one series or in separate series for the purpose of paying, redeeming or refunding outstanding securities.

See title page for effective date.

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## CHAPTER 243

### S.P. 393 - L.D. 1273

#### **An Act To Ensure Funding for Certain Essential Functions of the University of Maine Cooperative Extension Pesticide Safety Education Program**

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

**Sec. 1. 7 MRSA §607, sub-§6**, as amended by PL 2013, c. 290, §1 and affected by §4, is further amended to read:

**6. Registration fee; programs funded.** The applicant desiring to register a pesticide must pay an annual registration fee of \$160 for each pesticide reg-

istered for that applicant. Annual registration periods expire on December 31st or in a manner consistent with Title 5, section 10002, whichever is later.

The board shall monitor fee revenue and expenditures under this subsection to ensure that adequate funds are available to fund board and related department programs and, to the extent funds are available, to provide grants to support stewardship programs. The board shall use funds received under this subsection to provide:

A. An annual grant of no less than \$135,000 to the University of Maine Cooperative Extension, on or about April 1st, for development and implementation of integrated pest management programs. ~~The University of Maine may not charge overhead costs against this grant; and~~

B. Funding for public health-related mosquito monitoring programs or other pesticide stewardship and integrated pest management programs, if designated at the discretion of the board, as funds allow after expenditures under paragraph A. The board ~~shall~~ may seek the advice of the Integrated Pest Management Council established in section 2404 in determining the most beneficial use of the funds, if available, under this subsection; and

C. An annual grant of not less than \$65,000 to the University of Maine Cooperative Extension, on or about April 1st, for the development and revision of training manuals for applicator certification, licensing and recertification and to perform other aspects of pesticide education programs. The University of Maine Cooperative Extension may seek the advice of the board in establishing the pesticide education programs and shall submit an annual report on the use of the funds under this paragraph, no later than January 15th, to the board and the joint standing committee of the Legislature having jurisdiction over pesticide education and certification matters.

The University of Maine may not charge overhead costs against grants under this subsection.

By February 15th annually, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters detailing the grants funded by the fee under this subsection. The annual report must include a recommendation by the board as to whether the amount of the fee is adequate to fund the programs described in this subsection. The joint standing committee may report out a bill to the Legislature based on the board's recommendations.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**

**University of Maine Cooperative Extension Z172**

Initiative: Allocates ongoing funds for the University of Maine Cooperative Extension to develop and revise training manuals for applicator licensing and recertification and to perform other aspects of pesticide education programs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$65,000	\$65,000
	<hr/>	<hr/>
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$65,000</b>	<b>\$65,000</b>

See title page for effective date.

**CHAPTER 244  
S.P. 421 - L.D. 1353**

**An Act To Establish  
Transparency in Primary  
Health Care Spending**

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

**Sec. 1. 24-A MRSA §6903, sub-§13-B** is enacted to read:

**13-B. Primary care.** "Primary care" means regular check-ups, wellness and general health care provided by a provider with whom a patient has initial contact for a health issue, not including an urgent care or emergency health issue, and by whom the patient may be referred to a specialist.

**Sec. 2. 24-A MRSA §6951, sub-§12** is enacted to read:

**12. Primary care reporting.** Beginning January 15, 2020 and annually thereafter, the forum shall submit to the Department of Health and Human Services and the joint standing committee of the Legislature having jurisdiction over health coverage and health insurance matters a report on primary care spending using claims data from the Maine Health Data Organization and information on the methods used to reimburse primary care providers requested annually from payors, as defined in Title 22, section 8702, subsection 8. The report must include:

A. Of their respective total medical expenditures, the percentage paid for primary care by commercial insurers, the MaineCare program, Medicare, the organization that administers health insurance for state employees and the Maine Education As-

sociation benefits trust and the average percentage of total medical expenditures paid for primary care across all payors; and

B. The methods used by commercial insurers, the MaineCare program, Medicare, the organization that administers health insurance for state employees and the Maine Education Association benefits trust to pay for primary care.

**Sec. 3. Maine Quality Forum to conduct health spending reporting study.** The Maine Quality Forum, established in the Maine Revised Statutes, Title 24-A, section 6951, shall consult with other state and national agencies and organizations to determine the best practices for reporting spending on primary care services by insurers. For purposes of this section, "primary care" means regular check-ups, wellness and general health care provided by a health care provider with whom a patient has initial contact for a health issue, not including an urgent care or emergency health issue, and by whom the patient may be referred to a specialist.

See title page for effective date.

**CHAPTER 245  
S.P. 426 - L.D. 1371**

**An Act To Ensure  
Nondiscriminatory Treatment  
of Public, Educational and  
Governmental Access Channels  
by Cable System Operators**

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

**Sec. 1. 30-A MRSA §3008, sub-§5, ¶¶B and C,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

B. A line extension policy, which must specify a minimum density requirement of no more than 15 residences per linear strand mile of aerial cable for areas in which the cable system operator will make cable television service available to every residence;

C. A provision for renewal, the term of which may not exceed 15 years. A provision for automatic renewal or other provision for extending the initial term is prohibited. Franchise renewal is governed by section 3010, subsection 5-C;

**Sec. 2. 30-A MRSA §3008, sub-§5, ¶D,** as amended by PL 2007, c. 548, §1, is further amended to read:

D. Procedures for the investigation and resolution of complaints by the cable system operator; and

**Sec. 3. 30-A MRSA §3008, sub-§5, ¶D-1** is enacted to read:

D-1. A provision for the use and support of public, educational and governmental access channels, which must be carried in the same manner and numerical location sequence as are the local broadcast channels originating from the State and carried on the cable television system pursuant to section 3010, subsection 5-A; and

**Sec. 4. 30-A MRSA §3008, sub-§7**, as enacted by PL 2007, c. 548, §1, is amended to read:

**7. Model franchise agreement.** The Department of Administrative and Financial Services, Office of Information Technology, or a successor state agency, referred to in this subsection as "the office," shall develop and may update and amend a model franchise agreement for use by any municipality and any cable system operator that mutually choose to adopt the model franchise agreement or any of its provisions. A cable system operator may not modify or amend the model franchise agreement without the consent of the municipality. The office shall make the model franchise agreement available on its publicly accessible website. In the development of the model franchise agreement, the office shall, at a minimum, consider the following issues:

- A. Franchise fees;
- B. Build-out requirements;
- C. Public, educational and governmental access channels and reasonable facility support for such channels;
- D. Customer service standards;
- E. The disparate needs of the diverse municipalities in this State; and
- F. The policy goal of promoting competition in the delivery of cable television service.

This subsection does not allow the office to establish prices for any cable television service or to regulate the content of cable television service.

**Sec. 5. 30-A MRSA §3010, first ¶**, as amended by PL 2007, c. 548, §2, is further amended to read:

This section applies to every franchisee. For purposes of this section, "franchisee" means a cable system operator that is granted a franchise by a municipality in accordance with section 3008. For purposes of this section, "cable system operator" and "cable television service" have the same meanings as in section 3008, except that "cable system operator" includes a multichannel video programming distributor as defined in 47 United States Code, Section 522(13). For

purposes of this section, "originator" means a local unit of government or the entity to which a local unit of government has assigned responsibility for managing public, educational and governmental access channels.

**Sec. 6. 30-A MRSA §3010, sub-§§5-A, 5-B and 5-C** are enacted to read:

**5-A. Public, educational and governmental access channels.** A cable system operator shall carry public, educational and governmental access channels on the cable system operator's basic cable or video service offerings or tiers. A cable system operator may not separate public, educational and governmental access channels numerically from other local broadcast channels carried on the cable system operator's basic cable or video service offerings or tiers and, in the event of a franchise license transfer, shall use the same channel numbers for the public, educational and governmental access channels as used for those channels by the incumbent cable system operator, unless prohibited by federal law. After the initial designation of public, educational and governmental access channel numbers, a cable system operator may not change the channel numbers without the agreement of the originator, unless the change is required by federal law.

A cable system operator shall restore a public, educational or governmental access channel that has been moved without the consent of the originator within the 24 months preceding the effective date of this subsection to its original location and channel number within 60 days after the effective date of this subsection.

**5-B. Transmission.** A cable system operator shall retransmit public, educational and governmental access channel signals in the format in which they are received from the originator and at the same signal quality as that provided to all subscribers of the cable television service for local broadcast channels. A cable system operator may not diminish, down convert or otherwise tamper with the signal quality or format provided by the originator. A cable system operator shall deliver a public, educational or governmental access channel signal to the subscriber in a quality and format equivalent to the quality and format of local broadcast channel signals carried on the cable television service if provided as such by the originator. A cable system operator shall carry each public, educational or governmental access channel in both a high definition format and a standard digital format in the same manner as that in which local broadcast channels are provided, unless prohibited by federal law.

A cable system operator, when requested, shall assist in providing the originator with access to the entity that controls the cable television service's electronic program guide so that subscribers may view, select and record public, educational and governmental access channels in the same manner as that in which they

view, select and record local broadcast channels. In addition, a cable system operator shall identify public, educational and governmental access channels on the electronic program guide in the same manner as that in which local broadcast channels are identified. This subsection does not obligate a cable system operator to list public, educational and governmental access channel content on channel cards and channel listings. If channels are selected by a viewer through a menu system, the cable system operator shall display the public, educational and governmental access channels' designations in a similar manner as that in which local broadcast channel designations are displayed.

A cable system operator shall make available to the originator a toll-free telephone number with a direct line to a service technician who is familiar with the signal path and equipment associated with public, educational and governmental access channels on the cable television system for resolution of a signal quality problem.

**5-C. Franchise renewals.** The franchise renewal process must be conducted in compliance with 47 United States Code, Section 546 and this subsection.

A. A cable system operator shall maintain adequate personnel and resources to respond to municipal requests for renewal information in a timely manner. Failure to respond in a timely manner is a violation of the Maine Unfair Trade Practices Act.

B. If an automatic renewal provision exists in a franchise agreement on the effective date of this subsection, the automatic renewal provision remains in effect until that franchise agreement expires. The cable system operator shall notify the franchising authority of the automatic renewal no later than 36 months in advance of the expiration of the franchise.

C. A municipality may require maps, diagrams, annual reports and franchise fee statements at renewal, which the cable system operator shall make available upon reasonable notice. If information is proprietary, the municipality may execute a nondisclosure agreement with the cable system operator.

**Sec. 7. Automatic renewal.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 3010, subsection 5-C, paragraph B, an automatic renewal provision in a franchise agreement in effect between a municipality and a cable system operator on the effective date of this Act remains in effect if the renewal date is less than 36 months after the effective date of this Act.

See title page for effective date.

## CHAPTER 246 H.P. 1024 - L.D. 1411

### An Act Regarding the Federal Workforce Innovation and Opportunity Act

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

**Sec. 1. 26 MRSA §2001, sub-§4-A** is enacted to read:

**4-A. State workforce development plan.** "State workforce development plan" means a state plan under the Workforce Innovation and Opportunity Act.

**Sec. 2. 26 MRSA §2004-A**, as amended by PL 2017, c. 110, §13, is further amended by adding at the end a new paragraph to read:

The State Workforce Board shall submit the state workforce development plan to the joint standing committee of the Legislature having jurisdiction over labor matters for the committee's review at the same time the plan is posted for public comment pursuant to the Workforce Innovation and Opportunity Act.

**Sec. 3. 26 MRSA §2006, sub-§2**, as amended by PL 2017, c. 110, §15, is repealed.

**Sec. 4. 26 MRSA §2006, sub-§2-A** is enacted to read:

**2-A. Membership.** The board consists of the Governor and, at a minimum, the following members:

A. Representatives from business and industry, representatives from organized labor and representatives of other interests as determined by the Governor. These appointments are subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and confirmation by the Legislature; and

B. The following ex officio members:

(1) County commissioners designated by local boards appointed by the Governor;

(2) The Commissioner of Labor or the commissioner's designee;

(3) The Commissioner of Education or the commissioner's designee;

(4) The Commissioner of Economic and Community Development or the commissioner's designee; and

(5) Other state, county or municipal officials as the Governor considers necessary appointed by the Governor.

The appointments of these members are not subject to review by the joint standing committee of

the Legislature having jurisdiction over labor matters or confirmation by the Legislature.

Appointments must be consistent with the representation requirements of the Workforce Innovation and Opportunity Act. The Governor shall ensure that the board has sufficient expertise to effectively carry out the duties and functions of the board. Members must represent diverse geographic areas of the State, including urban, rural and suburban areas.

**Sec. 5. 26 MRSA §2006, sub-§3**, as enacted by PL 1997, c. 410, §12 and affected by §13, is amended to read:

**3. Terms of members.** One third of the initial appointees shall serve for a one-year term, 1/3 of the initial appointees shall serve for a 2-year term and 1/3 shall serve for a 3-year term. All subsequent appointees shall serve 3-year terms. An appointee continues to serve until that appointee has been reappointed or a successor has been appointed.

**Sec. 6. 26 MRSA §2007**, as amended by PL 2017, c. 110, §20, is further amended to read:

#### **§2007. Funding**

Funds received from the United States pursuant to the Workforce Innovation and Opportunity Act must be deposited in the Employment Services Activity program account within the Department of Labor. Funds must be deposited, administered and disbursed in the same manner and under the same conditions and requirements as provided by law for other federal funds in the State Treasury in accordance with Title 2, section 4. The Governor shall make federal funds available to the local boards to be used to implement the Workforce Innovation and Opportunity Act within 30 days after the date the funds are made available to the Governor, in accordance with state procurement rules and the federal Cash Management Improvement Act of 1990. The commissioner shall ensure that management and use of the federal funds comply with the requirements of the Workforce Innovation and Opportunity Act. Federal funds in the account do not lapse but must be carried forward to be used to implement the Workforce Innovation and Opportunity Act.

**Sec. 7. Transition.** Notwithstanding the Maine Revised Statutes, Title 26, section 2006, subsection 2-A, members of the State Workforce Board serving on the effective date of this Act continue to serve until the end of the members' terms.

**Sec. 8. Application.** That section of this Act that enacts the Maine Revised Statutes, Title 26, section 2006, subsection 2-A applies to all appointments and reappointments of members to the State Workforce Board, pursuant to Title 26, section 2006, commencing after the effective date of this Act.

See title page for effective date.

## CHAPTER 247 H.P. 1027 - L.D. 1414

### An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Penalties for Violations of the Freedom of Access Act

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

**Sec. 1. 1 MRSA §410**, as repealed and replaced by PL 1987, c. 477, §6, is repealed and the following enacted in its place:

#### **§410. Violations**

**1. Civil violation.** An officer or employee of a state government agency or local government entity who willfully violates this subchapter commits a civil violation.

**2. Penalties.** A state government agency or local government entity whose officer or employee commits a civil violation described in subsection 1 is subject to:

A. A fine of not more than \$500 for a civil violation described in subsection 1;

B. A fine of not more than \$1,000 for a civil violation described in subsection 1 that was committed not more than 4 years after a previous adjudication of a civil violation described in subsection 1 by an officer or employee of the same state government agency or local government entity; or

C. A fine of not more than \$2,000 for a civil violation described in subsection 1 that was committed not more than 4 years after 2 or more previous adjudications of a civil violation described in subsection 1 by an officer or employee of the same state government agency or local government entity.

See title page for effective date.

## CHAPTER 248 S.P. 444 - L.D. 1459

### An Act To Expand Application of the Maine Agricultural Marketing and Bargaining Act of 1973 to Harvesters and Haulers of Forest Products

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

**Sec. 1. 13 MRSA §1774, sub-§6-A**, as enacted by PL 1971, c. 502, is amended to read:

**6-A. Independent agricultural contractor.** "Independent agricultural contractor" means a person who grows under contract, or who harvests or hauls forest products under contract, as ~~his~~ the person's primary activity or as part of a general agricultural activity.

**Sec. 2. 13 MRSA §1953**, as enacted by PL 1973, c. 621, §1, is amended to read:

**§1953. Legislative findings and purpose**

Because agricultural products are produced by numerous individual farmers and independent agricultural contractors, the marketing and bargaining position of individual farmers and independent agricultural contractors will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. Furthermore, membership by a farmer or independent agricultural contractor in a cooperative organization can only be meaningful, if a handler of agricultural products is required to bargain in good faith with an agricultural cooperative organization as the representative of the members of such organization who have had a previous course of dealing with such handler. The purpose of this Article is to provide standards for the qualification of agricultural cooperative organizations for bargaining purposes, to define the mutual obligation of handlers and agricultural cooperative organizations to bargain with respect to the production, sale and marketing of agricultural products and to provide for the enforcement of such obligation.

**Sec. 3. 13 MRSA §1955, sub-§5**, as enacted by PL 1973, c. 621, §1, is amended to read:

**5. Producer.** "Producer" means a person engaged in the production of agricultural products, ~~excluding forest products~~, as a farmer, planter, rancher, ~~poultryman poultry farmer, dairyman dairy farmer~~, fruit, vegetable or nut grower, or independent agricultural contractor as specified in section 1774, subsections 6-A and 8-A. If a producer is also a handler, ~~he shall be the producer~~ is considered only a handler for the purposes of this Act.

**Sec. 4. 13 MRSA §1957, sub-§3, ¶D**, as amended by PL 1991, c. 116, is further amended to read:

D. The association represents ~~51% of the 10 or more producers or produced at least 1/2 of the volume~~ of a particular agricultural product for a specific handler involved with those producers and that agricultural product during the previous 12 months, ~~not including any volume produced by the handler, its subsidiaries, agents or employees or procured by the handler from sources other than producers~~; for the purposes of this article, members of ~~farmer agricultural~~ cooperatives are counted as individual ~~farmer~~ members; if the board has reasonable cause to question such representation, the board shall require a secret ballot

election to certify the ~~percentage of~~ representation; and

**Sec. 5. 13 MRSA §1958-B, sub-§5-A, ¶D**, as enacted by PL 1989, c. 703, §3, is amended to read:

D. The producer's costs of production including the cost that would be involved in paying ~~farm~~ labor a fair wage rate;

**Sec. 6. Legislative findings.** The Legislature finds that:

1. The harvesting and hauling of forest products are performed by numerous loggers and forest products haulers who individually are not able to bargain effectively with forest landowners;

2. The marketing and bargaining position of individual loggers and forest products haulers is adversely affected unless they are free to join together voluntarily in cooperative organizations;

3. The inequity of power in determining compensation and the lack of opportunity to join together in bargaining over compensation can result in unfair contract rates for the services of loggers and forest products haulers; and

4. It is in the public interest to:

A. Promote, foster and encourage the intelligent and orderly marketing of forest products, as well as other agricultural products;

B. Make the distribution of forest products, as well as other agricultural products, between producer and consumer as direct as can be efficiently done and eliminate speculation and waste;

C. Stabilize the marketing of forest products, as well as other agricultural products;

D. Expand application of the Maine Agricultural Marketing and Bargaining Act of 1973 to include harvesters and haulers of forest products; and

E. Ensure consistency with the federal Clayton Act, 15 United States Code, Section 45(a)(1).

See title page for effective date.

**CHAPTER 249**

**H.P. 1117 - L.D. 1534**

**An Act To Amend Maine Fireworks Laws To Include Flame Effects**

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

**Sec. 1. 8 MRSA §221-A, sub-§3**, as enacted by PL 1999, c. 671, §2, is amended to read:

**3. Display.** "Display" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks, flame effects or special effects. "Display" includes a special effects display.

**Sec. 2. 8 MRSA §227-A, sub-§1,** as amended by PL 2003, c. 521, §1, is further amended to read:

**1. Permits; requirements.** A person may not conduct a display without a permit. The commissioner shall issue a permit to possess and conduct a fireworks or flame effects display to an applicant who:

A. Applies in writing to the commissioner for a permit at least 20 days in advance of the proposed display;

B. Applies on forms furnished by the department. An application for a permit must include:

(1) A certificate of public liability insurance in the amount of \$1,000,000 to cover loss, damage or injuries to persons or property that might result from the display; and

(2) A site plan for the proposed display depicting a diagram of the grounds or facilities at which or in which the display will be held. The diagram must show points of discharge, fallout areas, any buildings or other structures in proximity to the display site and the location of any audience that may be present. Distances of and distances between the points of discharge and any buildings or structures must be stated on the diagram; and

C. Submits with the application fees set out in subsection 3.

**Sec. 3. 8 MRSA §227-A, sub-§3,** as amended by PL 2003, c. 521, §2, is further amended to read:

**3. Fees.** The fee for a permit is \$30 per display and the fee for a site inspection is \$111. The fee for all ~~monitored inspected~~ indoor pyrotechnic and flame effects events that occur outside of normal business hours is \$100.

**Sec. 4. 8 MRSA §227-A, sub-§§4 and 5,** as enacted by PL 2003, c. 452, Pt. C, §6 and affected by Pt. X, §2, are amended to read:

**4. Permits; violation.** A person may not conduct a fireworks or flame effects display in violation of the permit issued under subsection 1.

**5. Penalties.** The following penalties apply.

A. A person who conducts a fireworks or flame effects display without a permit commits a Class D crime.

B. A person who conducts a fireworks or flame effects display in violation of a permit issued under subsection 1 commits a Class E crime.

**Sec. 5. 8 MRSA §227-A, sub-§7,** as enacted by PL 2003, c. 521, §3, is amended to read:

**7. Indoor pyrotechnics and flame effects.** All indoor pyrotechnic and flame effects events must be ~~monitored inspected~~ by the State Fire Marshal or the State Fire Marshal's designee.

See title page for effective date.

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## CHAPTER 250

### H.P. 1124 - L.D. 1541

#### An Act To Establish "Ballad of the 20th Maine" as the Official State Ballad

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

**Sec. 1. 1 MRSA §210-B** is enacted to read:

**§210-B. State ballad**

The official ballad of the State is the ballad entitled "Ballad of the 20th Maine," as recorded and performed by the band The Ghost of Paul Revere and written by Griffin Sherry.

See title page for effective date.

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## CHAPTER 251

### S.P. 494 - L.D. 1559

#### An Act To Require the Public Utilities Commission To Permit the Public Advocate To Access Certain Information Related to a Management Audit

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

**Sec. 1. 35-A MRSA §113, sub-§5** is enacted to read:

**5. Public Advocate; access to information.** Throughout the course of a management audit performed pursuant to this section, the commission, upon request of the Public Advocate, shall:

A. Permit the Public Advocate to access information supplied by a public utility to the auditor and information supplied by the auditor to the commission; and

B. Provide the Public Advocate the opportunity to comment on information received under this subsection.

See title page for effective date.

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**CHAPTER 252**

**S.P. 566 - L.D. 1712**

**An Act To Amend and Clarify  
the Maine Uniform Securities  
Act and To Make a Technical  
Correction in the Law  
Concerning Financial Planners**

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

**PART A**

**Sec. A-1. 32 MRSA §16202, sub-§26**, as amended by PL 2009, c. 500, §1, is further amended to read:

**26. Nonpublic offerings under 4(2).** A security offered in a nonpublic offering under Section 4(2) of the federal Securities Act of 1933, 15 United States Code, Section 77d(2) if, no later than 15 days after the first sale in this State, a notice on "Form D," as promulgated by the Securities and Exchange Commission, is filed with the administrator together with a consent to service of process complying with section 16611, signed by the issuer, and the payment of a nonrefundable filing fee of \$300 for each type or class of security sold. If the Form D includes a consent to service of process, a separate document need not be filed for this purpose, and if the consent to service of process on the Form D is executed in a manner accepted by the Securities and Exchange Commission, it is deemed to comply with the requirement in this section and section 16611, subsection 1 that the consent be signed. An additional nonrefundable late filing fee of \$500 must be paid for a filing made ~~between 16 and 30~~ or more days after the first sale in this State.

**Sec. A-2. 32 MRSA §16302, sub-§3, ¶C**, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

C. The payment of a nonrefundable fee of \$300 per type or class of security sold.

A notice filer making a filing ~~between 16 and 30~~ or more days after the first sale in this State shall pay an additional nonrefundable late filing fee of \$500.

**PART B**

**Sec. B-1. 32 MRSA c. 99**, as amended, is repealed.

See title page for effective date.

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**CHAPTER 253**

**H.P. 370 - L.D. 513**

**An Act To Limit the Number  
of Students and Prevent the  
Addition of Grade Levels at  
Virtual Public Charter Schools**

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

**Sec. 1. 20-A MRSA §2404, sub-§4** is enacted to read:

**4. Maximum virtual public charter school enrollment.** The total enrollment at all virtual public charter schools authorized by the commission may not exceed 1,000 students.

**Sec. 2. 20-A MRSA §2408, sub-§2**, as enacted by PL 2011, c. 414, §5, is amended to read:

**2. Virtual public charter schools.** The charter contract of a virtual public charter school must require the governing board to:

A. Provide each student enrolled in the virtual public charter school with online courses that meet or exceed state standards and all instructional materials required for the student's participation in the school;

B. Ensure that the persons who operate the virtual public charter school on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the school;

C. Ensure that a parent of each student verifies the number of hours of educational activities completed by the student each school year; and

D. Adopt a plan by which the governing board provides:

(1) Frequent, ongoing monitoring to ensure and verify that each student is participating in the virtual public charter school, including synchronous contact between teachers and students and between teachers and parents to ensure and verify student participation and learning;

(2) Regular instructional opportunities in real time that are directly related to the virtual public charter school's curricular objectives, including, but not limited to, meetings with teachers and educational field trips and outings;

(3) Verification of ongoing student attendance in the virtual public charter school;

(4) Verification of ongoing student progress and performance in each course as document-

ed by ongoing assessments and examples of student course work; and

- (5) Administration to all students in a proctored setting of all applicable assessments as required by the State.

Nothing in this subsection prohibits a virtual public charter school from reimbursing families of enrolled students for costs associated with their Internet connection for use in the program.

Only students enrolled in a virtual public charter school as full-time students may be reported in the virtual public charter school's average pupil count to the department for the purposes of receiving local, state and federal funds.

A virtual public charter school authorized by the commission may not expand to serve a grade level not included in the school's initial charter contract or, for a school whose charter was renewed prior to November 1, 2019, the renewed charter contract.

See title page for effective date.

**CHAPTER 254**  
**S.P. 168 - L.D. 546**

**An Act To Enhance Highway  
Safety by Strengthening the  
So-called Move Over Law**

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

**Sec. 1.** 29-A MRSA §2054, sub-§9, as amended by PL 2015, c. 32, §4, is further amended to read:

**9. Stationary vehicles.** The operator of a vehicle passing a stationary authorized emergency vehicle using an emergency light or a stationary public service vehicle using its authorized lights, with due regard to the safety and traffic conditions, shall:

- A. Pass in a lane not adjacent to that of the authorized emergency vehicle or public service vehicle, if possible; or
- B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle or public service vehicle at a careful and prudent speed reasonable for passing the authorized emergency vehicle or public service vehicle safely.

A violation of this subsection is a traffic infraction for which a minimum fine of ~~\$250~~ \$275 must be adjudged.

See title page for effective date.

**CHAPTER 255**  
**S.P. 272 - L.D. 917**

**An Act Increasing Municipal  
Agent Fees for Motor Vehicle  
Registrations**

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

**Sec. 1.** 29-A MRSA §201, sub-§3, ¶A, as amended by PL 2017, c. 229, §10, is further amended to read:

- A. A municipal agent may charge an applicant a fee not to exceed \$3 over the required fee for each renewal of a noncommercial driver's license or nondriver identification card ~~or~~ issued and a fee not to exceed \$5 over the required fee for each renewal of a registration issued and a fee not to exceed \$4 ~~\$6~~ over the required fee for each new registration issued.

See title page for effective date.

**CHAPTER 256**  
**H.P. 878 - L.D. 1218**

**An Act To Allow Maine  
Medical Marijuana Caregivers  
To Measure Cultivation Limits  
by Plant Canopy Size**

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

**Sec. 1.** 22 MRSA §2422, sub-§7-B is enacted to read:

**7-B. Plant canopy.** "Plant canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.

**Sec. 2.** 22 MRSA §2423-A, sub-§2, ¶B, as amended by PL 2017, c. 452, §4, is further amended to read:

B. Cultivate up to 30 mature marijuana plants or 500 square feet of plant canopy, 60 immature marijuana plants and unlimited seedlings;

See title page for effective date.

**CHAPTER 257**

**H.P. 1086 - L.D. 1484**

**An Act To Create a System  
Using the Permit for  
Disposition of Human Remains  
To Track the Burial of  
Cremated Remains in a Public  
Cemetery**

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

**Sec. 1. 22 MRSA §2843, sub-§3-A**, as amended by PL 2017, c. 363, §1, is further amended to read:

**3-A. Authorization for burial of cremated remains in public burying ground.** The State Registrar of Vital Statistics shall provide an authorization to be used for the purposes of this subsection. If cremated remains are buried in a public burying ground in this the State, the person in charge of the public burying ground may shall endorse and provide record the date the cremated remains were buried on each permit with which that person is presented an authorization for the remains and return # the authorization to the State Registrar of Vital Statistics or to the clerk of the municipality in which the public burying ground is located within 7 days after the cremated remains were buried. If there is no person in charge of the public burying ground, an official of the municipality in which the public burying ground is located may shall endorse and provide record the date the cremated remains were buried on each such permit the authorization and present # the authorization to the State Registrar of Vital Statistics or the clerk of the municipality. The If an authorization is not returned to the State Registrar of Vital Statistics within 7 days after cremated remains were buried, the funeral director or authorized person may present a copy of each permit the authorization, if the permit authorization has been endorsed, to the State Registrar of Vital Statistics or the clerk of the municipality where death occurred and to the clerk who issued the permit. For the purposes of this subsection, "public burying ground" has the same meaning as in Title 13, section 1101-A, subsection 4 authorization.

For purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings.

A. "Authorization" means the form or electronic process prescribed and furnished by the State Registrar of Vital Statistics for the purpose of recording the consent of an authorized person for the burial or removal of cremated remains in a public burying ground as specified by department rule.

B. "Burial" means all manner of dispersal or deposit in or on the ground or in a structure.

C. "Public burying ground" has the same meaning as in Title 13, section 1101-A, subsection 4.

See title page for effective date.

**CHAPTER 258**

**H.P. 442 - L.D. 614**

**An Act To Increase Electric  
Vehicles in Maine**

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

**Sec. 1. 35-A MRSA §§10124 and 10125** are enacted to read:

**§10124. Electric Vehicle Fund**

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

A. "Battery electric vehicle" means a fully electric, zero-emission vehicle that has an on-board electrical energy storage device that is designed to be recharged using an external energy source.

B. "Eligible electric vehicle" means a battery electric vehicle or a plug-in hybrid electric vehicle that:

(1) Is sold or offered for sale by its original equipment manufacturer or an authorized licensee of the original equipment manufacturer or a licensed automobile dealer;

(2) Is listed by the trust in accordance with subsection 4; and

(3) If the vehicle has a gross vehicle weight rating of 10,000 pounds or less, has a manufacturer's suggested retail price of not more than \$50,000.

C. "Fund" means the Electric Vehicle Fund established in subsection 2.

D. "Plug-in hybrid electric vehicle" means a vehicle that uses an on-board electrical energy storage device that is designed to be recharged using an external energy source to power an electric mo-

tor and uses a petroleum-based fuel to power an internal combustion engine.

E. "Program" means the program established pursuant to subsection 3.

**2. Fund established.** The Electric Vehicle Fund is established as a nonlapsing fund administered by the trust to transform markets toward the adoption of electric vehicles and to support the purchase of electric vehicles in the State. Any interest earned on funds in the fund must be credited to the fund, and funds not spent in any fiscal year remain in the fund to be used in accordance with this section. The trust may receive and deposit in the fund funds from the following sources:

A. Federal funds and awards that may be used for the purposes of this section;

B. Any interest earned on investment of fund balances; and

C. Any other funds from public or private sources received in support of the purposes for which the fund is established.

The fund may be used for the program and other uses consistent with the purposes for which the fund is established.

**3. Rebate program established; eligibility.** In accordance with the provisions of this section, the trust shall establish and administer a program that provides rebates for the purchase or lease of electric vehicles. A person may apply for and, as resources within the fund allow, receive a rebate for an electric vehicle, subject to eligibility requirements established by the trust. Eligibility criteria for the vehicle must include that the vehicle is: an eligible electric vehicle; purchased, or leased for a term of 36 months or more, in the State; and registered in the State. Eligibility requirements for the recipient of the rebate must include that the recipient attests to a commitment to retain ownership, whether through purchase or lease, of the eligible electric vehicle for at least 36 months from the date of purchase or lease. The trust may require a recipient of a rebate under this section who does not retain ownership of the eligible electric vehicle for at least 36 months to repay the trust up to the full amount of the rebate.

The trust shall establish the rebate amount for each eligible electric vehicle. The trust shall establish rebate amounts that it determines most effectively increase the purchase of eligible electric vehicles. For each model of an eligible electric vehicle, the trust may establish different rebate amounts based on the size of the vehicle battery. The trust may establish different rebate amounts for the purpose of providing reasonable opportunity for participation in the program across different customer groups and geographic areas. The

trust may establish reasonable limits on the number of rebates per vehicle or per person.

**4. List of eligible electric vehicles; applications.** The trust shall develop, make available on its publicly accessible website and periodically update a list of eligible electric vehicles and rebates included in the program. The trust shall develop and make available at its offices and on its publicly accessible website all forms and other documents necessary for a person to apply for and receive a direct rebate under this section.

**5. Rules.** The trust may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### **§10125. Electric Vehicle Charging Infrastructure Fund**

**1. Fund established.** The Electric Vehicle Charging Infrastructure Fund is established as a nonlapsing fund administered by the trust to increase the availability and effectiveness of electric vehicle charging infrastructure in the State. Any interest earned on funds in the fund must be credited to the fund, and funds not spent in any fiscal year remain in the fund to be used in accordance with this section. The trust may receive and deposit in the fund funds from the following sources:

A. Federal funds and awards that may be used for the purposes of this section;

B. Any interest earned on investment of fund balances; and

C. Any other funds from public or private sources received in support of the purposes for which the fund is established.

See title page for effective date.

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## CHAPTER 259

### H.P. 497 - L.D. 676

#### **An Act To Allow a Class III Lobster and Crab Fishing License Holder To Engage More Crew Members**

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

**Sec. 1. 12 MRSA §6421, sub-§3-A, ¶C,** as amended by PL 2013, c. 282, §3, is further amended to read:

C. A Class III license authorizes the license holder to engage in the licensed activities under subsection 2. A Class III license holder may engage 2 4 unlicensed crew members to assist in the licensed activities under the direct supervision of

the Class III license holder, except as provided in section 6445-A.

See title page for effective date.

**CHAPTER 260**

**H.P. 628 - L.D. 854**

**An Act To Improve Tax Incentives for Broadband Service**

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

**Sec. 1. 30-A MRSA §5225, sub-§1, ¶C**, as amended by PL 2013, c. 184, §4, is further amended to read:

C. Costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails, broadband service development, expansion or improvement, including connecting to broadband service outside the tax increment financing district, or employment training within the municipality or plantation, including, but not limited to:

- (1) Costs of funding economic development programs or events developed by the municipality or plantation or funding the marketing of the municipality or plantation as a business or arts location;
- (2) Costs of funding environmental improvement projects developed by the municipality or plantation for commercial or arts district use or related to such activities;
- (3) Funding to establish permanent economic development revolving loan funds, investment funds and grants;
- (4) Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in the municipality or plantation. These costs must be designated as training funds in the development program;
- (5) Quality child care costs, including finance costs and construction, staffing, training, certification and accreditation costs related to child care;
- (6) Costs associated with new or existing recreational trails determined by the department to have significant potential to promote economic development, including, but not limited to, costs for multiple projects and

project phases that may include planning, design, construction, maintenance, grooming and improvements with respect to new or existing recreational trails, which may include bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses;

(7) Costs associated with a new or expanded transit service, limited to:

(a) Transit service capital costs, including but not limited to: transit vehicles such as buses, ferries, vans, rail conveyances and related equipment; bus shelters and other transit-related structures; and benches, signs and other transit-related infrastructure; and

(b) In the case of transit-oriented development districts, ongoing costs of adding to an existing transit system or creating a new transit service and limited strictly to transit operator salaries, transit vehicle fuel and transit vehicle parts replacements; ~~and~~

(8) Costs associated with the development of fisheries and wildlife or marine resources projects; and

(9) Costs associated with broadband and fiber optics expansion projects, including preparation, planning, engineering and other related costs in addition to the construction costs of those projects. If an area within a municipality or plantation is unserved with respect to broadband service, as defined by the ConnectME Authority as provided in Title 35-A, section 9204-A, subsection 1, broadband and fiber optics expansion projects may serve residential or other nonbusiness or noncommercial areas in addition to business or commercial areas within the municipality or plantation; and

See title page for effective date.

**CHAPTER 261**

**H.P. 901 - L.D. 1240**

**An Act To Provide Career and Technical Training Options for Electricians**

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

**Sec. 1. 32 MRSA §1202-A, sub-§2, ¶B**, as enacted by PL 2017, c. 198, §17, is amended to read:

B. In order to obtain a license under this subsection, a person must first pass an examination approved by the board and provide evidence of having:

(1) Worked at least 8,000 hours in the field of electrical installations as a licensed helper electrician or apprentice electrician under the direct supervision of a master electrician, journeyman electrician or limited electrician or having at least 8,000 hours of work experience in electrical installations, and having completed a program of study consisting of 576 hours as approved by the board or from an accredited institution. The 576 hours must consist of 225 hours of required study, including an approved course of 45 hours in the current National Electrical Code, and 351 hours of elective study that is either composed of all trade-related electives or 225 hours of trade-related courses and 135 hours of degree-related courses. A graduate of a secondary school career and technical education electrical program approved pursuant to Title 20-A, section 8306-B is credited 1,000 hours of work experience in electrical installations and is qualified to sit for the examination. The 1,000 hours credited under this subparagraph may not be applied to any other pathway to licensure described in this subsection;

~~(2) Graduated from an accredited regional applied technology high school 2-year electrical program, worked at least 8,000 hours in the field of electrical installations as a licensed helper electrician under the direct supervision of a master electrician, journeyman electrician or limited electrician and completed a course of 45 hours in the current National Electrical Code;~~

(3) Graduated from an accredited community college electrical program or a vocational-electrical program of a state department of corrections and having worked at least 8,000 hours in the field of electrical installations as a licensed helper electrician, under the direct supervision of a master electrician, journeyman electrician or limited electrician, and having completed a course of 45 hours in the current National Electrical Code. Graduates of a community college electrical program or a vocational-electrical program of a state department of corrections are credited 4,000 hours of work experience in electrical installations and are qualified to sit for the examination;

(4) Worked at least 8,000 hours as a licensed apprentice electrician in the field of electrical

installations under the direct supervision of a master electrician, journeyman electrician or limited electrician, having completed a program of study comprising at least 576 hours prescribed in an apprenticeship program approved by the board and having completed a course of 45 hours in the current National Electrical Code. A licensed apprentice who has completed an approved apprenticeship program of study and has worked at least 4,000 hours as a licensed apprentice electrician is qualified to sit for the examination; or

(5) Comparable work experience or education or training, or a combination of work experience, education and training, completed within the State or outside the State, that is acceptable to the board.

See title page for effective date.

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**CHAPTER 262**

**H.P. 922 - L.D. 1261**

**An Act To Authorize Certain Health Care Professionals To Perform Abortions**

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

**Sec. 1. 22 MRSA §1596**, as repealed and replaced by PL 1989, c. 274, §1 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

**§1596. Abortion and miscarriage data**

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

A. "Abortion" means the intentional interruption of a pregnancy by the application of external agents, whether chemical or physical, or the ingestion of chemical agents with an intention other than to produce a live birth or to remove a dead fetus, regardless of the length of gestation.

B. "Miscarriage" means an interruption of a pregnancy other than as provided in paragraph A of a fetus of less than 20 weeks gestation.

C. "Health care professional" means a physician or physician assistant licensed under Title 32, chapter 36 or 48 or a person licensed under Title 32, chapter 31 to practice as an advanced practice registered nurse.

**2. Abortion reports.** A report of each abortion performed ~~shall~~ **must** be made to the Department of Health and Human Services on forms prescribed by the department. These report forms ~~shall~~ **may** not iden-

tify the patient by name or otherwise and ~~shall~~ must contain only the information requested on the United States Standard Report of Induced Termination of Pregnancy, published by the National Center for Health Statistics, dated January 1978, or any more recent revision of a standard report form.

The form containing that information and data ~~shall~~ must be prepared and signed by the ~~attending physician~~ health care professional who performed the abortion and transmitted to the department not later than 10 days following the end of the month in which the abortion is performed.

A ~~physician~~ health care professional who reports data on an abortion pursuant to this section ~~shall be~~ is immune from any criminal liability for that abortion under section 1598.

**3. Miscarriage reports.** A report of each miscarriage ~~shall~~ must be made by the ~~physician~~ health care professional in attendance at or after the occurrence of the miscarriage to the Department of Health and Human Services on forms prescribed by the department. These report forms ~~shall~~ must contain all of the applicable information required on the certificate of fetal death in current use.

The report form ~~shall~~ must be prepared and signed by the ~~attending physician~~ health care professional in attendance at or after the occurrence of the miscarriage and transmitted to the department not later than 10 days following the end of the month in which the miscarriage occurs.

The identity of any patient or ~~physician~~ health care professional reporting pursuant to this section is confidential and the department shall take the steps ~~which are~~ necessary to ~~insure~~ ensure the confidentiality of the identity of patients or ~~physicians~~ health care professionals reporting pursuant to this section.

**Sec. 2. 22 MRSA §1597-A, sub-§§2 to 4,** as enacted by PL 1989, c. 573, §2, are amended to read:

**2. Prohibitions; exceptions.** Except as otherwise provided by law, ~~no person~~ a health care professional, as defined in section 1596, subsection 1, paragraph C, may not knowingly perform an abortion upon a pregnant minor unless:

A. The ~~attending physician~~ health care professional has received and will make part of the medical record the informed written consent of the minor and one parent, guardian or adult family member;

B. The ~~attending physician~~ health care professional has secured the informed written consent of the minor as prescribed in subsection 3 and the minor, under all the surrounding circumstances, is mentally and physically competent to give consent;

C. The minor has received the information and counseling required under subsection 4, ~~the~~ minor has secured written verification of receiving the information and counseling and the ~~attending physician~~ health care professional has received and will make part of the medical record the informed written consent of the minor and the written verification of receiving information and counseling required under subsection 4; or

D. The Probate Court or District Court issues an order under subsection 6 on petition of the minor or the next friend of the minor for purposes of filing a petition for the minor, granting:

(1) To the minor majority rights for the sole purpose of consenting to the abortion and the ~~attending physician~~ health care professional has received the informed written consent of the minor; or

(2) To the minor consent to the abortion, when the court has given its informed written consent and the minor is having the abortion willingly, in compliance with subsection 7.

**3. Informed consent; disallowance of recovery.** ~~No physician~~ A health care professional, as defined in section 1596, subsection 1, paragraph C, may not perform an abortion upon a minor unless, prior to performing the abortion, ~~the attending physician that~~ health care professional has received the informed written consent of the minor.

A. To ensure that the consent for an abortion is informed consent, the ~~attending physician~~ health care professional who will perform the abortion shall:

(1) Inform the minor in a manner ~~which~~ that, in the ~~physician's~~ health care professional's professional judgment, is not misleading and ~~which~~ that will be understood by the patient, of at least the following:

(a) According to the ~~physician's~~ health care professional's best judgment the minor is pregnant;

(b) The number of weeks of duration of the pregnancy; and

(c) The particular risks associated with the minor's pregnancy, the abortion technique that may be performed and the risks involved for both;

(2) Provide the information and counseling described in subsection 4 or refer the minor to a counselor who will provide the information and counseling described in subsection 4; and

(3) Determines whether the minor is, under all the surrounding circumstances, mentally and physically competent to give consent.

B. ~~No recovery may be~~ Recovery is not allowed against any ~~physician health care professional~~ up on the grounds that the abortion was rendered without the informed consent of the minor when:

- (1) The ~~physician health care professional~~, in obtaining the minor's consent, acted in accordance with the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities; or
- (2) The ~~physician health care professional~~ has received and acted in good faith on the informed written consent to the abortion given by the minor to a counselor.

**4. Information and counseling for minors.** The provision of information and counseling by any ~~physician health care professional~~, as defined in section 1596, subsection 1, paragraph C, or counselor for any pregnant minor for decision making regarding pregnancy ~~shall~~ must be in accordance with this subsection.

A. Any ~~physician health care professional~~ or counselor providing pregnancy information and counseling under this subsection shall, in a manner that will be understood by the minor:

- (1) Explain that the information being given to the minor is being given objectively and is not intended to coerce, persuade or induce the minor to choose either to have an abortion or to carry the pregnancy to term;
- (2) Explain that the minor may withdraw a decision to have an abortion at any time before the abortion is performed or may reconsider a decision not to have an abortion at any time within the time period during which an abortion may legally be performed;
- (3) Clearly and fully explore with the minor the alternative choices available for managing the pregnancy, including:
  - (a) Carrying the pregnancy to term and keeping the child;
  - (b) Carrying the pregnancy to term and placing the child with a relative or with another family through foster care or adoption;
  - (c) The elements of prenatal and postnatal care; and
  - (d) Having an abortion;
- (4) Explain that public and private agencies are available to provide birth control information and that a list of these agencies and

the services available from each will be provided if the minor requests;

- (5) Discuss the possibility of involving the minor's parents, guardian or other adult family members in the minor's decision making concerning the pregnancy and explore whether the minor believes that involvement would be in the minor's best interests; and
- (6) Provide adequate opportunity for the minor to ask any questions concerning the pregnancy, abortion, child care and adoption, and provide the information the minor seeks or, if the person cannot provide the information, indicate where the minor can receive the information.

B. After the person provides the information and counseling to a minor as required by this subsection, that person shall have the minor sign and date a form stating that:

- (1) The minor has received information on prenatal care and alternatives to abortion and that there are agencies that will provide assistance;
- (2) The minor has received an explanation that the minor may withdraw an abortion decision or reconsider a decision to carry a pregnancy to term;
- (3) The alternatives available for managing the pregnancy have been clearly and fully explored with the minor;
- (4) The minor has received an explanation about agencies available to provide birth control information;
- (5) The minor has discussed with the person providing the information and counseling the possibility of involving the minor's parents, guardian or other adult family members in the minor's decision making about the pregnancy;
- (6) The reasons for not involving the minor's parents, guardian or other adult family members are put in writing on the form by the minor or the person providing the information and counseling; and
- (7) The minor has been given an adequate opportunity to ask questions.

The person providing the information and counseling shall also sign and date the form; and include that person's address and telephone number. The person shall keep a copy for that person's files and shall give the form to the minor or, if the minor requests and if the person providing the information is not the ~~attending physician health care professional performing the abortion~~, trans-

mit the form to the ~~minor's attending physician~~ health care professional performing the abortion.

**Sec. 3. 22 MRSA §1597-A, sub-§8, ¶B,** as enacted by PL 2003, c. 452, Pt. K, §11 and affected by Pt. X, §2, is amended to read:

B. ~~An attending physician~~ A health care professional, as defined in section 1596, subsection 1, paragraph C, or counselor may not knowingly fail to perform any action required by this section. A person who violates this paragraph commits a civil violation for which a fine of not more than \$1,000 may be adjudged for each violation.

**Sec. 4. 22 MRSA §1598, sub-§1,** as amended by PL 1993, c. 61, §2, is further amended to read:

**1. Policy.** It is the public policy of the State that the State not restrict a woman's exercise of her private decision to terminate a pregnancy before viability except as provided in section 1597-A. After viability an abortion may be performed only when it is necessary to preserve the life or health of the mother. It is also the public policy of the State that all abortions may be performed only by a ~~physician health care professional,~~ as defined in section 1596, subsection 1, paragraph C.

**Sec. 5. 22 MRSA §1598, sub-§3, ¶A,** as enacted by PL 1979, c. 405, §2, is amended to read:

A. Only a person licensed under Title 32, chapter 36 or ~~chapter 48,~~ to practice ~~medicine in Maine the State as a medical or an osteopathic or medical physician,~~ or physician assistant or a person licensed under Title 32, chapter 31 to practice in the State as an advanced practice registered nurse may perform an abortion on another person.

**Sec. 6. 22 MRSA §1599-A,** as enacted by PL 1993, c. 61, §4, is amended to read:

**§1599-A. Informed consent to abortion**

**1. Consent by the woman.** A ~~physician health care professional,~~ as defined in section 1596, subsection 1, paragraph C, may not perform an abortion unless, prior to the performance, the ~~attending physician health care professional~~ certifies in writing that the woman gave her informed written consent, freely and without coercion.

**2. Informed consent.** To ensure that the consent for an abortion is truly informed consent, the ~~attending physician health care professional,~~ as defined in section 1596, subsection 1, paragraph C, shall inform the woman, in a manner that in the ~~physician's health care professional's~~ professional judgment is not misleading and that will be understood by the patient, of at least the following:

A. According to the ~~physician's health care professional's~~ best judgment she is pregnant;

B. The number of weeks elapsed from the probable time of the conception;

C. The particular risks associated with her own pregnancy and the abortion technique to be performed; and

D. At the woman's request, alternatives to abortion such as childbirth and adoption and information concerning public and private agencies that will provide the woman with economic and other assistance to carry the fetus to term, including, if the woman so requests, a list of these agencies and the services available from each.

See title page for effective date.

**CHAPTER 263**

**H.P. 1141 - L.D. 1579**

**An Act To Create a Limited Fish Stocking Permit**

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

**Sec. 1. 12 MRSA §12510, sub-§3** is enacted to read:

**3. Limited permit.** The commissioner may issue a written limited permit to a local government under this subsection. A limited permit:

A. Allows the local government to introduce fish only into a great pond that:

(1) Is within the jurisdiction of the local government; and

(2) Was previously stocked by the department and in which stocking was suspended prior to January 1, 2019 and has not been resumed by the department due to inadequate public access;

B. Allows the introduction of only:

(1) The same species of fish that was stocked at the time the department suspended stocking; and

(2) Fish obtained by the local government at its own expense from an in-state commercial facility that meets testing and health guidelines approved by the department; and

C. May be issued only if the local government identifies public access to the great pond that:

(1) Is at least suitable for the hand carrying of boats to the water;

(2) Includes a parking area; and

(3) Has been marked with signage adequate to ensure public awareness of the public access.

For purposes of this subsection, "local government" means a municipality or, in the unorganized territory, a county.

See title page for effective date.

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**CHAPTER 264**  
**H.P. 198 - L.D. 235**

**An Act To Increase Funding  
To Contain and Manage the  
Spread of Invasive Aquatic  
Species**

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

**Sec. 1. 12 MRSA §10206, sub-§3, ¶C,** as amended by PL 2013, c. 580, §1, is further amended to read:

C. All revenues collected under the provisions of this Part relating to watercraft, including chapter 935, including fines, fees and other available money deposited with the Treasurer of State, must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to a formula that is jointly agreed upon by the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources biannually that pays to the department the administrative costs of the Division of Licensing and Registration. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those costs must be verified by the Department of Marine Resources and the Department of Administrative and Financial Services. The remainder of revenues after reduction for administrative costs and after allowing for any necessary year-end reconciliation and accounting distribution must be allocated 75% to the department and 25% to the Department of Marine Resources and approved by the Department of Administrative and Financial Services, Bureau of the Budget.

The Prior to January 1, 2020, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$10 fee for invasive species prevention and control. Beginning January 1, 2020, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a

\$15 fee for invasive species prevention and control. This fee is disposed of as follows:

- (1) Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and
- (2) Twenty percent must be credited to the Lake and River Protection Fund established within the department under section 10257.

**Sec. 2. 12 MRSA §10206, sub-§6,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**6. Lake and river protection sticker revenues.**

All fees collected by the commissioner from the sale of stickers under section 13058, subsection 3 must be paid daily to the Treasurer of State. Notwithstanding subsection 3, the Treasurer of State shall credit funds received under this subsection as follows:

- A. ~~Sixty~~ Eighty percent of the revenues must be credited to the Invasive Aquatic Plant and Nuisance Species Fund established in the Department of Environmental Protection under Title 38, section 1863; and
- B. ~~Forty~~ Twenty percent of the revenues must be credited to the Lake and River Protection Fund established in the department under section 10257.

**Sec. 3. 12 MRSA §13056, sub-§8, ¶A,** as amended by PL 2009, c. 213, Pt. OO, §14, is further amended to read:

A. For a watercraft requiring or whose owner requests a certificate of number and that is equipped with a motor having a manufacturer's horsepower rating of:

- (1) Ten horsepower or less, prior to January 1, 2020 the fee is \$25 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is \$30 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State;
- (2) Greater than 10; horsepower but not more than 50 horsepower, prior to January 1, 2020 the fee is \$30 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is \$35 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State; and
- (3) Greater than 50 horsepower but not more than 115 horsepower, prior to January 1, 2020 the fee is \$36 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State. Beginning January 1,

2020, the fee under this subparagraph is \$41 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State.

**Sec. 4. 12 MRSA §13056, sub-§8, ¶B,** as amended by PL 2009, c. 213, Pt. OO, §15, is further amended to read:

B. ~~For~~ Prior to January 1, 2020, for a personal watercraft requiring or whose owner requests a certificate of number and watercraft equipped with a motor having a manufacturer's horsepower rating of 115 horsepower or greater, the fee is \$44 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this paragraph is \$49 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State.

**Sec. 5. 12 MRSA §13058, sub-§3,** as repealed and replaced by PL 2013, c. 580, §3, is amended to read:

**3. Nonresident motorboat and personal watercraft lake and river protection sticker and resident and nonresident seaplane lake and river protection sticker; fee.** No later than January 1st of each year, the commissioner shall provide the agents authorized to register watercraft or issue licenses with a sufficient quantity of lake and river protection stickers for motorboats and personal watercraft not registered in the State and for all seaplanes, whether or not registered in the State, for that boating season. The sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the bow of a motorboat or personal watercraft or to each outside edge of a seaplane's pontoons. ~~The~~ Prior to January 1, 2020, the fee for a sticker issued under this subsection is \$20, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2020, the fee for a sticker issued under this subsection is \$35, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2022, the fee for a sticker issued under this subsection is \$45, \$1 of which is retained by the agent who sold the sticker.

The remainder of the fee is disposed as follows:

- A. Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and
- B. Twenty percent must be credited to the Lake and River Protection Fund established within the department under section 10257.

A motorboat, personal watercraft or seaplane owned by the Federal Government, a state government or a municipality is exempt from the fee established in this subsection.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF  
Water Quality 0248**

Initiative: Provides allocations for costs related to conducting inspections and invasive aquatic plant prevention, for containment, eradication and management activities and to contract with municipalities or other entities to conduct inspection, prevention or eradication programs to protect the inland waters of the State from invasive aquatic plant and nuisance species.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$534,285	\$613,037
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$534,285	\$613,037

<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$534,285</b>	<b>\$613,037</b>
	<hr/>	<hr/>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$534,285</b>	<b>\$613,037</b>

**INLAND FISHERIES AND WILDLIFE,  
DEPARTMENT OF**

**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: Provides allocations for enforcing laws pertaining to invasive aquatic plants and nuisance species, inspecting watercraft for invasive aquatic plant and nuisance species materials and for educational and informational efforts targeted at invasive aquatic plant and nuisance species prevention, eradication and management activities and the production and distribution of lake and river protection stickers.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$84,351	\$104,039
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$84,351	\$104,039

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$84,351	\$104,039
DEPARTMENT TOTAL - ALL FUNDS	\$84,351	\$104,039
SECTION TOTALS		
OTHER SPECIAL REVENUE FUNDS	\$618,636	\$717,076
SECTION TOTAL - ALL FUNDS	\$618,636	\$717,076

See title page for effective date.

**CHAPTER 265**  
**S.P. 104 - L.D. 364**

**An Act To Establish the Right To Practice Complementary and Alternative Health Care Act**

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

**Sec. 1. 32 MRSA c. 113-B, sub-c. 5 is enacted to read:**

**SUBCHAPTER 5**  
**COMPLEMENTARY AND ALTERNATIVE HEALTH CARE**

**§12601. Short title**

This subchapter may be known and cited as "the Right To Practice Complementary and Alternative Health Care Act."

**§12602. License not required**

A person who provides complementary or alternative health care services in accordance with this subchapter but who is not licensed, certified or registered in this State as a health care professional or practitioner under this Title does not violate any law relating to the licensing of health care professionals under this Title as long as the person complies with the requirements of this subchapter.

**1. Prohibited acts.** A person providing complementary or alternative health care services under this subchapter may not engage in any of the following activities:

A. Performing surgery, setting fractures or performing any other procedure on a person that punctures the skin;

B. Administering or prescribing radiation, including x-ray radiation;

C. Prescribing or administering medications, drugs or devices that require a prescription from a licensed health care professional;

D. Recommending the discontinuance of medications or drugs or the use of devices prescribed by a licensed health care professional;

E. Performing chiropractic adjustment of joints or spine; or

F. Acting in any way that suggests, advertises or implies that the person providing complementary or alternative health care services is licensed as a health care professional under any other chapter of this Title.

**2. Required disclosures.** A person who provides complementary or alternative health care services under this subchapter and is advertising or charging a fee for those services shall, prior to providing services, disclose the following in writing to the person receiving services:

A. The name, business address and telephone number of the person providing complementary or alternative health care services;

B. The fact that the person providing complementary or alternative health care services is not a licensed health care professional;

C. The nature of the complementary or alternative health care services to be provided; and

D. The degrees, training, experience, credentials or other qualifications of the person providing complementary or alternative health care services.

A written copy of the disclosures required under this subsection must be posted in a prominent location on the premises where the complementary or alternative health care services are being provided.

**3. Acknowledgment required.** Prior to providing complementary or alternative health care services to another person for the first time, the person providing services shall obtain a written, signed statement that the disclosures required in subsection 2 have been provided and understood. The written, signed statement must be retained for 2 years by the person providing the complementary or alternative health care services.

4. Relief. This subchapter does not limit the right of any person to seek relief for negligence or other civil remedy against a person providing complementary or alternative health care services subject to this subchapter.

5. Scope of practice. This subchapter does not affect the scope of practice of a health care professional licensed under this Title.

This subchapter may not be construed to prevent a person from providing complementary or alternative health care services that would otherwise be exempt under this Title. This subchapter may not be construed to require a person to be licensed to provide services that would be exempt under this Title.

See title page for effective date.

**CHAPTER 266**

**H.P. 443 - L.D. 615**

**An Act To Protect the Integrity of the MaineCare Program**

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

**Sec. 1. 22 MRSA §3174-Q**, as amended by PL 2009, c. 571, Pt. PPP, §1, is repealed and the following enacted in its place:

**§3174-Q. Medicaid stability**

1. Legislative authorization. Except as provided in subsection 2, the department, in its administration of the Medicaid program and the federal State Children's Health Insurance Program or any successor program, shall obtain authorization from the Legislature by proper enactment of law before:

A. Implementing changes in eligibility for the Medicaid program that are reasonably likely to cause a decrease in excess of 10% in the percentages of enrollment in any covered group during any year or over any 5-year period unless individuals losing eligibility in a covered group are eligible in any other covered group with substantially similar or greater coverage;

B. Eliminating, having the effect of significantly limiting or significantly reducing eligibility for a category of service covered under the Medicaid program or the federal State Children's Health Insurance Program without comparable service provided in its place;

C. Accepting a block grant or any other fundamental alteration in the method of federal funding for the Medicaid program that could result in a substantial decrease in total funding for the program; or

D. Applying for or amending a waiver, including a waiver pursuant to Section 1115 of the Social Security Act, or adopting a state plan amendment that could significantly reduce the scope of services of or eligibility for the Medicaid program or the federal State Children's Health Insurance Program.

2. Exceptions in the event of federal law changes. If an action must be taken by the department to comply with federal law and obtaining authorization from the Legislature cannot be achieved timely to comply with federal requirements, the department may act only to the extent necessary to achieve compliance with federal law, pending further action of the Legislature under this section.

3. Failure to comply. A person may not be denied eligibility for the Medicaid program or the federal State Children's Health Insurance Program as the result of a change to those programs as described in subsections 1 and 2 if the department failed to comply with this section.

See title page for effective date.

**CHAPTER 267**

**H.P. 518 - L.D. 713**

**An Act To Strengthen Maine's Endangered Species Laws**

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

**Sec. 1. 12 MRSA §12808, sub-§1**, as amended by PL 2015, c. 423, §1, is further amended to read:

**1. Prohibited acts regarding endangered or threatened species; negligence.** Except as provided in section 12808-A, a person may not negligently:

A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended;

B. Hunt, take, trap, harass or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended;

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which may be suspended; or

D. Feed or, set bait for ~~or harass~~ any endangered or threatened species. ~~A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class E crime for which a fine of \$1,000 must be adjudged, none of which may be suspended.~~

**Sec. 2. 12 MRSA §12808, sub-§1-A**, as amended by PL 2015, c. 423, §1, is further amended to read:

**1-A. Prohibited acts regarding endangered or threatened species; intentional.** Except as provided in section 12808-A, a person may not intentionally:

A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended;

B. Hunt, take, trap, harass or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended;

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended; or

D. Feed or, set bait for ~~or harass~~ any endangered or threatened species. ~~A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended.~~

**Sec. 3. 12 MRSA §12810, sub-§2**, as enacted by PL 2009, c. 60, §2, is amended to read:

**2. Prohibited acts regarding delisted species.** Except as otherwise authorized by the commissioner pursuant to this Part, a person may not intentionally:

A. Import into the State or export out of the State a delisted species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended;

B. Hunt, trap, harass or possess a delisted species within the State. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended; or

C. Process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, a delisted species or any part of a delisted species. A person who violates this paragraph commits a Class D crime; or, for which a fine of \$2,000 must be adjudged, none of which may be suspended.

~~D. Feed, set bait for or harass a delisted species. A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class D crime.~~

See title page for effective date.

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## CHAPTER 268

### H.P. 659 - L.D. 885

#### An Act To Adopt Eastern Daylight Time Year-round

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

**Sec. 1. 1 MRSA §151**, as repealed and replaced by PL 2007, c. 129, §1, is repealed and the following enacted in its place:

#### **§151. Standard time**

**1. Standard time.** The standard time for the State is the time as determined by 15 United States Code, Sections 260 to 267 except that the standard time year-round for the State is the time commonly known as eastern daylight time or eastern daylight saving time, referred to in this section as eastern daylight time, if:

A. Federal law permits the year-round observation of eastern daylight time; and

B. All the states in the eastern time zone and the District of Columbia observe eastern daylight time year-round.

**2. Secretary of State to monitor and provide public notice.** The Secretary of State shall monitor whether the conditions under subsection 1, paragraphs A and B have been met and provide public notice when each has been met. When both conditions under subsection 1, paragraphs A and B have been met, the Secretary of State shall issue a public notice announcing the effective date of year-round eastern daylight time as established in subsection 3.

3. Effective date. Year-round eastern daylight time is effective immediately upon the fulfillment of both conditions in subsection 1, paragraphs A and B if the State is observing eastern daylight time on the date both conditions are met. Year-round eastern daylight time is effective on the next start date of eastern daylight time after both conditions in subsection 1, paragraphs A and B have been met if the State is not observing eastern daylight time on the date both of the conditions are met.

See title page for effective date.

**CHAPTER 269  
H.P. 809 - L.D. 1105**

**An Act To Allow Acupuncture  
Detoxification Specialists To  
Administer an Auricular  
Acupuncture Treatment for  
Substance Use and  
Co-occurring Disorders**

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

**Sec. 1. 32 MRSA §12501, sub-§1-B** is enacted to read:

**1-B. Acupuncture detoxification specialist.** "Acupuncture detoxification specialist" means an individual licensed under this chapter to practice auricular acupuncture detoxification.

**32 MRSA §12501, sub-§6-K** is enacted to read:

**6-K. National acupuncture detoxification association.** "National acupuncture detoxification association" means the national organization that provides training in auricular acupuncture detoxification, as specified in rules by the board.

**32 MRSA c. 113-B, sub-c. 5** is enacted to read:

**SUBCHAPTER 5  
AURICULAR ACUPUNCTURE  
DETOXIFICATION LICENSING  
REQUIREMENTS AND SCOPE OF PRACTICE**

**§12551. License required; licensee title; scope of practice; limitations**

**1. License required.** A person may not practice, offer to practice or profess to be authorized to practice auricular acupuncture detoxification or represent to the public that the person is an acupuncture detoxification specialist unless licensed by the board pursuant to this subchapter.

**2. Title.** A person licensed under this subchapter may use the title "licensed acupuncture detoxification specialist" and the designation "A.D.S." or "L.A.D.S." but may not represent to the public that the person is an acupuncturist.

**3. Scope of practice.** Auricular acupuncture detoxification is the subcutaneous insertion of sterile, single-use disposable acupuncture needles in consistent, predetermined bilateral locations on the outer ear according to national acupuncture detoxification association protocol for the purpose of treatment of substance use and co-occurring disorders. The practice is limited to the outer ear.

**4. Limitations.** An acupuncture detoxification specialist:

**A.** May not perform acupuncture outside of the scope of practice of auricular acupuncture detoxification;

**B.** May provide auricular acupuncture detoxification only under the general supervision of a licensed acupuncturist whose license is in good standing. The supervising acupuncturist must, at a minimum, be available by telephone or electronic means during business hours and shall conduct at least 2 in-person visits or visits through videoconferencing with the acupuncture detoxification specialist during the first year the supervising acupuncturist oversees the work of the acupuncture detoxification specialist; and

**C.** May provide auricular acupuncture detoxification in, or in collaboration with, a program for substance use and co-occurring disorders or other state-approved program. An acupuncture detoxification specialist shall provide documentation to the program administrator demonstrating that the acupuncture detoxification specialist possesses a record of completion of training in auricular acupuncture detoxification from the national acupuncture detoxification association or completion of other board-approved auricular acupuncture detoxification training.

**§12552. Qualifications for licensure as an acupuncture detoxification specialist**

**1. Qualifications.** To be eligible for licensure as an acupuncture detoxification specialist under this subchapter, the applicant must hold a valid unrestricted Maine license as a:

**A.** Certified alcohol and drug counselor or licensed alcohol and drug counselor;

**B.** Physician or physician assistant;

**C.** Nurse or nurse practitioner;

**D.** Professional counselor or clinical professional counselor;

E. Psychologist; or

F. Licensed social worker, conditional licensed social worker, licensed clinical social worker or licensed master social worker, conditional.

**2. Requirements for license.** To apply for licensure under this subchapter, the applicant shall submit to the board the following:

A. Evidence of having completed training in auricular acupuncture detoxification from the national acupuncture detoxification association or other board-approved auricular acupuncture detoxification training;

B. The identity of the licensed acupuncturist who will be supervising the applicant in accordance with section 12551, subsection 4, paragraph B; and

C. A fee as set under section 12554.

**§12553. Rulemaking**

The board may adopt rules necessary to implement this subchapter and set standards for acupuncture detoxification specialists. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**§12554. Fees and renewal**

**1. Fees.** The Director of the Office of Professional and Occupational Regulation within the department may establish by rule fees for the purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for initial and renewal licensure may not exceed \$675 annually. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**2. Renewal.** A license issued under this subchapter expires on the stated expiration date as determined by the commissioner. To maintain licensure, prior to expiration of a license, a licensee shall apply for renewal, pay the required fee and identify the supervising licensed acupuncturist in accordance with section 12551, subsection 4, paragraph B.

**3. Late renewal.** A license may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set pursuant to subsection 1. A person who submits an application for renewal more than 90 days after the date of expiration is subject to all requirements governing new applicants under this subchapter, except that the board, giving due consideration to the protection of the public, may waive any such requirement if that renewal application is received, together with the late fee and

renewal fee, within 2 years from the date of the expiration.

See title page for effective date.

**CHAPTER 270**

**H.P. 822 - L.D. 1133**

**An Act To Require That Hospital Liens Be Satisfied on a Just and Equitable Basis**

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

**Sec. 1. 10 MRSA §3412-A** is enacted to read:

**§3412-A. Limits on priority of hospital liens**

**1. Lien reduction; just and equitable basis.** A hospital lien must be reduced by the patient's proportionate share of the patient's litigation or other recovery costs, including, but not limited to, reasonable attorney's fees. A hospital lien must be satisfied not on the basis of a priority lien but on a just and equitable basis, which means that any factors that diminish the potential value of the patient's claim against which the lien is asserted must likewise reduce the share in the claim by the hospital for reimbursement for services provided. Such factors include, but are not limited to:

A. Questions of liability and comparative negligence or other legal defenses;

B. Exigencies of trial that reduce a settlement or award in order to resolve the claim; and

C. Limits on the amount of applicable insurance coverage that reduce the claim to an amount recoverable by the insured.

**2. Dispute resolution.** In the event of a dispute as to the application of this section or the amount available for payment to those claiming payment for services or reimbursement, that dispute must be determined, if the action is pending, before the court in which it is pending; or if no action is pending, by filing an action in any court for determination of the dispute.

See title page for effective date.

**CHAPTER 271**

**H.P. 948 - L.D. 1313**

**An Act To Enact the Maine Death with Dignity Act**

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

**Sec. 1. 17-A MRSA §152-A, sub-§3** is enacted to read:

3. It is an affirmative defense to prosecution under subsection 1 that the person's conduct was expressly authorized by Title 22, chapter 418.

**Sec. 2. 17-A MRSA §201, sub-§6** is enacted to read:

6. It is an affirmative defense to prosecution under subsection 1 that the person's conduct was expressly authorized by Title 22, chapter 418.

**Sec. 3. 17-A MRSA §204, sub-§3** is enacted to read:

3. It is an affirmative defense to prosecution under subsection 1 that the person's conduct was expressly authorized by Title 22, chapter 418.

**Sec. 4. 22 MRSA c. 418** is enacted to read:

#### **CHAPTER 418**

#### **PATIENT-DIRECTED CARE**

#### **§2140. Patient-directed care at the end of life**

**1. Short title.** This chapter may be known and cited as "the Maine Death with Dignity Act."

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

A. "Adult" means a person who is 18 years of age or older.

B. "Attending physician" means the physician who has primary responsibility for the care of a patient and the treatment of that patient's terminal disease.

C. "Competent" means that, in the opinion of a court or in the opinion of the patient's attending physician or consulting physician, psychiatrist or psychologist, a patient has the ability to make and communicate an informed decision to health care providers, including communication through persons familiar with the patient's manner of communicating if those persons are available.

D. "Consulting physician" means a physician who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding a patient's disease.

E. "Counseling" means one or more consultations between a state-licensed psychiatrist, state-licensed psychologist, state-licensed clinical social worker or state-licensed clinical professional counselor and a patient for the purpose of determining that the patient is competent and not suffering from a psychiatric or psychological disorder or depression causing impaired judgment.

F. "Health care provider" means:

(1) A person licensed, certified or otherwise authorized or permitted by law to administer health care services or dispense medication in the ordinary course of business or practice of a profession; or

(2) A health care facility.

G. "Informed decision" means a decision by a qualified patient to request and obtain a prescription for medication that the qualified patient may self-administer to end the qualified patient's life in a humane and dignified manner that is based on an appreciation of the relevant facts and that is made after being fully informed by the attending physician of:

(1) The qualified patient's medical diagnosis;

(2) The qualified patient's prognosis;

(3) The potential risks associated with taking the medication to be prescribed;

(4) The probable result of taking the medication to be prescribed; and

(5) The feasible alternatives to taking the medication to be prescribed, including palliative care and comfort care, hospice care, pain control and disease-directed treatment options.

H. "Medically confirmed" means the medical opinion of an attending physician has been confirmed by a consulting physician who has examined the patient and the patient's relevant medical records.

I. "Patient" means an adult who is under the care of a physician.

J. "Physician" means a doctor of medicine or osteopathy licensed to practice medicine in this State.

K. "Qualified patient" means a competent adult who is a resident of this State and who has satisfied the requirements of this Act in order to obtain a prescription for medication that the qualified patient may self-administer to end the qualified patient's life in a humane and dignified manner.

L. "Self-administer" means, for a qualified patient, to voluntarily ingest medication to end the qualified patient's life in a humane and dignified manner.

M. "Terminal disease" means an incurable and irreversible disease that has been medically confirmed and will, within reasonable medical judgment, produce death within 6 months.

**3. Right to information.** A patient has a right to information regarding all treatment options reasonably available for the care of the patient, including, but not

limited to, information in response to specific questions about the foreseeable risks and benefits of medication, without a physician's withholding requested information regardless of the purpose of the questions or the nature of the information.

**4. Written request for medication.** An adult who is competent, is a resident of this State, has been determined by an attending physician and a consulting physician to be suffering from a terminal disease and has voluntarily expressed the wish to die may make a written request for medication that the adult may self-administer in accordance with this Act. An adult does not qualify under this Act solely because of age or disability.

**5. Form of written request.** A valid request for medication under this Act must be substantially in the form described in subsection 24, signed and dated by the patient and witnessed by at least 2 individuals who, in the presence of the patient, attest that to the best of their knowledge and belief the patient is competent, is acting voluntarily and is not being coerced to sign the request.

A. The language of a written request for medication under this Act must be the language in which any conversations or consultations or interpreted conversations or consultations between a patient and the patient's attending physician or consulting physician are held.

B. Notwithstanding paragraph A, the language of a written request for medication under this Act may be English when the conversations or consultations or interpreted conversations or consultations between a patient and the patient's attending physician or consulting physician were conducted in a language other than English if the form described in subsection 24 contains the attachment described in subsection 25.

C. At least one of the 2 or more witnesses required under this subsection and any interpreter required under this subsection must be a person who is not:

- (1) A relative of the patient by blood, marriage or adoption;
- (2) A person who at the time the request is signed would be entitled to any portion of the estate of the qualified patient upon death, under any will or by operation of any law; or
- (3) An owner, operator or employee of a health care facility where the qualified patient is receiving medical treatment or is a resident.

D. The patient's attending physician at the time the written request is signed may not be a witness.

E. If the patient is a patient in a long-term care facility at the time the patient makes the written

request, one of the witnesses must be an individual designated by the facility who has the qualifications specified by the department by rule.

**6. Attending physician responsibilities.** The attending physician shall:

A. Make the initial determination of whether a patient has a terminal disease, is competent and has made the written request under subsection 4 voluntarily;

B. Request that the patient demonstrate state residency as required by subsection 15;

C. To ensure that the patient is making an informed decision, inform the patient of:

- (1) The patient's medical diagnosis;
- (2) The patient's prognosis;
- (3) The potential risks associated with taking the medication to be prescribed;
- (4) The probable result of taking the medication to be prescribed; and
- (5) The feasible alternatives to taking the medication to be prescribed, including palliative care and comfort care, hospice care, pain control and disease-directed treatment options;

D. Refer the patient to a consulting physician for medical confirmation of the diagnosis and for a determination that the patient is competent and acting voluntarily;

E. Confirm that the patient's request does not arise from coercion or undue influence by another individual by discussing with the patient, outside the presence of any other individual, except for an interpreter, whether the patient is feeling coerced or unduly influenced;

F. Refer the patient for counseling, if appropriate, as described in subsection 8;

G. Recommend that the patient notify the patient's next of kin;

H. Counsel the patient about the importance of having another person present when the patient takes the medication prescribed under this Act, and counsel the patient about not taking the medication prescribed under this Act in a public place;

I. Inform the patient that the patient has an opportunity to rescind the request at any time and in any manner and offer the patient an opportunity to rescind the request at the end of the 15-day waiting period pursuant to subsection 11;

J. Verify, immediately before writing the prescription for medication under this Act, that the patient is making an informed decision;

K. Fulfill the medical record documentation requirements of subsection 14;

L. Ensure that all appropriate steps are carried out in accordance with this Act before writing a prescription for medication to enable a qualified patient to end the qualified patient's life in a humane and dignified manner; and

M. Dispense medications directly, including ancillary medications intended to minimize the patient's discomfort, if the attending physician is authorized under state law or rule to dispense medications and has a current drug enforcement administration certificate or with the patient's written consent:

(1) Contact a pharmacist and inform the pharmacist of the prescription; and

(2) Deliver the written prescription personally, by mail or electronically to the pharmacist, who may dispense the medications in person to the patient, the attending physician or an expressly identified agent of the patient.

**7. Consulting physician confirmation.** Before a patient is determined to be a qualified patient under this Act, a consulting physician shall examine the patient and the patient's relevant medical records and confirm, in writing, the attending physician's diagnosis that the patient is suffering from a terminal disease and verify that the patient is competent, is acting voluntarily and has made an informed decision.

**8. Consulting referral.** If, in the opinion of the attending physician or the consulting physician, a patient may be suffering from a psychiatric or psychological disorder or depression causing impaired judgment, the physician shall refer the patient for counseling. Medication to end a patient's life in a humane and dignified manner may not be prescribed until the person performing the counseling determines that the patient is not suffering from a psychiatric or psychological disorder or depression causing impaired judgment.

**9. Informed decision.** A qualified patient may not receive a prescription for medication under this Act unless the qualified patient has made an informed decision. Immediately before writing a prescription for medication under this Act, the attending physician shall verify that the qualified patient is making an informed decision.

**10. Notification of next of kin.** A patient who declines or is unable to notify the patient's next of kin may not have the patient's request for medication denied for that reason.

**11. Written and oral requests.** To receive a prescription for medication that the qualified patient may self-administer under this Act, a qualified patient must make an oral request and a written request and

reiterate the oral request to the qualified patient's attending physician at least 15 days after making the initial oral request. At the time the qualified patient makes the qualified patient's 2nd oral request, the attending physician shall offer the qualified patient an opportunity to rescind the request.

**12. Right to rescind request.** A patient may rescind the patient's request at any time and in any manner without regard to the patient's mental state. A prescription for medication may not be written under this Act without the attending physician's offering the qualified patient an opportunity to rescind the request.

**13. Waiting periods.** At least 15 days must elapse between the patient's initial oral request and the date the patient signs the written request under subsection 11. At least 48 hours must elapse between the date the patient signs the written request and the writing of a prescription under this Act.

**14. Medical record documentation requirements.** The following must be documented or filed in a patient's medical record:

A. All oral requests by the patient for medication to end that patient's life in a humane and dignified manner;

B. All written requests by the patient for medication to end that patient's life in a humane and dignified manner;

C. The attending physician's diagnosis and prognosis and the attending physician's determination that the patient is competent, is acting voluntarily and has made an informed decision;

D. The consulting physician's diagnosis and prognosis and the consulting physician's verification that the patient is competent, is acting voluntarily and has made an informed decision;

E. A report of the outcome and determinations made during counseling, if counseling is provided as described in subsection 8;

F. The attending physician's offer to the patient to rescind the patient's request at the time of the patient's 2nd oral request under subsection 11; and

G. A note by the attending physician indicating that all requirements under this Act have been met, including the requirements of subsection 6, and indicating the steps taken to carry out the patient's request, including a notation of the medication prescribed.

**15. Residency requirement.** For purposes of this Act, only requests made by residents of this State may be granted. The residence of a person is that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return. The following factors may be offered in determining a person's residence

under this Act and need not all be present in order to determine a person's residence:

- A. Possession of a valid driver's license issued by the Department of the Secretary of State, Bureau of Motor Vehicles;
- B. Registration to vote in this State;
- C. Evidence that the person owns or leases property in this State;
- D. The location of any dwelling currently occupied by the person;
- E. The place where any motor vehicle owned by the person is registered;
- F. The residence address, not a post office box, shown on a current income tax return;
- G. The residence address, not a post office box, at which the person's mail is received;
- H. The residence address, not a post office box, shown on any current resident hunting or fishing licenses held by the person;
- I. The residence address, not a post office box, shown on any driver's license held by the person;
- J. The receipt of any public benefit conditioned upon residency, defined substantially as provided in this subsection; or
- K. Any other objective facts tending to indicate a person's place of residence.

**16. Disposal of unused medications.** A person who has custody of or control over any unused medications prescribed pursuant to this Act after the death of the qualified patient shall personally deliver the unused medications to the nearest facility qualified to dispose of controlled substances or, if such delivery is impracticable, personally dispose of the unused medications by any lawful means, in accordance with any guidelines adopted by the department.

**17. Reporting of information; adoption of rules; information collected not a public record; annual statistical report.** The department shall:

- A. Annually review all records maintained under this Act;
- B. Require any health care provider upon writing a prescription or dispensing medication under this Act to file a copy of the prescription or dispensing record, and other documentation required under subsection 14 associated with writing the prescription or dispensing the medication, with the department.

(1) Documentation required to be filed under this paragraph must be mailed or otherwise transmitted as allowed by rules of the department no later than 30 calendar days after

the writing of the prescription or the dispensing of medication under this Act, except that all documents required to be filed with the department by the prescribing physician after the death of the qualified patient must be submitted no later than 30 calendar days after the date of the death of the qualified patient.

(2) In the event that a person required under this Act to report information to the department provides an inadequate or incomplete report, the department shall contact the person to request an adequate or complete report:

C. Within 6 months of the effective date of this Act, adopt rules, which are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A, to facilitate the collection of information regarding compliance with this Act. Except as otherwise provided by law, the information collected is confidential, is not a public record and may not be made available for inspection by the public; and

D. Generate and make available to the public an annual statistical report of information collected under paragraph C and submit a copy of the report to the joint standing committee of the Legislature having jurisdiction over health matters annually by March 1st.

**18. Effect on construction of wills, contracts and other agreements.** Any provision in a contract, will or other agreement, whether written or oral, to the extent the provision would affect whether a person may make or rescind a request for medication to end the person's life in a humane and dignified manner, is not valid. Any obligation owing under any currently existing contract may not be conditioned upon or affected by the making or rescinding of a request by a person for medication to end the person's life in a humane and dignified manner.

**19. Insurance or annuity policies.** The sale, procurement or issuance of any life, health or accident insurance or annuity policy or the rate charged for any life, health or accident insurance or annuity policy may not be conditioned upon or affected by the making or rescinding of a request by a qualified patient for medication that the patient may self-administer to end the patient's life in accordance with this Act. A qualified patient whose life is insured under a life insurance policy issued under the provisions of Title 24-A, chapter 29 and the beneficiaries of the policy may not be denied benefits on the basis of self-administration of medication by the qualified patient in accordance with this Act. The rating, sale, procurement or issuance of any medical professional liability insurance policy delivered or issued for delivery in this State must be in accordance with the provisions of Title 24-A.

**20. Authority of Act; references to acts committed under Act; applicable standard of care.**

This Act does not authorize a physician or any other person to end a patient's life by lethal injection, mercy killing or active euthanasia. Actions taken in accordance with this Act do not, for any purpose, constitute suicide, assisted suicide, mercy killing or homicide under the law. State reports may not refer to acts committed under this Act as "suicide" or "assisted suicide." Consistent with the provisions of this Act, state reports must refer to acts committed under this Act as obtaining and self-administering life-ending medication. Nothing contained in this Act may be interpreted to lower the applicable standard of care for the attending physician, the consulting physician, a psychiatrist or a psychologist or other health care provider providing services under this Act.

**21. Voluntary participation.** Nothing in this Act requires a health care provider to provide medication to a qualified patient to end the qualified patient's life. If a health care provider is unable or unwilling to carry out the qualified patient's request under this Act, the health care provider shall transfer any relevant medical records for the patient to a new health care provider upon request by the patient.

**22. Basis for prohibiting persons or entities from participation; notification; penalties; permissible actions.** The following provisions govern the basis for prohibiting persons or entities from participating in activities under this Act, notification, penalties and permissible actions.

A. Subject to compliance with paragraph B and notwithstanding any other law, a health care provider may prohibit its employees, independent contractors or other persons or entities, including other health care providers, from participating in activities under this Act while on premises owned or under the management or direct control of that prohibiting health care provider or while acting within the course and scope of any employment by, or contract with, the prohibiting health care provider.

B. A health care provider that elects to prohibit its employees, independent contractors or other persons or entities, including other health care providers, from participating in activities under this Act, as described in paragraph A, shall first give notice of the policy prohibiting participation under this Act to those employees, independent contractors or other persons or entities, including other health care providers. A health care provider that fails to provide notice to those employees, independent contractors or other persons or entities, including other health care providers, in compliance with this paragraph may not enforce such a policy against those employees, independ-

ent contractors or other persons or entities, including other health care providers.

C. Subject to compliance with paragraph B, the prohibiting health care provider may take action, including, but not limited to, the following, as applicable, against an employee, independent contractor or other person or entity, including another health care provider, that violates this policy:

(1) Loss of privileges, loss of membership or other action authorized by the bylaws or rules and regulations of the medical staff;

(2) Suspension, loss of employment or other action authorized by the policies and practices of the prohibiting health care provider;

(3) Termination of any lease or other contract between the prohibiting health care provider and the employee, independent contractor or other person or entity, including another health care provider, that violates the policy; or

(4) Imposition of any other nonmonetary remedy provided for in any lease or contract between the prohibiting health care provider and the employee, independent contractor or other person or entity, including another health care provider, in violation of the policy.

D. Nothing in this section may be construed to prevent, or to allow a prohibiting health care provider to prohibit, an employee, independent contractor or other person or entity, including another health care provider, from any of the following:

(1) Participating, or entering into an agreement to participate, in activities under this Act while on premises that are not owned or under the management or direct control of the prohibiting health care provider or while acting outside the course and scope of the participant's duties as an employee of, or an independent contractor for, the prohibiting health care provider; or

(2) Participating, or entering into an agreement to participate, in activities under this Act as an attending physician or consulting physician while on premises that are not owned or under the management or direct control of the prohibiting health care provider.

E. In taking actions pursuant to paragraph C, a health care provider shall comply with all procedures required by law, its own policies or procedures and any contract with the employee, independent contractor or other person or entity, including another health care provider, in violation of the policy, as applicable.

F. Any action taken by a prohibiting health care provider pursuant to this subsection is not reportable to the appropriate licensing board under Title 32, including, but not limited to, the Board of Licensure in Medicine, the Board of Osteopathic Licensure and the Maine Board of Pharmacy. The fact that a health care provider participates in activities under this Act may not be the sole basis for a complaint or report by another health care provider to the appropriate licensing board under Title 32, including, but not limited to, the Board of Licensure in Medicine, the Board of Osteopathic Licensure and the Maine Board of Pharmacy.

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

(1) "Notice" means a separate statement in writing advising of the prohibiting health care provider's policy with respect to participating in activities under this Act.

(2) "Participating, or entering into an agreement to participate, in activities under this Act" means doing or entering into an agreement to do any one or more of the following:

(a) Performing the duties of an attending physician as specified in this Act;

(b) Performing the duties of a consulting physician as specified in this Act;

(c) Performing the duties of a state-licensed psychiatrist, state-licensed psychologist, state-licensed clinical social worker or state-licensed clinical professional counselor, in the circumstance that a referral to one is made pursuant to subsection 8;

(d) Delivering the prescription for, dispensing or delivering the dispensed medication pursuant to this Act; or

(e) Being present when the qualified patient takes the medication prescribed pursuant to this Act.

"Participating, or entering into an agreement to participate, in activities under this Act" does not include doing, or entering into an agreement to do, any of the following: diagnosing whether a patient has a terminal disease, informing the patient of the medical prognosis or determining whether a patient has the capacity to make decisions; providing information to a patient about this Act; or providing a patient, upon the patient's request, with a referral to another health care provider for the purposes of participating in the activities authorized by this Act.

**23. Claims by governmental entity for costs incurred.** Any governmental entity that incurs costs resulting from a person ending the person's life under this Act in a public place has a claim against the estate of the person to recover the costs and reasonable attorney's fees related to enforcing the claim.

**24. Form of the request.** A request for medication as authorized by this Act must be in substantially the following form:

REQUEST FOR MEDICATION TO END MY LIFE IN A HUMANE AND DIGNIFIED MANNER

I, ....., am an adult of sound mind. I am suffering from ....., which my attending physician has determined is a terminal disease and which has been medically confirmed by a consulting physician.

I have been fully informed of my diagnosis and prognosis, the nature of medication to be prescribed and potential associated risks, the expected result and feasible alternatives, including palliative care and comfort care, hospice care, pain control and disease-directed treatment options.

I request that my attending physician prescribe medication that I may self-administer to end my life in a humane and dignified manner and contact any pharmacist to fill the prescription.

INITIAL ONE:

..... I have informed my family of my decision and taken their opinions into consideration.

..... I have decided not to inform my family of my decision.

..... I have no family to inform of my decision.

I understand that I have the right to rescind this request at any time.

I understand the full import of this request, and I expect to die when I take the medication to be prescribed. I further understand that, although most deaths occur within 3 hours, my death may take longer and my physician has counseled me about this possibility.

I make this request voluntarily and without reservation, and I accept full moral responsibility for my actions.

Signed: .....

Dated: .....

DECLARATION OF WITNESSES

By initialing and signing below on or after the date the person named above signs, we declare

that the person making and signing the above request:

Initials of Witness 1:

..... 1. Is personally known to us or has provided proof of identity;

..... 2. Signed this request in our presence on the date of the person's signature;

..... 3. Appears to be of sound mind and not under duress, fraud or undue influence; and

..... 4. Is not a patient for whom either of us is the attending physician.

Printed Name of Witness 1: .....

Signature of Witness 1/Date: .....

Initials of Witness 2:

..... 1. Is personally known to us or has provided proof of identity;

..... 2. Signed this request in our presence on the date of the person's signature;

..... 3. Appears to be of sound mind and not under duress, fraud or undue influence; and

..... 4. Is not a patient for whom either of us is the attending physician.

Printed Name of Witness 2: .....

Signature of Witness 2/Date: .....

NOTE: One witness must be a person who is not a relative by blood, marriage or adoption of the person signing this request, is not entitled to any portion of the person's estate upon death and does not own or operate or is not employed at a health care facility where the person is a patient or resident. The person's attending physician at the time the request is signed may not be a witness. If the person is an inpatient at a long-term care facility, one of the witnesses must be an individual designated by the facility.

25. Form of interpreter attachment. The form of an attachment for purposes of providing interpretive services as described in subsection 5, paragraph B must be in substantially the following form:

I, ....., am fluent in English and (language of patient).

On (date) at approximately (time) I read the "REQUEST FOR MEDICATION TO END MY LIFE IN A HUMANE AND DIGNIFIED MANNER" to (name of patient) in (language of patient).

Mr./Ms. (name of patient) affirmed to me that he/she understands the content of this form, that he/she desires to sign this form under his/her own power and volition and that he/she requested to sign the form after consultations with an attending physician and a consulting physician.

Under penalty of perjury, I declare that I am fluent in English and (language of patient) and that the contents of this form, to the best of my knowledge, are true and correct.

Executed at (name of city, county and state) on (date).

Interpreter's signature: .....

Interpreter's printed name: .....

Interpreter's address: .....

See title page for effective date.

CHAPTER 272

S.P. 144 - L.D. 479

An Act Concerning Spousal Support

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

Sec. 1. 19-A MRSA §951-A, sub-§4, as amended by PL 2013, c. 327, §1, is further amended to read:

4. Modification. An award of spousal support issued before October 1, 2013 is subject to modification when it appears that justice requires unless and to the extent the order awarding or modifying spousal support expressly states that the award, in whole or in part, is not subject to future modification. An award of spousal support issued on or after October 1, 2013 is subject to modification when there is a substantial change in financial circumstances and it appears that justice requires.

Sec. 2. 19-A MRSA §951-A, sub-§12, as enacted by PL 2013, c. 327, §2, is repealed.

See title page for effective date.

**CHAPTER 273**  
**S.P. 218 - L.D. 705**

**An Act Regarding the Process  
for Obtaining Prior  
Authorization for Health  
Insurance Purposes**

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

**Sec. 1. 24-A MRSA §4304, sub-§2,** as amended by PL 1999, c. 742, §12, is further amended to read:

**2. Prior authorization of nonemergency services.** Requests Except for a request in exigent circumstances as described in section 4311, subsection 1-A, paragraph B, a request by a provider for prior authorization of a nonemergency service must be answered by a carrier within 72 hours or 2 business days, whichever is less, in accordance with this subsection. Both the provider and the enrollee on whose behalf the authorization was requested must be notified by the carrier of its determination. If the information submitted is insufficient to make a decision, the carrier shall notify the provider within 2 business days of the additional information necessary to render a decision. If the carrier determines that outside consultation is necessary, the carrier shall notify the provider and the enrollee for whom the service was requested within 2 business days. The carrier shall make a good faith estimate of when the final determination will be made and contact the enrollee and the provider as soon as practicable. Notification requirements under this subsection are satisfied by written notification postmarked within the time limit specified.

A. Both the provider and the enrollee on whose behalf the authorization was requested must be notified by the carrier of its determination.

B. If the carrier responds to a request by a provider for prior authorization with a request for additional information, the carrier shall make a decision within 72 hours or 2 business days, whichever is less, after receiving the requested information.

C. If the carrier responds that outside consultation is necessary before making a decision, the carrier shall make a decision within 72 hours or 2 business days, whichever is less, from the time of the carrier's initial response.

D. The prior authorization standards used by a carrier must be clear and readily available. A provider must make best efforts to provide all information necessary to evaluate a request, and the carrier must make best efforts to limit requests for additional information.

If a carrier does not grant or deny a request for prior authorization within the time frames required under this subsection, the request for prior authorization by the provider is granted.

**Sec. 2. 24-A MRSA §4304, sub-§§2-A and 2-B** are enacted to read:

**2-A. Prior authorization of medication-assisted treatment for opioid use disorder.** A carrier may not require prior authorization for medication-assisted treatment for opioid use disorder for the prescription of at least one drug for each therapeutic class of medication used in medication-assisted treatment, except that a carrier may not impose any prior authorization requirements on a pregnant woman for medication-assisted treatment for opioid use disorder. For the purposes of this subsection, "medication-assisted treatment" means an evidence-based practice that combines pharmacological interventions with substance use disorder counseling.

**2-B. Electronic transmission of prior authorization requests.** Beginning no later than January 1, 2020, if a health plan provides coverage for prescription drugs, the carrier must accept and respond to prior authorization requests in accordance with subsection 2 through a secure electronic transmission using standards adopted by a national council for prescription drug programs for electronic prescribing transactions. For the purposes of this subsection, transmission of a facsimile through a proprietary payer portal or by use of an electronic form is not considered electronic transmission.

**Sec. 3. 24-A MRSA §4311, sub-§1-A, ¶A,** as enacted by PL 2019, c. 5, Pt. A, §21, is amended to read:

A. The carrier must determine whether it will cover the drug requested and notify the enrollee, the enrollee's designee, if applicable, and the person who has issued the valid prescription for the enrollee of its coverage decision within 72 hours or 2 business days, whichever is less, following receipt of the request. A carrier that grants coverage under this paragraph must provide coverage of the drug for the duration of the prescription, including refills.

**Sec. 4. Rulemaking.** The Department of Professional and Financial Regulation, Bureau of Insurance shall amend its rule Chapter 850, Health Plan Accountability:

1. To conform to the changes made in this Act; and

2. To replace the term "urgent care" with the term "exigent circumstances" as used in this Act and to change the timeline for review decisions when exigent circumstances exist to no more than 24 hours after receiving the request.

Notwithstanding the Maine Revised Statutes, Title 24-A, section 4309, any rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 5. Report on electronic transmission of prior authorization request for medical services; authorization to report out legislation.** No later than January 1, 2020, health insurance carriers, in cooperation with the Maine Association of Health Plans, shall report to the Joint Standing Committee on Health Coverage, Insurance and Financial Services on efforts to develop standards for secure electronic transmission of prior authorization requests that meet requirements of the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. The committee may report out legislation to the Second Regular Session of the 129th Legislature related to the electronic transmission of prior authorization requests for medical services.

See title page for effective date.

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## CHAPTER 274

### H.P. 594 - L.D. 820

#### An Act To Prevent Discrimination in Public and Private Insurance Coverage for Pregnant Women in Maine

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

**Sec. 1. 22 MRSA §3196** is enacted to read:

**§3196. Coverage for non-Medicaid services to MaineCare members**

**1. Coverage.** The department shall provide coverage for abortion services to a MaineCare member.

**2. Funding.** Abortion services that are not federally approved Medicaid services must be funded by state funds within existing resources.

**3. Rulemaking.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 24 MRSA §2317-B, sub-§20,** as amended by PL 2013, c. 575, §3, is further amended to read:

**20. Title 24-A, chapters 68 and 68-A.** Long-term care insurance, nursing home care insurance and home health care insurance, Title 24-A, chapters 68 and 68-A; and

**Sec. 3. 24 MRSA §2317-B, sub-§21,** as enacted by PL 2013, c. 575, §4 and affected by §10, is amended to read:

**21. Title 24-A, sections 2765-A and 2847-U.** The practice of dental hygiene by a dental hygiene therapist, Title 24-A, sections 2765-A and 2847-U; and

**Sec. 4. 24 MRSA §2317-B, sub-§22** is enacted to read:

**22. Title 24-A, section 4320-M. Coverage for abortion services, Title 24-A, section 4320-M.**

**Sec. 5. 24-A MRSA §4320-M** is enacted to read:

**§4320-M. Coverage for abortion services**

**1. Required coverage.** A carrier offering a health plan in this State that provides coverage for maternity services shall provide coverage for abortion services for an enrollee in accordance with this section.

**2. Limits; deductible; copayment; coinsurance.** A health plan that provides coverage for the services required by this section may contain provisions for maximum benefits and coinsurance and reasonable limitations, deductibles and exclusions to the extent that these provisions are not inconsistent with the requirements of this section.

**3. Application.** Except for a religious employer granted an exclusion as provided in subsection 4, the requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**4. Exclusion for religious employer.** A religious employer may request and a carrier shall grant an exclusion under the policy or contract for the coverage required by this section if the required coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains an exclusion under this subsection shall provide prospective enrollees and those individuals insured under its policy written notice of the exclusion. This section may not be construed as authorizing a carrier to exclude coverage for abortion services that are necessary to preserve the life or health of a covered enrollee. For the purposes of this section, "religious employer" means an employer that is a church, a convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 United States Code, Section 3121(w)(3)(A) and that qualifies as a tax-exempt organization under 26 United States Code, Section 501(c)(3).

**5. Protection of federal funds.** If the superintendent determines enforcement of this section may adversely affect the allocation of federal funds to the

State, the superintendent may grant an exemption from the requirements of this section, but only to the minimum extent necessary to ensure the continued receipt of federal funds.

**Sec. 6. Rules.** The Department of Health and Human Services shall adopt the rules required by the Maine Revised Statutes, Title 22, section 3196 by March 1, 2020.

**Sec. 7. Emergency rules.** The Department of Health and Human Services may adopt emergency rules under the Maine Revised Statutes, Title 5, section 8054 as necessary to implement Title 22, section 3196 without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

**Sec. 8. Exemption from review.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, that section of this Act that enacts Title 24-A, section 4320-M is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

**Sec. 9. Application.** That section of this Act that enacts the Maine Revised Statutes, Title 24-A, section 4320-M applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Appropriates funds to provide coverage to MaineCare members for legal abortion services.

GENERAL FUND	2019-20	2020-21
All Other	\$125,281	\$375,843
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GENERAL FUND TOTAL	\$125,281	\$375,843

**Office of MaineCare Services 0129**

Initiative: Appropriates one-time funds for oversight, development and testing of technology changes.

GENERAL FUND	2019-20	2020-21
All Other	\$102,265	\$0
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GENERAL FUND TOTAL	\$102,265	\$0

**HEALTH AND HUMAN  
SERVICES,  
DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$227,546	\$375,843
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DEPARTMENT TOTAL - ALL FUNDS	\$227,546	\$375,843

See title page for effective date.

**CHAPTER 275**

**H.P. 940 - L.D. 1297**

**An Act To Reduce Youth  
Cancer Risk**

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

**Sec. 1. 22 MRSA §689-A** is enacted to read:

**§689-A. Tanning facilities; minors**

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

A. "Operator" means a person designated by the owner of a tanning facility or the lessee of a tanning device to operate, or to assist and instruct in the operation and use of, a tanning facility or tanning device.

B. "Phototherapy device" means equipment that emits ultraviolet radiation and is used in the diagnosis or treatment of disease or injury.

C. "Tanning device" means equipment that emits electromagnetic radiation having wavelengths in air between 200 and 400 nanometers that is used for the tanning of human skin and any equipment used with that equipment, including but not limited to protective eyewear, timers and handrails. "Tanning device" includes a sunlamp, tanning booth or tanning bed but does not include a phototherapy device used or prescribed for use by a physician.

D. "Tanning facility" means a location, place, area, structure or business that provides persons access to a tanning device, including tanning salons, health clubs, apartments and condominiums, regardless of whether a fee is charged for access to the tanning device.

**2. Prohibition.** An owner of a tanning facility, a lessee of a tanning device or an operator may not allow an individual under 18 years of age to use a tan-

ning device. Proof of age may be satisfied with a driver's license or other government-issued identification containing the date of birth and a photograph of the individual.

**3. Notice.** An owner of a tanning facility or a lessee of a tanning device shall post in a conspicuous place in the tanning facility notice, in a form developed by the department:

A. That it is unlawful for a tanning facility, a lessee of a tanning device or an operator to allow an individual under 18 years of age to use a tanning device;

B. That a tanning facility, a lessee of a tanning device or an operator that violates the provisions of this section is subject to penalties;

C. That an individual may report a violation of this section to the local law enforcement agency or radiation control program of the Maine Center for Disease Control and Prevention; and

D. That the health risks associated with tanning include but are not limited to skin cancer, premature aging of the skin, burns to the skin and adverse reactions to certain medications, foods and cosmetics.

Failure to post a notice in accordance with this subsection is a violation of this section.

**4. Written statement.** An owner of a tanning facility, a lessee of a tanning device or an operator shall provide to every customer prior to that customer's first use in that calendar year of that particular tanning device a written statement that must be signed by the customer prior to use of the tanning device. The statement must be developed by the department and must include:

A. The information required in the notice set forth in subsection 3;

B. An acknowledgment signed by the customer indicating that the customer understands the notice posted in accordance with subsection 3 and the information set forth pursuant to paragraph A; and

C. An agreement that the customer will use protective eyewear.

Failure to provide a written statement in accordance with this subsection is a violation of this section.

**5. Duties of owner.** An owner of a tanning facility, a lessee of a tanning device or an operator shall ensure that:

A. An individual under 18 years of age is not permitted to use the tanning facility;

B. There is present at the tanning facility during its hours of operation an operator who is able to

inform customers about, and assist customers in, the proper use of tanning devices;

C. Each tanning device is properly sanitized after each use;

D. Before a customer uses a tanning device, the customer is provided, at no cost, with properly sanitized and securely fitting protective eyewear that protects the customer's eyes from ultraviolet radiation and allows enough vision to maintain balance;

E. A customer is not allowed to use a tanning device unless the customer uses protective eyewear;

F. A customer is shown how to use physical aids including handrails and markings on the floor to maintain a proper exposure distance from the tanning device as recommended by the manufacturer;

G. A timing device that is accurate within 10% of any selected timer interval is used and is remotely located so customers cannot set their own exposure time;

H. Each tanning device is equipped with a mechanism that allows the customer to turn the tanning device off;

I. A customer is limited to the maximum exposure time recommended by the manufacturer for that customer's skin type;

J. A customer is not allowed to use a tanning device more than once every 24 hours;

K. The interior temperature of the tanning facility does not exceed 100 degrees Fahrenheit; and

L. The following records are maintained: copies of all consent forms signed by customers; a record of a customer's total number of uses of a tanning device at the facility; the dates and durations of uses of a tanning device; and any injury reports for a period of 3 years after tanning device use for each customer.

Failure to act in accordance with this subsection is a violation of this section.

**6. Duties of customer.** A customer may not use a tanning device of a tanning facility unless the customer:

A. Immediately before the customer's first use of a unique tanning facility in a year, signs a statement acknowledging that the customer has read and understands the notice and the information required under this section and specifying that the customer agrees to use protective eyewear; and

B. Uses protective eyewear at all times while using a tanning device.

**7. Certificate of registration.** A person may not operate a tanning facility without first obtaining from

the department a certificate of registration. The registrant shall display the certificate of registration in a conspicuous place at the tanning facility. A certification of registration issued under this subsection expires annually.

**8. Violation; penalty.** Notwithstanding section 690, subsection 1, a person who violates this section is not subject to the criminal penalties under section 690, subsection 1 but is subject to civil penalties in accordance with section 690, subsection 2. Violation may also result in suspension or revocation of a registration issued in accordance with subsection 7.

**9. Local ordinance.** This section does not preempt local ordinances that provide for more restrictive regulation of tanning facilities than required in this section or rules adopted pursuant to subsection 10.

**10. Rulemaking.** The department shall adopt rules to implement this section and otherwise regulate tanning facilities. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Department of Health and Human Services to amend rules.** No later than February 1, 2020, the Department of Health and Human Services shall amend its rules in 10-144 C.M.R. Chapter 223 to be consistent with the Maine Revised Statutes, Title 22, section 689-A.

See title page for effective date.

**CHAPTER 276  
S.P. 420 - L.D. 1352**

**An Act To Provide for  
Consistency Regarding Persons  
Authorized To Conduct  
Examinations for Involuntary  
Hospitalization and  
Guardianship**

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

**Sec. 1. 18-C MRSA §5-306, sub-§1,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Evaluation; report.** In every adult guardianship matter, the respondent must be examined by a ~~licensed physician or psychologist~~ medical practitioner who is acceptable to the court and who is qualified to evaluate the respondent's alleged cognitive and functional abilities. The individual conducting the evaluation shall file a report in a record with the court at least 10 days before any hearing on the petition. Unless otherwise directed by the court, the report must contain:

- A. A description of the nature, type and extent of the respondent's cognitive and functional abilities and limitations;
- B. An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior and social skills;
- C. A prognosis for improvement and recommendation for the appropriate treatment, support or habilitation plan; and
- D. The date of the examination on which the report is based.

As used in this subsection, "medical practitioner" means a licensed physician, a registered physician assistant, a certified psychiatric clinical nurse specialist, a certified nurse practitioner or a licensed clinical psychologist.

See title page for effective date.

**CHAPTER 277  
H.P. 1043 - L.D. 1433**

**An Act To Protect the  
Environment and Public  
Health by Further Reducing  
Toxic Chemicals in Packaging**

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

**Sec. 1. 32 MRSA §1731,** as enacted by PL 1989, c. 849, §1, is amended to read:

**§1731. Purpose**

The purpose of this chapter is to reduce the toxicity of ~~packaging and~~ packaging waste without impeding or discouraging the expanded use of post-consumer materials in the production of packaging and its components. Under this chapter, reduction of the toxicity in packaging and packaging waste is accomplished by prohibiting the unnecessary addition of ~~heavy metals~~ certain chemicals, such as lead, mercury, cadmium ~~and~~, hexavalent chromium, PFAS and phthalates, in packaging and packaging components.

**Sec. 2. 32 MRSA §1732,** as amended by PL 1995, c. 656, Pt. A, §§7 and 8, is further amended to read:

**§1732. Definitions**

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

**1-A. Department.** "Department" means the Department of Environmental Protection.

**1-B. Alternative.** "Alternative" means a substitute process, product, material, chemical, strategy or combination of these that serves a functionally equivalent purpose to a chemical in a package or packaging component.

**1-C. Chemical.** "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation or metabolism.

**2. Distributor.** "Distributor" means any person, firm or corporation that sells a packaged product to a retailer in this State or any person, firm or corporation that receives a shipment or consignment of, or in any other manner acquires, packaged products outside the State for sale to consumers in the State.

**2-A. Incidental presence.** "Incidental presence" means the presence of a regulated metal or other regulated chemical as an unintended or undesired ingredient of a package or packaging component.

**2-B. Intentional introduction.** "Intentional introduction" means the act of deliberately using a regulated metal or other regulated chemical in the formation of a package or packaging component when its continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance or quality.

The use of a regulated metal or other regulated chemical as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, when the incidental retention of a residue of the metal or chemical in the final package or packaging component is neither desired nor deliberate, is not considered intentional introduction for the purposes of this chapter.

The use of recycled materials as feedstock for the manufacture of new packaging materials, when a portion of the recycled materials may contain amounts of the regulated metals or other regulated chemicals, is not considered intentional introduction for the purposes of this chapter when the new package or packaging component is in compliance with section 1733.

**2-C. Food package.** "Food package" means a package that is designed for direct food contact. "Food package" includes, but is not limited to, a food or beverage product that is contained in a food package or to which a food package is applied, a packaging component of a food package and plastic disposable gloves used in commercial or institutional food service.

**3. Manufacturer.** "Manufacturer" means any person ~~who~~ that manufactures a package or packaging component.

**4. Package.** "Package" means a container used in marketing, protecting or handling a product ~~and.~~ "Package" includes a unit package and a shipping container defined by the American Society for Testing and Materials in its annual book of standards as ASTM, D996. ~~"Package" also includes such:~~ a food package; and unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags and tubs.

**5. Packaging component.** "Packaging component" means any individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks and labels. Tin-plated steel that meets the American Society for Testing and Materials specification A-623 must be considered as a single package component. Electrogalvanized coated steel and hot-dipped coated galvanized steel that meets the American Society for Testing and Materials specifications A-525 and A-879 must be treated in the same manner as tin-plated steel.

**5-A. Perfluoroalkyl and polyfluoroalkyl substances; PFAS.** "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

**5-B. Phthalates.** "Phthalates" means any member of the class of organic chemicals that are esters of phthalic acid and that contain 2 carbon chains located in the ortho position.

**5-C. Safer alternative.** "Safer alternative" means an alternative that, when compared to a chemical that it could replace, would reduce the potential for harm to human health or the environment or that has not been shown to pose the same or greater potential for harm to human health or the environment as that chemical.

**6. Supplier.** "Supplier" means any person, firm or corporation that sells packages or packaging components to a distributor.

**Sec. 3. 32 MRSA §1733**, as enacted by PL 1989, c. 849, §1, is amended to read:

**§1733. Prohibitions; substitute materials**

**1. Prohibition of sale of packaging containing certain heavy metals.** A manufacturer, supplier or distributor may not offer for sale or for promotional purposes in the State a package or packaging component that includes inks, dyes, pigments, adhesives, stabilizers, coatings or any other additives to which any lead, cadmium, mercury or hexavalent chromium has been intentionally introduced during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements.

**2. Prohibition of sale of product in packaging containing certain heavy metals.** A manufacturer or

distributor may not offer for sale or for promotional purposes in the State any product in a package that includes, in the package itself or any packaging components, inks, dyes, pigments, adhesives, stabilizers, coatings or any other additives to which any lead, cadmium, mercury or hexavalent chromium has been intentionally introduced during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements.

**3. Concentration levels of certain heavy metals.** ~~The~~ For the purposes of subsections 1 and 2, the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium present in any package or packaging component may not exceed:

- A. Effective April 1, 1992, 600 parts per million by weight, or 0.06%;
- B. Effective April 1, 1993, 250 parts per million by weight, or 0.025%; and
- C. Effective April 1, 1994, 100 parts per million by weight, or 0.01%.

**3-A. Prohibition of sale of food package containing phthalates.** Beginning January 1, 2022, a manufacturer, supplier or distributor may not offer for sale or for promotional purposes in the State a food package that includes inks, dyes, pigments, adhesives, stabilizers, coatings, plasticizers or any other additives to which phthalates have been intentionally introduced in any amount greater than an incidental presence.

The prohibition in this subsection does not prevent a manufacturer that is located in the State from offering for sale or for promotional purposes outside the State a food package to which phthalates have been intentionally introduced in any amount greater than an incidental presence.

**3-B. Prohibition of sale of food package containing PFAS.** In accordance with the requirements of this subsection, the department may by rule prohibit a manufacturer, supplier or distributor from offering for sale or for promotional purposes in the State a food package to which PFAS have been intentionally introduced in any amount greater than an incidental presence.

A. The department may not by rule prohibit the sale of a food package to which PFAS have been intentionally introduced in any amount greater than an incidental presence under this subsection unless the department has determined that a safer alternative to the use of PFAS in a specific application of PFAS to a food package is available. To determine that a safer alternative is available, the department must find that a safer alternative is readily available in sufficient quantity and at a comparable cost and that the safer alternative performs as well as or better than PFAS in a specific application of PFAS to a food package.

B. If the department determines pursuant to paragraph A that a safer alternative to the use of PFAS in a specific application of PFAS to a food package is available, the department shall by rule prohibit the sale of a food package to which PFAS have been intentionally introduced in any amount greater than an incidental presence under this subsection, except that such a prohibition may not take effect until January 1, 2022 or 2 years following the date on which the department determines that a safer alternative is available, whichever is later.

The prohibition in this subsection does not prevent a manufacturer that is located in the State from offering for sale or for promotional purposes outside the State a food package to which PFAS have been intentionally introduced in any amount greater than an incidental presence.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**3-C. Exemption to prohibition of sale of food package.** The prohibitions in subsections 3-A and 3-B do not apply to a manufacturer of a food or beverage product that is contained in a food package or to which a food package is applied as long as that manufacturer has less than \$1,000,000,000 of total annual national sales of food and beverage products.

**4. Substitute materials.** No material used to replace lead, cadmium, mercury ~~or~~ hexavalent chromium, phthalates or PFAS in a package or packaging component may be used in a quantity or manner that creates a hazard as great as or greater than the hazard created by the ~~lead, cadmium, mercury or hexavalent chromium~~ prohibited heavy metal or chemical.

**Sec. 4. 32 MRSA §1734**, as amended by PL 1995, c. 656, Pt. A, §9, is further amended to read:

#### **§1734. Exemptions**

All packages and packaging components are subject to the provisions of section 1733 unless:

**1. Manufactured prior to April 1, 1992.** The package or packaging component has a code indicating a date of manufacture prior to ~~the effective date of this section~~ April 1, 1992;

**2. Health and safety requirements; feasibility; post-consumer materials.** The manufacturer, supplier or distributor petitions the department for an exemption for a particular package or packaging component and the department grants an exemption for one or more of the following reasons.

A. The package or packaging component contains lead, cadmium, mercury or hexavalent chromium added in the manufacturing, forming, printing or distribution process in order to comply

with health or safety requirements of state or federal law.

B. There is no feasible alternative to the use of lead, cadmium, mercury or hexavalent chromium in the package or packaging component. For the purposes of this section, "no feasible alternative" means a use in which the regulated substance is essential to the protection, safe handling or function of the package's contents.

C. The addition of post-consumer materials causes the package or packaging component to exceed the maximum concentration levels set forth in section 1733, subsection 3.

For packages or packaging components exempted under paragraph A or B, a 2-year exemption may be granted and that exemption may be renewed for an additional 2 years. An exemption granted under paragraph C is valid for 6 years; or

**3. Alcoholic beverages bottled prior to April 1, 1992.** The package or packaging component contains an alcoholic beverage bottled prior to April 1, 1992; or

**Sec. 5. 32 MRSA §1735, sub-§3** is enacted to read:

**3. Food package; limitation of scope of certificate.** A manufacturer subject to the prohibitions under section 1733, subsection 3-A or 3-B shall develop a certificate of compliance under this section, except that the manufacturer may limit the scope of the certificate to the prohibitions in section 1733, subsection 3-A or 3-B. A manufacturer that is exempt under section 1733, subsection 3-C is also exempt from the requirements of this subsection.

**Sec. 6. 32 MRSA §1737**, as amended by PL 1995, c. 656, Pt. A, §12 and PL 2011, c. 657, Pt. W, §5, is repealed and the following enacted in its place:

**§1737. Rules**

The department shall adopt rules necessary for the implementation, administration and enforcement of this chapter. Except as otherwise provided in this chapter, rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 7. 32 MRSA §1739**, as enacted by PL 1989, c. 849, §1, is repealed.

**Sec. 8. 32 MRSA c. 26-B** is enacted to read:

**CHAPTER 26-B**

**TOXIC CHEMICALS IN FOOD PACKAGING**

**§1741. Definitions**

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

**1. Alternative.** "Alternative" has the same meaning as in section 1732, subsection 1-B.

**2. Board.** "Board" means the Board of Environmental Protection.

**3. Chemical.** "Chemical" has the same meaning as in section 1732, subsection 1-C.

**4. Commissioner.** "Commissioner" means the Commissioner of Environmental Protection.

**5. Credible scientific evidence.** "Credible scientific evidence" means the results of a study, the experimental design and conduct of which have undergone independent scientific peer review, that are published in a peer-reviewed journal or in a publication of an authoritative federal or international governmental agency, including but not limited to the United States Department of Health and Human Services, National Toxicology Program, Food and Drug Administration and Centers for Disease Control and Prevention; the United States Environmental Protection Agency; the World Health Organization; and the European Union, European Chemicals Agency.

**6. De minimis level.** "De minimis level" means:

A. For a food contact chemical of high concern or priority food contact chemical that is an intentionally added chemical in a food package, the practical quantification limit; or

B. For a food contact chemical of high concern or priority food contact chemical that is a contaminant present in a food package, a concentration of 100 parts per million.

**7. Department.** "Department" means the Department of Environmental Protection.

**8. Distributor.** "Distributor" has the same meaning as in section 1732, subsection 2.

**9. Food contact chemical of high concern.** "Food contact chemical of high concern" means a chemical identified by the department pursuant to section 1742.

**10. Food package.** "Food package" has the same meaning as in section 1732, subsection 2-C.

**11. Intentionally added chemical.** "Intentionally added chemical" means a chemical that was added during the manufacture of a product or product component to provide a specific characteristic, appearance or quality or to perform a specific function.

**12. Manufacturer.** "Manufacturer" means any person who manufactured a food package or whose brand name is affixed to a food package. In the case of a food package that was imported into the United States, "manufacturer" includes the importer or first domestic distributor of the food package if the person who manufactured or assembled the food package or

whose brand name is affixed to the food package does not have a presence in the United States.

**13. Practical quantification limit.** "Practical quantification limit" means the lowest concentration of a chemical that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness and comparability during routine laboratory operating conditions. The practical quantification limit is based on scientifically defensible, standard analytical methods. The practical quantification limit for a given chemical may be different depending on the matrix and the analytical method used.

**14. Priority food contact chemical.** "Priority food contact chemical" means a chemical designated by the commissioner pursuant to section 1743.

**15. Safer alternative.** "Safer alternative" has the same meaning as in section 1732, subsection 5-C.

**§1742. Identification of food contact chemicals of high concern**

In accordance with the requirements of this section, the department shall publish and may revise a list of no more than 10 food contact chemicals of high concern.

**1. Criteria.** A chemical may be included on the list under this section only if:

**A.** The chemical is included on the list of chemicals of concern published by the department in accordance with Title 38, section 1693 or the chemical has been identified by an authoritative governmental entity on the basis of credible scientific evidence as being:

- (1) A carcinogen, a reproductive or developmental toxicant or an endocrine disruptor;
- (2) Persistent, bioaccumulative and toxic; or
- (3) Very persistent and very bioaccumulative;

**B.** The department determines that there is strong credible scientific evidence that the chemical is a reproductive or developmental toxicant, endocrine disruptor or human carcinogen; and

**C.** The department determines that there is strong credible scientific evidence that the chemical meets one or more of the following additional criteria:

- (1) The chemical has been found through biomonitoring studies to be present in human blood, human breast milk, human urine or other human bodily tissues or fluids;
- (2) The chemical has been found through sampling and analysis to be present in a food or beverage product; or

(3) The chemical has been added to or is present in a food package.

**2. Revisions.** The commissioner shall review the list published pursuant to this section at least every 3 years and shall remove from the list any food contact chemical of high concern that has been designated as a priority food contact chemical pursuant to section 1743 or that no longer meets the criteria of subsection 1. The commissioner may add to the list additional food contact chemicals of high concern that meet the criteria of subsection 1, except that the list under this section may not at any one time include more than 10 food contact chemicals of high concern.

**§1743. Designation of priority food contact chemicals**

The commissioner may designate a food contact chemical of high concern as a priority food contact chemical if:

**1. Chemical included on list of food contact chemicals of high concern.** The food contact chemical of high concern is included on the list of food contact chemicals of high concern published by the department in accordance with section 1742; and

**2. Additional criteria.** The commissioner finds that the food contact chemical of high concern:

- A.** Has been found through biomonitoring to be present in human blood, including umbilical cord blood, breast milk, urine or other human bodily tissues or fluids;
- B.** Has been found through sampling and analysis to be present in a food or beverage product; or
- C.** Is present in a food package.

**§1744. Disclosure of information on priority food contact chemicals**

**1. Reporting of chemical use.** A person who is a manufacturer or distributor of a food package for sale in the State that contains a priority food contact chemical in any amount greater than a de minimis level shall notify the department in writing unless waived by the commissioner pursuant to this section. This written notice must be made within 180 days after a priority food contact chemical is designated. If the sale in the State of a food package by a manufacturer or distributor does not commence until after the 180-day reporting period ends, this written notice must be made within 30 days of sale of the food package in the State. This written notice must identify the food package, the number of units sold or distributed for sale in the State or nationally, the priority food contact chemical or chemicals contained in the food package, the amount of such chemicals in each unit of the food package and the intended purpose of the chemicals in the food package.

**2. Supplemental information.** The manufacturer or distributor of a food package that contains a priority food contact chemical shall provide the following additional information if requested by the department:

A. Information on the likelihood that the priority food contact chemical will be released from the food package to the environment during the food package's life cycle and the extent to which users of the food package are likely to be exposed to the chemical;

B. Information on the extent to which the priority food contact chemical is present in the environment or human body; and

C. An assessment of the availability, cost, feasibility and performance, including potential for harm to human health and the environment, of alternatives to the priority food contact chemical and the reason the chemical is used in the manufacture of the food package in lieu of identified alternatives. If an assessment acceptable to the department is not timely submitted, the department may assess a fee on the manufacturer or distributor to cover the costs to prepare an independent report on the availability of safer alternatives by a contractor of the department's choice.

The manufacturer or distributor of a food package that contains a priority food contact chemical may provide additional information to the department regarding the potential for harm to human health and the environment from specific uses of the chemical.

**3. Waiver of reporting; fee; extension of deadline.** The commissioner may waive all or part of the notification requirement under subsection 1 for one or more specified uses of a priority food contact chemical if the commissioner determines that substantially equivalent information is already publicly available, that the information is not needed for the purposes of this chapter or that the specified use or uses are minor in volume. The department may assess a fee payable by the manufacturer or distributor upon submission of the notification to cover the department's reasonable costs in managing the information collected. The department may extend the deadline for submission of the information required under subsection 1 for one or more specified uses of a priority food contact chemical in a food package if it determines that more time is needed by the manufacturer or distributor to comply with the submission requirement or if the information is not needed at that time.

**4. Failure to provide notice.** A food package containing a priority food contact chemical may not be sold, offered for sale or distributed for sale in the State if the manufacturer or distributor has failed to provide the information required in this section by the date required in this section. The commissioner shall exempt a food package from this prohibition if, in the

commissioner's judgment, the lack of availability of the food package could pose an unreasonable risk to public health, safety or welfare.

**5. Rulemaking to determine fees.** If the department assesses a fee pursuant to subsection 2, paragraph C or subsection 3, the department shall determine the appropriate fee through major substantive rulemaking, as defined in Title 5, chapter 375, subchapter 2-A.

**§1745. Sales prohibition; rules; safer alternatives to priority food contact chemicals**

**1. Authority.** The board may adopt rules prohibiting the manufacture, sale or distribution in the State of a food package containing a priority food contact chemical in an amount greater than a de minimis level if the board finds, after consideration of information filed under section 1744 and other relevant information submitted to or obtained by the board, that:

A. Distribution of the food package directly or indirectly exposes consumers to the priority food contact chemical; and

B. One or more safer alternatives to the priority food contact chemical are available at a comparable cost.

If there are several available safer alternatives to a priority food contact chemical, the board may prohibit the sale of a food package that does not contain the safer alternative that is least toxic to human health or least harmful to the environment.

A rule adopted pursuant to this subsection must specify the effective date of the prohibition, which may not be sooner than 2 years after notice of the proposed rule is published as required under Title 5, section 8053, subsection 5.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Alternatives assessment; presumptions.** For the purpose of determining whether a safer alternative is available under subsection 1, paragraph B, the board may, in the absence of persuasive evidence to the contrary:

A. Presume that an alternative is a safer alternative if the alternative does not satisfy the criteria under section 1742, subsection 1, paragraph A;

B. Presume that a safer alternative is available if the sale of the food package containing the priority food contact chemical has been banned by another state within the United States based on the availability of a safer alternative; and

C. Presume that a safer alternative is available if the alternative is sold in the United States.

**3. Implementation.** No later than 180 days prior to the effective date of a prohibition adopted pursuant to subsection 1, the manufacturer or distributor of a food package that contains the priority food contact chemical and that is subject to the prohibition at the time of adoption shall file a compliance plan with the commissioner or seek a waiver under subsection 5. A compliance plan must:

- A. Identify the food package that contains the priority food contact chemical;
- B. Specify whether compliance will be achieved by discontinuing the sale of the food package in the State or by substituting a safer alternative in the food package; and
- C. If compliance is achieved by substitution of a safer alternative in the food package, identify the safer alternative and the timetable for substitution.

**4. Responsibility.** The manufacturer or distributor of a food package that contains a priority food contact chemical shall notify persons that offer the food package for sale or distribution in the State of the requirements of this chapter.

**5. Waiver for specific uses.** The manufacturer or distributor of a food package that contains a priority food contact chemical and that is subject to a prohibition adopted pursuant to subsection 1 may apply to the commissioner for a waiver for one or more specific uses of the priority food contact chemical. The waiver application must, at a minimum:

- A. Identify the specific use or uses of the food package for which the waiver is sought;
- B. Identify the alternatives considered for substitution of the priority food contact chemical;
- C. Explain the basis for concluding that the use of an alternative is not feasible; and
- D. Identify the steps that have and will be taken to minimize the use of the priority food contact chemical.

The commissioner may grant a waiver with or without conditions upon finding that there is a need for the food package in which the priority food contact chemical is used and there are no technically or economically feasible alternatives for the use of that chemical in the food package. A waiver may be granted for a term not to exceed 5 years and may be renewed for one or more additional 5-year terms upon written application demonstrating that technically or economically feasible alternatives remain unavailable. The commissioner shall deny or grant a waiver request within 60 days after receipt of a completed waiver application.

**6. Petitions.** If rulemaking to prohibit the sale of a food package that contains a priority food contact chemical is initiated by petition under Title 5, section 8055, the department shall consider the information

submitted in support of the petition but is not obligated to conduct a search of other sources of information on the chemical or its uses. The petitioner bears the burden of demonstrating that the criteria under subsection 1 for adoption of rules are met.

#### **§1746. Applicability**

The provisions of this chapter do not apply to:

**1. Industry.** A chemical used in or for industry or manufacturing, including chemicals processed or otherwise used in or for industrial or manufacturing processes;

**2. Retailers.** A retailer of a food package unless the retailer knowingly sells a food package that contains a priority food contact chemical after the effective date of its prohibition under section 1745 for which that retailer has received prior notification from a manufacturer, a distributor or the State;

**3. Contaminants.** A chemical that occurs in a food package only as a contaminant as long as the manufacturer had in place a manufacturing control program and exercised due diligence to minimize the presence of the contaminant in the food package; or

**4. Certain manufacturers.** A manufacturer of a food or beverage product that is contained in a food package or to which a food package is applied as long as that manufacturer has less than \$1,000,000,000 of total annual national sales of food and beverage products.

#### **§1747. Implementation, administration and enforcement; rules; violations**

The department shall implement, administer and enforce this chapter and shall adopt rules as necessary for the implementation, administration and enforcement of this chapter.

**1. Rules.** Except as otherwise provided in this chapter, rules adopted by the department pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Violations.** A person that violates any provision of this chapter is subject to penalties in accordance with Title 38, section 349.

**3. Certificate of compliance.** If there are grounds to suspect that a food package is being offered for sale in violation of this chapter, the department may request that the manufacturer or distributor of the food package provide a certificate of compliance with the applicable provisions of this chapter. Within 30 days of receipt of a request under this subsection, the manufacturer or distributor shall:

- A. Provide the department with the certificate attesting that the food package does not contain the priority food contact chemical; or

B. Notify persons who sell the food package in this State that the sale of the food package is prohibited and provide the department with a list of the names and addresses of those notified.

4. Regulatory efficiency. The department may, in exercising its discretionary authority under this chapter, consider the extent to which a food contact chemical of high concern or a priority food contact chemical in a food package is adequately regulated by the Federal Government or an agency of this State to reduce or prevent the same public health threats that would be the basis for addressing the chemical under this chapter.

See title page for effective date.

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**CHAPTER 278  
S.P. 499 - L.D. 1564**

**An Act To Authorize Project Labor Agreements for Public Works Projects**

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

**Sec. 1. 26 MRSA §1316**, as enacted by PL 2011, c. 463, §3, is repealed.

**Sec. 2. 26 MRSA c. 43** is enacted to read:

**CHAPTER 43**

**PROJECT LABOR AGREEMENTS**

**§3501. Project labor agreements for public works projects**

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

A. "Public authority" has the same meaning as in section 1304, subsection 7.

B. "Public works" has the same meaning as in section 1304, subsection 8.

**2. Public authority may require project labor agreement.** Notwithstanding any other provision of law regarding procurement of goods or services, a public authority may require a project labor agreement for any public works project when that public authority has determined, on a project-by-project basis and acting within its discretion, that it is in the public's interest to require such an agreement. In making such a determination, the public authority shall consider the effects a project labor agreement may have on:

A. The efficiency, cost and direct and indirect economic benefits to the public authority;

B. The availability of a skilled workforce to complete the public works project;

C. The prevention of construction delays;

D. The safety and quality of the public works project;

E. The advancement of minority-owned businesses and women-owned businesses; and

F. Employment opportunities for the community.

**3. Requirements.** A project labor agreement required by a public authority pursuant to this section must:

A. Set forth mutually binding procedures for resolving disputes that can be implemented without delay;

B. Include guarantees against a strike, lockout or other concerted action aimed at slowing or stopping the progress of the public works project;

C. Ensure a reliable source of skilled and experienced labor;

D. Include goals for the number of apprentices and for a percentage of work to be performed by minorities, women and veterans;

E. Provide for the invitation of all contractors to bid on the public works project without regard to whether the employees of any such contractor are members of a labor organization;

F. Permit the selection of the lowest responsible qualified bidder without regard to labor organization affiliation; and

G. Bind all contractors and subcontractors to the terms of the agreement.

A project labor agreement required by a public authority pursuant to this section may not require compulsory labor organization membership of employees working on the public works project.

**4. Bidder that does not agree to abide by conditions.** A bidder for a public works project that does not agree to abide by the conditions of the project labor agreement or a requirement to negotiate a project labor agreement may not be regarded as a responsible qualified bidder for the project.

See title page for effective date.

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**CHAPTER 279  
S.P. 530 - L.D. 1640**

**An Act To Exempt Auctioneers  
from Certain Record-keeping  
Requirements**

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

**Sec. 1. 30-A MRSA §3971, sub-§5** is enacted to read:

**5. Exemption.** An auctioneer licensed under Title 32, chapter 5-B is exempt from the requirements of this section.

**Sec. 2. 32 MRSA §291-A, sub-§2,** as amended by PL 2011, c. 286, Pt. C, §2, is repealed.

See title page for effective date.

**CHAPTER 280  
S.P. 541 - L.D. 1664**

**An Act To Place Funds for the  
Retired County and Municipal  
Law Enforcement Officers and  
Municipal Firefighters Health  
Insurance Program into a  
Trust**

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

**Sec. 1. 5 MRSA §286-M, sub-§7,** as enacted by PL 2005, c. 636, Pt. A, §3, is amended to read:

**7. Fund established.** The Firefighters and Law Enforcement Officers Health Insurance Program Fund is established as a nonlapsing, dedicated account administered by the division. Money appropriated by law for the purpose of paying premium subsidies must be deposited in the fund. Premium dividends accruing to the State, return of premiums resulting from risk reduction programs, active employee contributions pursuant to subsection 8 and any other receipts must be deposited into the fund to be used for the purposes of the program. All monies not necessary to fund the normal costs and administrative costs of the program must be transferred to the trust fund established in subsection 7-A at the end of each fiscal year. The fund is a pooled account. Individual law enforcement officers and firefighters do not have a right to money deposited in the fund except to the extent premium subsidies are available to program enrollees.

**Sec. 2. 5 MRSA §286-M, sub-§7-A** is enacted to read:

**7-A. Trust fund.** A separate trust fund is established for the purpose of accumulating resources to assist in retiring the unfunded liability of the program. All monies transferred pursuant to subsection 7 at the end of each fiscal year must be deposited in the trust fund. The Treasurer of State shall invest the monies in the trust fund in accordance with section 138.

See title page for effective date.

**CHAPTER 281  
S.P. 551 - L.D. 1680**

**An Act To Authorize Common  
Consumption Area Licenses  
for the Consumption of  
Alcoholic Beverages within  
Designated Entertainment  
Districts**

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

**Sec. 1. 28-A MRSA §2, sub-§11-D** is enacted to read:

**11-D. Entertainment district.** "Entertainment district" means an area that is located within a municipality that is established by ordinance of the municipal legislative body in accordance with section 221.

**Sec. 2. 28-A MRSA §2, sub-§15, ¶B,** as reenacted by PL 1989, c. 158, §1, is amended to read:

B. "Auditorium" means any commercially operated indoor or outdoor facility designed or used for the gathering of an audience for speeches and live performances of theater, music, dance or other performing arts, ~~which~~ that charges a fee and ~~which~~ has adequate facilities for the sale and consumption of liquor.

**Sec. 3. 28-A MRSA §2, sub-§15, ¶D-2** is enacted to read:

**D-2.** "Common consumption area" means an area designated as a common area within an entertainment district in which customers of more than one common consumption area licensee are permitted to consume spirits, wine and malt liquor sold by the common consumption area licensees.

**Sec. 4. 28-A MRSA §2, sub-§20-A** is enacted to read:

**20-A. Municipal legislative body.** "Municipal legislative body" has the same meaning as in Title 30-A, section 2001, subsection 9.

**Sec. 5. 28-A MRSA c. 11** is enacted to read:

**CHAPTER 11**  
**ENTERTAINMENT DISTRICTS**

**§221. Entertainment districts**

A municipal legislative body may establish by ordinance an entertainment district within the municipality for the purpose of designating the area in which a common consumption area may be located.

An entertainment district ordinance adopted in accordance with this section must:

**1. Location of entertainment district.** Specify the boundaries of the entertainment district within which a common consumption area may be located and include a map depicting the entertainment district;

**2. Common consumption area parameters.** Specify the maximum number of acres permitted to be within a common consumption area and indicate whether a common consumption area may include public or private ways;

**3. Hours of operation.** Specify the permissible hours of operation of a common consumption area; and

**4. Maximum number of licensees.** Specify the maximum number of common consumption areas that may be located within the entertainment district and the maximum number of licensed premises that may be licensed to use a single common consumption area.

**Sec. 6. 28-A MRSA §653, sub-§1,** as amended by PL 2003, c. 213, §1, is further amended to read:

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses ~~and~~, applications for transfer of location of existing on-premises licenses and applications for common consumption area licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

A-1. An applicant for a common consumption area license must certify that the applicant's premises are located within an entertainment district established in accordance with section 221. The municipal officers shall evaluate the merits of each applicant and separately issue or deny a license to each applicant. Applications for an unestablished common consumption area must be submitted jointly by all persons that seek to oper-

ate the common consumption area. A person may submit an individual application for a license to operate an established common consumption area.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's or applicants' prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license ~~or~~, transfer of the location of an existing on-premises license or common consumption area license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

**Sec. 7. 28-A MRSA §653, sub-§2-A** is enacted to read:

**2-A. Common consumption area license applications.** In addition to the grounds for denial set forth in subsection 2, the municipal officers may deny a common consumption area license if:

A. The applicant fails to establish that the common consumption area can be operated without creating a safety risk to the properties within the entertainment district;

B. The applicant fails to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that is reasonably acceptable to the municipal officers and names the local licensing authority as an additional insured; or

C. The use is not compatible with the reasonable requirements of or existing uses in the entertainment district.

**Sec. 8. 28-A MRSA §1012, sub-§7** is enacted to read:

**7. Common consumption area license.** A licensed auditorium, hotel, restaurant, Class A restaurant or Class A restaurant/lounge or a manufacturer licensed under section 1355-A may apply for a common consumption area license to operate a common consumption area within an entertainment district established in accordance with section 221. The license fee is \$100.

**Sec. 9. 28-A MRSA §1051, sub-§3,** as amended by PL 2017, c. 337, §1, is further amended to read:

**3. Liquor not to be consumed elsewhere.** Except as provided in paragraphs A and B and in ~~section 1207~~ sections 1012, 1080 and 1208, a licensee for the sale of liquor to be consumed on the premises where sold may not personally or by an agent or employee, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises or noncontiguous real estate that meets the conditions specified in subsection 9. The service and consumption of liquor must be limited to areas that are clearly defined and approved in the application process by the bureau as appropriate for the consumption of liquor. Outside areas must be controlled by barriers and by signs prohibiting consumption beyond the barriers.

A. Subject to law and the rules of the bureau, hotel or bed and breakfast licensees may sell liquor in the original packages or by the drink to bona fide registered room guests. Any sale to a guest may be delivered to the guest's room only by a hotel or bed and breakfast employee.

B. A licensee may serve liquor at locations other than the licensed premises under the off-premise catering license issued under section 1052.

**Sec. 10. 28-A MRSA §1080** is enacted to read:

**§1080. Common consumption areas**

**1. Issuance of licenses.** The bureau may issue a common consumption area license under this section to a licensed auditorium, hotel, restaurant, Class A restaurant or Class A restaurant/lounge or a manufacturer licensed under section 1355-A if:

A. The auditorium, hotel, restaurant, Class A restaurant, Class A restaurant/lounge or manufacturer is a licensed establishment located within an entertainment district established in accordance with section 221;

B. The premises of the auditorium, hotel, restaurant, Class A restaurant, Class A restaurant/lounge or manufacturer are adjacent to the common consumption area or, if the auditorium is an outdoor facility, the premises of the auditorium are adjacent to or within the common consumption area;

C. The common consumption area is properly equipped with tables, chairs and restrooms;

D. The common consumption area has obtained any required licensing from the Department of Health and Human Services; and

E. The bureau has not yet issued the maximum number of common consumption area licenses permitted by the entertainment district ordinance.

**2. Authority.** A common consumption area license authorizes the licensee to permit the licensee's customers to consume within the common consumption area any spirits, wine or malt liquor sold by the licensee under the authority of the licensee's auditorium, hotel, restaurant, Class A restaurant, Class A restaurant/lounge or manufacturer license.

**3. Restrictions.** A common consumption area licensee may permit the licensee's customers to consume liquor purchased from the licensee only on the premises of the licensee or within the boundaries of the common consumption area approved by the municipal officers and the bureau. The common consumption area must be controlled by barriers and by signs prohibiting consumption beyond the barriers.

**Sec. 11. 28-A MRSA §2074, sub-§1,** as amended by PL 1997, c. 306, §2, is further amended to read:

**1. Transportation on-premises or off-premises.** Except as provided in section 1051 or 1080, any person who transports liquor onto or off of the premises of an on-premise retail licensee is guilty of a Class E crime.

See title page for effective date.

**CHAPTER 282  
S.P. 576 - L.D. 1734**

**An Act To Create a  
Postsecondary Educational  
Institution Sampling License**

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

**Sec. 1. 28-A MRSA §1553** is enacted to read:

**§1553. Postsecondary educational institution  
sampling license**

The bureau may issue a postsecondary educational institution sampling license to an accredited postsecondary educational institution in the State, referred to in this section as an educational institution, as described by this section.

**1. Eligible licensees.** The bureau may issue a license under this section to an educational institution, or its agent, that submits an application to the bureau in a manner prescribed by the bureau. The bureau may issue a license under this section only to an educational institution, or its agent, that offers a course or courses involving the hospitality industry, culinary arts or food sciences.

**2. Purchase of liquor limited to certain purposes.** A licensee under this section may purchase liquor for educational courses conducted by the licensee involving the hospitality industry, culinary arts or food sciences.

Nothing in this subsection prohibits an educational institution licensed under this section from charging a materials fee to students to recoup the cost of liquor used for the purposes described in this section.

**3. Consumption of liquor on premises; transport of liquor to premises.** A licensee under this section is governed by the provisions of this subsection regarding the consumption of liquor on the educational institution's premises and the transport of liquor to the educational institution's premises.

**A.** A licensee may permit sampling of the liquor used in conjunction with the educational institution's course or courses involving the hospitality industry, culinary arts or food sciences by a person at least 21 years of age who is:

**(1)** A member of the faculty or staff of the educational institution who teaches or assists in the hospitality industry, culinary arts or food sciences course or courses; or

**(2)** A student enrolled in the hospitality industry, culinary arts or food sciences course or courses.

**B.** The sampling of liquor authorized under paragraph A must be conducted in accordance with

the licensed educational institution's alcohol safety procedures or guidelines.

**C.** Liquor purchased and transported to the educational institution's premises used in conjunction with the hospitality industry, culinary arts or food sciences course or courses must be clearly labeled with the educational institution's name, license number, date of purchase and course with which the liquor is associated.

**4. License fee.** The annual fee for a postsecondary educational institution sampling license is \$100.

See title page for effective date.

**CHAPTER 283  
H.P. 1230 - L.D. 1728**

**An Act To Align the Harness  
Racing Laws with Current  
Policies**

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

**Whereas,** it is urgent for the harness racing industry in this State to align harness racing laws with current policy and the policies of every other racing jurisdiction across the country and to have this alignment take effect as soon as possible; and

**Whereas,** current statutory language undermines the integrity of harness racing in this State and the confidence of the wagering public and threatens the future of the industry; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 8 MRSA §279-A,** as amended by PL 2007, c. 611, §6, is further amended to read:

**§279-A. Licenses, rules and regulations for  
participating in racing**

For the purpose of enabling the commission to exercise and maintain a proper control over racing conducted under this chapter, the commission may adopt rules for the licensing, with or without fee in the discretion of the commission, of owners, trainers, drivers, grooms and all other persons participating in harness horse racing, including pari-mutuel employees and race officials. The commission may issue condi-

tional licenses to owners, trainers, drivers, grooms and all other persons participating in harness racing, including pari-mutuel employees and race officials, if one or more criteria are not met as contained in the commission rules. A person issued a license as a trainer shall submit a horse for testing in accordance with section 279-E.

The commission, in consultation with the department, shall set licensing and license renewal fees sufficient to carry out the administration and enforcement of the licensing program. These fees may not exceed \$100 annually. The department shall provide a ~~booklet containing public access to the harness racing laws statutes and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee and a fee not to exceed \$10 must be included in the license fee to cover the cost of this publication. The department shall provide necessary revisions of this booklet to those persons renewing licenses at the time of renewal and shall include the cost not to exceed \$10 in the renewal fee.~~

The commission may adopt rules for the conduct on the race track and grounds of owners, trainers, drivers, grooms and all other persons participating in harness ~~horse~~ racing. The rules must be reasonably necessary for any one or more of the following purposes: to protect the wagering public, to protect the State's share of pari-mutuel pools, to protect the health and welfare of spectators and participating owners, trainers, drivers, grooms and all other persons participating in harness ~~horse~~ racing, including pari-mutuel employees and race officials, and to protect the health and welfare of ~~standard bred~~ standardbred horses.

The commission may adopt rules establishing allowable levels of permitted medications carried in the body of a horse while participating in races licensed by the commission. In addition, the commission may adopt rules establishing prohibited substances that may not be present in the body of a horse while participating in races licensed by the commission.

~~Notwithstanding section 280, the department may adopt a controlled medication program that permits controlled medication to be administered to racehorses.~~

The District Court Judge may revoke or suspend any license for violations of this chapter or the rules.

**Sec. 2. 8 MRSA §279-B**, as amended by PL 2007, c. 611, §7, is further amended to read:

**§279-B. Fines, suspensions and revocations**

To enforce the provisions of this chapter and the rules referred to in section 279-A, the commission is authorized to establish a schedule for fines for each violation of this chapter or the rules. The commission is authorized to levy a fine, after notice and hearing, for each violation of this chapter or the rules.

The commission is further authorized to establish a schedule of suspensions of licenses and may levy suspensions for each violation of this chapter or the rules.

The commission is further authorized to disqualify a horse, and may require the return of any purse won by the horse, if it is found to have carried in its body either a prohibited substance or an exceedance of an allowable level of a permitted medication during any race licensed by the commission.

Any person aggrieved by any fine, disqualification, purse return or suspension imposed by the commission may seek judicial review pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

**2. Delegation of authority to commission chair.**

The commission may delegate to the chair, by rules adopted in accordance with the Maine Administrative Procedure Act, its authority to levy fines, disqualifications, purse returns and suspensions for particular violations or classes of violations. The chair shall exercise this authority in a manner consistent with Title 5, chapter 375. Any person aggrieved by any fine, disqualification, purse return or suspension imposed by the chair may seek judicial review pursuant to the Maine Administrative Procedure Act. This subsection takes effect on July 1, 1992.

**Sec. 3. 8 MRSA §280, sub-§1**, as enacted by PL 2007, c. 244, §1, is amended to read:

**1. Violation; interference with horse.** ~~Except as provided in section 279-A, a~~ A person may not intentionally or knowingly:

- A. Interfere with, tamper, injure, destroy, stimulate or depress by the use of narcotics, drugs, stimulants or appliances of any kind any horse used for the purpose of racing, whether that horse is the property of that person or another;
- B. Attempt to violate paragraph A; or
- C. Cause, instigate, counsel or in any way abet the violation of paragraph A.

**Sec. 4. 8 MRSA §280, sub-§3, ¶B**, as enacted by PL 2007, c. 244, §1, is amended to read:

- B. The owner of any horse that is found to have ~~been stimulated or doped~~ violated this section must be denied any part of the purse offered for a race in which that horse participated, and the purse must be distributed as in the case of a disqualification. If the owner of a horse is convicted of violating this section, the court may bar the owner from racing any horses in the State for a period of one year from the date of conviction.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 13, 2019.

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**CHAPTER 284**

**H.P. 1246 - L.D. 1751**

**An Act To Amend and Clarify  
the Laws Concerning  
American Sign Language  
Interpreters**

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

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

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

- (1) Is a hearing person who:
  - (a) Holds a current Specialist Certificate: Legal from the Registry of Interpreters for the Deaf, Inc. or its successor;
  - (b) Satisfies the eligibility criteria for taking the exam for the specialist certificate described in division (a) as long as, by January 1, 2012, that person obtains the specialist certificate described in division (a);
  - (c) Is included on the bureau's list of qualified interpreters on the effective date of this section, as long as that person, by January 1, 2006, meets the eligibility criteria for taking the exam for the specialist certificate described in division (a) and, by January 1, 2012, obtains the specialist certificate described in division (a); or
  - (d) Possesses qualifications, certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court; or
- (2) Is a deaf interpreter who holds a current Certificate of Interpretation from the Registry of Interpreters for the Deaf, Inc. or its successor or a Reverse Skills Certificate from the Registry of Interpreters for the Deaf, Inc. or its successor. Beginning January 1, 2006, a deaf person, hard-of-hearing person or late-deafened person must also satisfy the eligibil-

ity criteria for taking the exam for the Specialist Certificate: Legal or its successor.

**Sec. 2. 29-A MRSA §1358, sub-§1, ¶E,** as reallocated by RR 2005, c. 1, §13, is amended to read:

E. "Licensed interpreter" means a person who provides sign language interpreting services and is licensed under Title 32, ~~section 1524 or section 1524-B or 1524-C.~~

**Sec. 3. 32 MRSA §1521, sub-§1,** as enacted by PL 1997, c. 749, §3, is repealed.

**Sec. 4. 32 MRSA §1521, sub-§§1-B to 1-D** are enacted to read:

**1-B. Accredited.** "Accredited" means an educational institution that is approved by the United States Department of Education or a regional or national accrediting agency recognized by the United States Department of Education.

**1-C. American Sign Language proficiency interview.** "American Sign Language proficiency interview" means a holistic language evaluation that is used to determine global American Sign Language proficiency and that is administered by an educational testing service organization and evaluated by an American Sign Language evaluation service organization recognized by the director.

**1-D. Conditional license.** "Conditional license" means a license granted to an applicant who has completed the educational requirements under section 1524-C, passed a national interpreter certification knowledge exam and passed an American Sign Language proficiency interview but who is not certified with the Registry of Interpreters for the Deaf, Inc. or a comparable or successor organization recognized by the director.

**Sec. 5. 32 MRSA §1521, sub-§3-A** is enacted to read:

**3-A. Director.** "Director" means the Director of the Office of Professional and Occupational Regulation within the department.

**Sec. 6. 32 MRSA §1521, sub-§6,** as amended by PL 1999, c. 399, §6 and §20, is further amended to read:

**6. Interpreter.** "Interpreter ~~or transliterator~~" means a person who provides any of the following services:

~~A. English based transliterating, which includes but is not limited to conveying a message by visible representations of the English language such as manually coded English and oral transliteration. This process conveys information from one mode of English to another mode of English;~~

B. American Sign Language-based interpreting, which is the process of conveying information between American Sign Language and English; or

C. Intermediary interpreting, which means interpreting services rendered by a deaf interpreter to facilitate communication between another deaf person and another licensed interpreter or between 2 or more deaf persons.

**Sec. 7. 32 MRSA §1521, sub-§7** is enacted to read:

**7. National interpreter certification knowledge exam.** "National interpreter certification knowledge exam" means an entry-level exam administered by the Registry of Interpreters for the Deaf, Inc., or a comparable or successor organization recognized by the director, that tests for knowledge appropriate to an interpreter holding national certification and covers the Registry of Interpreters for the Deaf, Inc. Code of Professional Conduct, interpreting issues and theory, culture and American Sign Language linguistics.

**Sec. 8. 32 MRSA §1522**, as amended by PL 2007, c. 402, Pt. K, §1, is further amended to read:

**§1522. Director; powers and duties**

The ~~commissioner~~ director has the following powers and duties in addition to other powers and duties set forth in this chapter.

**1. Rules.** The ~~commissioner~~ may ~~director~~ shall establish guidelines and adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out the purposes of this chapter necessary for the proper administration and enforcement of this chapter. Rules adopted under this chapter subsection are routine technical rules pursuant to Title 5, section 8071 as defined in Title 5, chapter 375, subchapter 2-A.

**2. Licensure.** The ~~commissioner~~ shall license a person who has successfully complied with the application process established by the department, paid the required fees established by the department under sections 1527 and 1528 and met the qualifications for licensure as set forth in section 1524. The ~~commissioner~~ shall make available, at cost, a directory that contains the names of all individuals licensed pursuant to this chapter.

**4. Advisory council.** The ~~commissioner~~ director, as necessary, may select members of the interpreting profession and other interested parties to serve on an advisory council to advise and consult with the ~~commissioner~~ director concerning the regulation of interpreters for the deaf and hard-of-hearing. Service on the council is not in itself a conflict of interest regardless of the occupations or associations of the members.

**Sec. 9. 32 MRSA §1524**, as amended by PL 2007, c. 402, Pt. K, §2, is repealed.

**Sec. 10. 32 MRSA §1524-A**, as amended by PL 2007, c. 402, Pt. K, §§3 and 4, is repealed.

**Sec. 11. 32 MRSA §1524-B**, as amended by PL 2009, c. 112, Pt. A, §§6 and 7, is further amended to read:

**§1524-B. Requirements for licensure; certified interpreter and certified deaf interpreter**

To be eligible for licensure as a certified interpreter; ~~or certified deaf interpreter or certified transliterator~~ under this chapter, an applicant must be at least 18 years of age and must provide the following:

**1. High school diploma.** Proof of a high school diploma ~~or the equivalent~~; and

**3. Proof of certification.** Documented proof of valid certification by the Registry of Interpreters for the Deaf, Inc.; ~~documented proof of a minimum certification level of 4 from the National Association of the Deaf, Inc.~~ or comparable certification by a comparable or successor organization recognized by the ~~commissioner~~ director that is current at the time of application.

**Sec. 12. 32 MRSA §1524-C** is enacted to read:

**§1524-C. Requirements for licensure; conditional interpreter and conditional deaf interpreter**

No more than one conditional license may be issued to a person who has completed the education requirements of this chapter. A conditional license may be held no more than 4 years, except that a 5th year may be granted by the director upon demonstration of extreme hardship.

To be eligible for licensure as a conditional interpreter or conditional deaf interpreter under this chapter, an applicant must be at least 18 years of age and must provide the following:

**1. Proof of proficiency in American Sign Language.** Documented proof of a score of 3.5 or higher on an American Sign Language proficiency interview; and

**2. Proof of education and training in the interpreting process.** Documented proof of the following:

**A.** An associate degree or higher in American Sign Language, American Sign Language interpreting or deaf studies from an accredited college or university;

**B.** For persons holding a limited license that is current on the effective date of this section, an alternative pathway approved by the Registry of Interpreters for the Deaf, Inc. or a comparable or successor organization recognized by the director;

**C.** A passing score on a national interpreter certification knowledge exam; or

D. A passing score on a certified deaf interpreter knowledge exam administered by an organization that assesses language interpretation recognized by the director.

**Sec. 13. 32 MRSA §1525**, as amended by PL 1999, c. 399, §12 and affected by §20, is further amended to read:

**§1525. License required**

After June 30, 2000, a  $\Delta$  person may not provide interpreting services as defined in this chapter for compensation or remuneration unless properly licensed in accordance with this chapter. This section also applies to a person providing video-based interpreting services in which one or more participants are physically located in the State and the person providing the services does not meet the exemptions as set out under section 1525-A.

**Sec. 14. 32 MRSA §1525-A, sub-§1**, as enacted by PL 1999, c. 399, §13 and affected by §20, is amended to read:

**1. Nonresident interpreters.** This chapter does not apply to certified interpreters who are residents of a jurisdiction other than this State and who do not interpret for compensation or remuneration in the State for more than ~~160~~ 60 hours per year. Service during declared state or national emergencies does not count toward the ~~160~~ 60 hours per year limitation.

**Sec. 15. 32 MRSA §1527**, as amended by PL 2007, c. 402, Pt. K, §6 and PL 2011, c. 286, Pt. B, §5, is further amended to read:

**§1527. Fees**

~~The Director of the Office of Professional and Occupational Regulation within the department director may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that an application a fee for any one purpose may not exceed \$50, an initial license fee may not exceed \$325 and an applicant who is deaf must pay an initial license fee of \$100. An applicant for initial licensure, pursuant to section 1524, 1524-A or 1524-B, shall submit a written application with supporting documents to the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

**Sec. 16. 32 MRSA §1528**, as amended by PL 2007, c. 402, Pt. K, §7, is further amended to read:

**§1528. Renewal**

All licenses must be renewed annually on or before June 30th of each year or at such other time as the ~~commissioner~~ director may designate. A license not renewed by June 30th automatically expires. ~~The department may renew an expired license if the renewal application is returned within~~ A license may be re-

newed up to 90 days after the license expiration date and upon payment of a late fee as set under section 1527 in addition to the renewal fee as set under section 1527. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter.

**Sec. 17. 32 MRSA §1528-A**, as amended by PL 2005, c. 267, §4, is further amended to read:

**§1528-A. Continuing education**

Renewal of a license under this chapter is contingent upon evidence of participation in continuing education as determined by the director. A licensee shall certify at time of renewal compliance with the continuing education requirements under this section.

**1. Limited interpreters.** ~~An application for renewal of a  $\Delta$  holder of a limited interpreter, limited transliterator licensed under former section 1524 or limited deaf interpreter license under former section 1524-A must show proof of completion of complete~~ at least 20 hours annually of continuing education in American Sign Language or the interpreting process.

**2. Certified interpreters.** ~~An applicant for renewal of a  $\Delta$  certified interpreter, or certified deaf interpreter or certified transliterator license is not required to show proof of continuing education, but is required to show proof of maintain continued certification by either with the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner~~ director.

**3. Conditional interpreters.** A conditional interpreter or conditional deaf interpreter must complete at least 20 hours annually of continuing education in American Sign Language or the interpreting process.

**Sec. 18. 32 MRSA §1531**, as amended by PL 2005, c. 267, §5, is repealed.

**Sec. 19. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 32, chapter 22, in the chapter headnote, the words "American sign language, English interpreters and transliterators" are amended to read "American sign language interpreters" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 20. Discontinuance of initial licensure; renewal of existing license.** A new limited interpreter license may not be issued by the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation on or after the effective date of this Act. The holder of an existing limited interpreter license under the Maine Revised Statutes, Title 32, former section 1524 or a limited deaf interpreter license under Title 32, former section 1524-A may renew that



ical soil science principles and data. ~~Such professional service~~ "Practice of soil science" includes identification and mapping of soils according to the standards of the National Cooperative Soil Survey, consultation or evaluation.

**9. Qualified soil scientist.** "Qualified soil scientist" ~~shall mean~~ means a person who, by reason of his ~~knowledge of pedology, the biological and physical sciences, acquired by professional education and practical experience, is qualified to engage in the practice of soil science as defined~~ possesses the qualifications required for licensure as described in section 4909, subsection 2-B but is not licensed under this chapter.

**10. Qualified geologist.** "Qualified geologist" means a person who possesses the qualifications ~~specified for certification, except that he is required for licensure as described in section 4909, subsection 2 but is not certified~~ licensed under this chapter.

**11. Responsible charge of work.** "Responsible charge of work" means the independent control and direction by the use of initiative, skill and independent judgment of work or the supervision of such work.

**12. Subordinate.** "Subordinate" means any person who assists a ~~certified~~ licensed geologist or soil scientist without assuming the responsible charge of work.

**Sec. 6. 32 MRSA §4904**, as amended by PL 1985, c. 785, Pt. B, §142, is further amended to read:

**§4904. Corporations, partnerships, associations and government agencies**

This chapter does not prohibit one or more geologists or soil scientists from practicing through the medium of a sole proprietorship, partnership, corporation or government agency. In such partnership or corporation whose primary activity consists of geological services, or in a government agency in which geological work is done, at least one partner, officer or employee ~~shall must~~ be a ~~certified~~ licensed geologist. In such partnership or corporation whose primary activity consists of soil science services, or in a government agency in which soil science work is done, at least one partner, officer or employee ~~shall must~~ be a ~~certified~~ licensed soil scientist. In the case of an agency of State Government, the Department of Administrative and Financial Services, Bureau of Human Resources shall classify officers and employees under the Civil Service Law in a manner that ensures that at least one ~~certified~~ licensed geologist or soil scientist ~~shall work~~ works for each agency in which, as the case may be, geological or soil science work is done and that any officer or employee who is engaged in the practice of geology or soil science and who is ~~uncertified not licensed~~ works as a subordinate to a ~~certified~~ licensed geologist or soil scientist, as the case may be, and does not have responsible charge of work or evaluation.

**Sec. 7. 32 MRSA §4906**, as amended by PL 2007, c. 402, Pt. S, §3, is further amended to read:

**§4906. Exemptions**

The following persons are exempt from the license requirement imposed by this chapter:

**1. Nonresident practicing less than 30 days.** A person not a resident of and having no established place of business in this State, practicing or offering to practice in the profession of geologist or soil scientist when that practice does not exceed in the aggregate more than 30 days in any calendar year, ~~provided as long as~~ that the person is ~~legally qualified by registration~~ licensed to practice the profession in ~~his the~~ person's own state or country in which the requirements and qualifications for obtaining a ~~certificate or registration~~ license are equivalent to those specified in this chapter;

**2. Nonresident becoming resident or persons practicing more than 30 days.** A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice for more than 30 days in any calendar year in the profession of geologist or soil scientist, ~~if he has filed with the commission as long as the person submitted~~ an application for a ~~certification~~ licensure and has paid the fee required by this chapter. The exemption ~~shall continue~~ continues only for such time as the board requires for the consideration of the licensure application ~~for registration, provided that such a~~ as long as the person is legally qualified to practice that profession in ~~his the~~ person's own state or country in which the requirements and qualifications for obtaining a ~~certificate of registration~~ license are equivalent to those specified in this chapter;

**3. Certain employees.** An employee, associate or subordinate of a person holding a ~~certificate of registration under this chapter, license issued by the board~~ or an employee of a person ~~exempted~~ exempt from registration licensure by subsections 1 and 2; ~~provided that~~ as long as the work of all such employees, associates or subordinates does not include responsible charge of work or evaluation; and

**4. United States Government employees.** Officers and employees of the Government of the United States while engaged within this State in the practice of the profession of geologist or soil scientist for the government.

**Sec. 8. 32 MRSA §4906-A**, as amended by PL 2007, c. 402, Pt. S, §4, is further amended to read:

**§4906-A. Subsurface wastewater disposal**

Persons who have been licensed by the ~~Department of Professional and Financial Regulation~~ pursuant to Title 22, section 42, subsection 3-A to evaluate soil for subsurface ~~sewage~~ wastewater disposal are

exempt from the license requirement if their soil evaluation work relates solely to subsurface sewage wastewater disposal systems.

**Sec. 9. 32 MRSA §4907, first ¶**, as amended by PL 2007, c. 402, Pt. S, §5, is further amended to read:

The State Board of ~~Certification~~ Licensure for Geologists and Soil Scientists as established by Title 5, section 12004-A, subsection 19, shall administer this chapter. The board consists of 7 members, 5 of whom are appointed by the Governor from the following categories: One academic geologist; one independent consultant or salaried geologist; one independent consultant or salaried soil scientist; one other soil scientist; and a public member as defined in Title 5, section 12004-A. The 4 geologist and soil scientist members appointed by the Governor must be licensed under this chapter. The 6th and 7th members are the State Soil Scientist ~~with the Maine Soil and Water Conservation Commission~~ employed in State Government, ex officio, and the State Geologist or the State Geologist's designee, who must be a geologist employed in State Government, ex officio. No person, except the public member, is eligible for appointment to the board unless ~~certified~~ licensed under this chapter.

**Sec. 10. 32 MRSA §4908, sub-§4**, as amended by PL 1979, c. 663, §211, is further amended to read:

**4. Liaison.** The board shall establish relations with bodies ~~which that~~ regulate the practice of geology and the practice of soil science, or closely related disciplines, or ~~which that~~ certify or license geologists or soil scientists in other states, and may establish relations with such bodies in other countries for the purposes of achieving uniformly high professional standards and mutual recognition of certification and licensure.

**Sec. 11. 32 MRSA §4909**, as amended by PL 2007, c. 402, Pt. S, §8, is further amended to read:

**§4909. Qualifications**

**1-A. Application.** An applicant for licensure as a geologist or soil scientist shall file an application and pay the application fee as set under section 4912. An applicant for licensure as a geologist or soil scientist must be trustworthy and competent.

**2. Geologist examination requirements.** ~~As a geologist, to~~ To qualify to sit for the geologist licensure examination ~~for licensure~~, an applicant must:

A. Be a graduate of an accredited college or university with a major in geological sciences, or have completed 30 credits in geological sciences at an accredited college or university, or have at least 7 years of professional geological work that ~~shall include~~ includes either a minimum of 3 years

of professional geological work under the supervision of a qualified or licensed geologist or a minimum of 5 years of responsible charge of geological work;

B. Have acquired 7 years of experience in responsible charge of geological work, toward which an undergraduate degree with 30 credit hours or more in geological science courses counts as 2 years of training and each year of graduate study in the geological sciences counts as 1/2 year of training, up to a maximum of 2 years of credit; and

C. Receive credit toward the experience requirement subject to the evaluation of the board. Applicants with less than 30 credit hours in geological science courses may be given proportional work-experience credits for such academic credit hours as they may have acquired.

An applicant under this subsection may take a national fundamentals of geology examination and a Maine local knowledge examination approved in rules adopted by the board in the final year of an accredited 4-year or graduate-level program, as long as the applicant has completed the minimum 30 credits in geological sciences required in this subsection.

An applicant under this subsection may take a national practice of geology examination approved in rules adopted by the board upon completion of the work experience requirement in this subsection.

~~**2-A. Soil scientist examination requirements.**~~

~~As a soil scientist, to qualify to sit for the examination for licensure, an applicant must:~~

~~A. Be a graduate of an approved 4-year college curriculum leading to a Baccalaureate Degree, in which the applicant has successfully completed a minimum of 15 credit hours of soil or soil-related courses of a pedological nature and have a specific record of an additional 3 years or more of experience in soil science of a grade and character that indicates to the board that the applicant may be competent to practice as a soil scientist and be otherwise qualified. Teaching pedological courses in a college or university offering an approved 4-year soil science or agronomic curriculum must be considered as experience in soils investigations.~~

~~Applicants may sit for the General practice examination upon graduation from an approved 4-year college and may sit for the professional practice examination upon completion of the experience requirement as stated in this subsection.~~

~~"Additional 3 years of experience" does not imply a sequence of obtaining a degree and then experience. Experience time may not be granted for time while enrolled in courses, but summer employment must be~~

~~counted even though a degree may not have been obtained.~~

~~Actual field experience in an acceptable apprenticeship program counts as experience time.~~

~~Each degree beyond the bachelor's degree counts as one year of experience.~~

~~Soil related courses may amount to only 20% of the required 15 credits for a maximum of 3 credits.~~

**2-B. Soil scientist examination requirements.**  
To qualify to sit for the examinations for licensure as a soil scientist, an applicant must meet the requirements in paragraph A or B.

A. An applicant must have:

(1) A minimum 4-year baccalaureate or higher degree from an accredited college or university in soils, plants, engineering, geology, biology, forestry or other natural resources science;

(2) Completed a minimum of 15 credit hours of soil or soil-related courses. Soil-related courses may amount to no more than 20% of the required 15 credit hours for a maximum of 3 credit hours; and

(3) Completed 3 or more documented years of post-baccalaureate degree work in soil professional work of a grade and character that indicates that the applicant may be competent to practice as a soil scientist.

(a) An applicant who teaches soil science courses at a college or university offering a 4-year degree in soil science may receive credit toward the required work experience under this subparagraph.

(b) Work experience obtained while an applicant is enrolled in courses does not count toward the 3-year work experience requirement under this subparagraph, but summer soil-related employment counts toward that requirement.

(c) Each graduate degree obtained in a soil or soil-related field in addition to the required 4-year baccalaureate degree counts as one year of work experience.

B. An applicant must have:

(1) Completed an associate degree from an accredited 2-year college in soils, plants, engineering, geology, biology, forestry or other natural resources science;

(2) Completed a minimum of 15 credit hours of soil or soil-related courses. Soil-related courses may amount to no more than 20% of

the required 15 credit hours for a maximum of 3 credit hours; and

(3) Completed 5 or more documented years of post-associate degree work in soil professional work of a grade and character that indicates that the applicant may be competent to practice as a soil scientist.

An applicant under this subsection may take a national fundamentals of soil science examination approved in rules adopted by the board in the final year prior to or after graduation from an accredited 2-year program or in the final year of an accredited 4-year or graduate-level program, as long as the applicant has completed the minimum 15 credit hours required in this subsection.

An applicant under this subsection may take a national soil science professional practice examination and Maine soil science professional practice examination approved in rules adopted by the board upon completion of the work experience requirement in this subsection.

**3. Examination.** ~~An applicant shall sit for and pass an examination before the board or its authorized representatives. Such examination will be held at certain specified times and of such scope as prescribed by the board. Examinations approved by the board must test the applicant's knowledge of geology or soil science and the applicant's ability to apply that knowledge and to assume responsible charge in the professional practice of geology or soil science.~~

**4. Licensure by endorsement.** ~~The board, in its discretion and upon payment of the application and license fees established pursuant to section 4912, may issue a license as a geologist or soil scientist without written examination to any person who is licensed as a geologist or soil scientist in any jurisdiction having equivalent licensure requirements, if the applicant satisfies all other requirements of this chapter.~~

~~Generally, the examinations must test the applicant's knowledge basic to geology or soil science and the applicant's ability to apply that knowledge and to assume responsible charge in the professional practice of geology or soil science.~~

~~An applicant for licensure must meet all the requirements of this chapter and, in addition, must have 3 years' experience in geology or soil science as defined by this chapter and in the rules and regulations of the board to be provided.~~

An applicant must pass the examinations required by the board. An applicant failing in an examination may be examined again ~~retake~~ the examination upon filing a new examination application and ~~the~~ payment of the prescribed fees paying the required examination fee.

~~The board, upon application therefor, and upon payment of the application and license fees, may issue a license as a geologist or soil scientist without written examination to any person holding a license as a geologist or soil scientist issued to that geologist or soil scientist by any state or country having equivalent requirements, when the applicant's qualifications meet the other requirements of this chapter and the rules established by the board.~~

~~In determining the qualifications of an applicant for licensure, a majority vote of the board is required.~~

Any applicant who has passed the examination or has otherwise qualified as a geologist or soil scientist upon receipt of a completed license application and payment of the a license fee as set under section 4912 ~~must have~~ may be issued a license as a geologist or soil scientist as appropriate.

**Sec. 12. 32 MRSA §4914**, as repealed and replaced by PL 1975, c. 760, §18, is repealed.

**Sec. 13. 32 MRSA §4918**, as repealed and replaced by PL 1975, c. 760, §20, is amended to read:

**§4918. Plans prepared**

All geologic plans, specifications, reports or documents ~~which that~~ are prepared by a ~~certified licensed~~ geologist or by a subordinate under ~~his the licensed geologist's~~ direction shall must be signed by ~~such the licensed geologist, which shall indicate his indicates~~ the licensed geologist's responsibility for them.

All ~~pedological soil science~~ maps, reports or documents ~~which that~~ are prepared by a ~~certified licensed~~ soil scientist or by a subordinate under ~~his the licensed soil scientist's~~ direction shall must be signed by ~~such certified the licensed soil scientist, which shall indicate his indicates~~ the licensed soil scientist's responsibility for them.

**Sec. 14. 38 MRSA §439-A, sub-§3**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §47 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**3. Soil evaluation reports.** Any other law notwithstanding, when a zoning ordinance adopted in conformity with this article requires a written report of soil suitability for subsurface waste disposal or commercial or industrial development, that report must be prepared and signed by a duly qualified person who has made an on-the-ground evaluation of the soil properties involved. Persons qualified to prepare these reports must be certified by the Department of Health and Human Services and include Maine State ~~Certified Licensed~~ Soil Scientists, Maine Registered Professional Engineers, Maine State ~~Certified Licensed~~ Geologists and other persons who have training and experience in the recognition and evaluation of soil properties and can provide proof of this training and experience in a manner specified by the Department of

Health and Human Services. The Department of Health and Human Services may ~~promulgate~~ adopt rules for the purpose of establishing training and experience standards required by this subsection.

**Sec. 15. 38 MRSA §480-O, last ¶**, as enacted by PL 1987, c. 809, §2, is amended to read:

Any permit issued under this section for a bulkhead or similar structure ~~which that~~ is not connected at both ends to another bulkhead or similar structure ~~shall be is~~ subject to only the standard conditions applicable to all permits granted under this article as well as the following conditions. The permit applicant or applicants ~~shall be are~~ responsible for reasonably maintaining the bulkhead or similar structure and for repairing damage to the frontal sand dune ~~which that~~ occurs between the end of the bulkhead or similar structure and the Scarborough town landing and ~~which that~~ is caused by the existence of the bulkhead or similar structure. The applicant or applicants shall submit a report prepared by a ~~state-certified~~ state-licensed geologist to the commissioner every 2nd year following issuance of the permit or until such time as the commissioner ~~deems~~ determines the report need not be filed or may be filed at longer intervals. The report ~~shall must~~ describe the status of the frontal sand dune between the end of the bulkhead or similar structure and the Scarborough town landing and contain whatever recommendations the geologist determines are reasonably required to maintain the frontal sand dune in that area. The applicant or applicants shall follow the recommendations.

**Sec. 16. 38 MRSA §480-W, sub-§3**, as enacted by PL 2005, c. 548, §2, is amended to read:

**3. Emergency action exemption.** Notwithstanding section 480-C, if the local code enforcement officer, a state-licensed professional engineer or a ~~state-certified~~ state-licensed geologist determines that the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened, the owner of property protected by the seawall, bulkhead, retaining wall or similar structure may perform or cause to be performed the following activities without obtaining a permit under this article:

A. Place riprap, sandbags or other heavy nonhazardous material to shore up the threatened structure and leave the material in place until a project designed to repair or replace the structure is permitted by the department. After such emergency action is taken and within 5 working days after the imminent threat, the property owner must provide written notice to the department of the date the emergency action was taken and a description of the emergency action taken. Within 6 months following placement of any material pursuant to this paragraph, the property owner must submit to the department an application to repair or replace the structure. The material placed pursuant to this

paragraph must be removed within 18 months from the date a permit is issued by the department; or

B. Make permanent repairs, to the extent necessary to alleviate the threat, to strengthen the seawall, bulkhead, retaining wall or other structure, to widen the footings or to secure the structure to the sand with tie-back anchors. A ~~state-certified~~ state-licensed geologist, state-licensed professional engineer or other qualified professional must make the determination that the actions taken by the property owner in accordance with this section are only those actions necessary to alleviate the imminent threat and do not include increasing the height or length of the structure.

If a local code enforcement officer, state-licensed professional engineer or ~~state-certified~~ state-licensed geologist fails to determine within 6 hours of initial contact by the property owner whether the integrity of a structure is destroyed or threatened, the property owner may proceed as if the local code enforcement officer, state-licensed professional engineer or ~~state-certified~~ state-licensed geologist had determined that the integrity of the structure was destroyed or threatened.

**Sec. 17. 38 MRSA §563-B, sub-§1, ¶B**, as enacted by PL 1991, c. 763, §2, is amended to read:

B. Upon abandonment or replacement of an underground tank or facility, must require site assessment to be conducted or supervised by a ~~state-certified~~ state-licensed geologist or registered professional engineer only when that tank or facility is located in a sensitive geologic area; and

See title page for effective date.

**CHAPTER 286**

**H.P. 1194 - L.D. 1668**

**An Act To Implement  
Recommendations of the  
Department of Environmental  
Protection Regarding the  
State's Mercury-added Lamp  
Law**

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

**Sec. 1. 38 MRSA §1672, sub-§1, ¶A-1** is enacted to read:

A-1. "Covered entity" means a person who at any one time presents for drop off at a collection location participating in a department-approved program for the recycling of mercury-added lamps under this subsection:

(1) Any number of compact fluorescent mercury-added lamps; or

(2) Ten or fewer mercury-added lamps that are not compact fluorescent mercury-added lamps.

**Sec. 2. 38 MRSA §1672, sub-§1, ¶C**, as enacted by PL 2009, c. 272, §1, is amended to read:

C. "Municipal collection ~~site location~~" means a solid waste disposal facility, transfer station, storage facility or recycling facility at which mercury-added lamps from ~~households~~ a covered entity are collected for recycling that is municipally owned or operated or operated by a regional association.

**Sec. 3. 38 MRSA §1672, sub-§1, ¶¶E and F** are enacted to read:

E. "Population center" means an urbanized area or urban cluster, as defined by the United States Department of Commerce, Bureau of the Census to identify areas of high population density and urban land use with a population of 2,500 or greater.

F. "Proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and which is not otherwise publicly available.

**Sec. 4. 38 MRSA §1672, sub-§4**, as amended by PL 2013, c. 315, §2, is further amended to read:

**4. Manufacturer recycling programs for mercury-added lamps.** ~~Effective January 1, 2011, each~~ Each manufacturer of mercury-added lamps sold or distributed ~~for household use in the State for use by~~ a covered entity on or after January 1, 2001 shall individually or collectively implement a department-approved program for the recycling of mercury-added lamps from ~~households~~ a covered entity.

A. The recycling program required under this subsection must include, but is not limited to:

(1) Convenient collection locations ~~located~~ adequate to serve the needs of covered entities in rural and urban areas throughout the State where residents a covered entity can drop off their household mercury-added lamps without cost, including but not limited to municipal collection sites locations and participating retail establishments. The program must include a method of determining the adequate number and geographic distribution of collection locations based on geographic information system modeling.

No later than January 1, 2020, the collection system implemented under the program must provide at least 90% of the residents of the

State with a permanent collection location or a nonpermanent collection location available on a periodic basis within 15 miles of their residence unless the commissioner determines that this requirement is not practicable due to geographic constraints, in which case the commissioner may approve an alternative collection system that includes a geographic distribution of collection locations but that does not otherwise meet this requirement.

Unless otherwise approved by the commissioner, the collection system implemented under the program:

- (a) Must provide at least 2 collection locations within a population center of at least 30,000 residents and an additional collection location for each additional 30,000 residents within the population center; and
- (b) Must ensure that the collection locations required under division (a) are located in a manner that provides residents of the population center with convenient and reasonably equitable access to the collection locations;
- (2) Handling and recycling equipment and practices in compliance with the universal waste rules adopted pursuant to section 1319-O, subsection 1, paragraph F, with subsection 6 if a crushing device is used and with all other applicable requirements;
- (3) Effective Provision of education and outreach efforts by a manufacturer to promote the program, which must include, but are not limited to, strategies for education of and outreach to covered entities in all areas of the State and ensuring understanding of collection options by covered entities. The education and outreach, including, but not limited to ~~to~~ must, at a minimum, include posters, window clings and point-of-purchase signs and other materials provided that are made available to retail establishments collection locations without cost, that can be prominently displayed and that will be easily visible to covered entities; and outreach to the general public, including annual Internet-based media campaigns and print and radio media campaigns conducted in rural and urban areas in the State; and
- (4) An annual report to the department on the number of mercury-added lamps recycled under the manufacturer's program, the estimated percentage of mercury-added lamps available for recycling that were recycled under the program and the methodology for estimating

the number of mercury-added lamps available for recycling, an evaluation of the effectiveness of the recycling program, recommendations for increasing the number of lamps recycled under the recycling program and an accounting of the costs associated with administering and implementing the recycling program.

- (5) A goal of annually increasing the percentage of the residents of the State that are aware of the requirement to recycle mercury-added lamps and the availability of mercury-added lamp recycling at collection locations implemented under the program;
- (6) Provisions for routinely evaluating the effectiveness of the education and outreach under subparagraph (3);
- (7) Procedures for improving the education and outreach under subparagraph (3) if the goal under subparagraph (5) is not achieved; and
- (8) An annual report to the department, which must include, at a minimum:
  - (a) The number of mercury-added lamps recycled under the program;
  - (b) The estimated percentage of mercury-added lamps available for recycling that were recycled under the program and, if the percentage of lamps recycled in the prior calendar year did not represent an increase from the percentage of lamps recycled in the calendar year prior to the prior calendar year, recommendations for program modifications to increase the percentage of lamps recycled under the program;
  - (c) The methodology for estimating the number of mercury-added lamps available for recycling, which must include an assumption of the average lifespan of a lamp by type of lamp and number of lamps sold by type in the years on which the percentage under division (b) is calculated. Proprietary information submitted to the department pursuant to this division that is identified by the manufacturer as proprietary information is confidential and must be handled by the department in the same manner as confidential information is handled under section 1310-B;
  - (d) A description of the education and outreach under subparagraph (3) and an evaluation of the effectiveness of that education and outreach, including a de-

scription of the methods used to measure consumer awareness of the requirement to recycle mercury-added lamps and, beginning with the annual report for 2020, the results of an assessment of consumer awareness of the program as completed by an independent 3rd-party assessor;

(e) The location of and contact information for each collection location established under the program and an assessment of the convenience of the collection system established under the program;

(f) An accounting of the costs associated with implementing and administering the program; and

(g) Any recommendations for changes to the program to improve the convenience of the collection system, consumer education or program evaluation.

B. A manufacturer required to implement a recycling program under this subsection shall submit its proposed recycling program for department review and approval. The department shall solicit public comment on the proposed program before approving or denying the program.

C. Beginning April 1, 2011, a manufacturer not in compliance with this section is prohibited from offering any mercury-added lamp for final sale in the State or distributing any mercury-added lamp in the State. A manufacturer not in compliance with this section shall provide support to retailers to ensure the manufacturer's mercury-added lamps are not offered for sale, sold at final sale or distributed in the State.

D. Beginning April 1, 2011, a retailer may not offer for final sale a mercury-added lamp produced by a manufacturer not in compliance with this section. The department shall notify retailers of the manufacturers of mercury-added lamps not in compliance with this section.

E. Beginning in 2013, and biennially thereafter, the department shall calculate the percentage of mercury-added lamps recycled from households covered entities and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any modifications to the manufacturer recycling programs it intends to make to improve mercury-added lamp recycling rates and any recommendations for statutory changes needed to facilitate mercury-added lamp collection and recycling. The report may be included in the report required pursuant to section 1772, subsection 1.

F. The department may determine that a manufacturer's recycling program is in compliance with

paragraph A, subparagraphs (1), (2) and (4) for the collection of compact fluorescent lamps from households if the manufacturer provides adequate financial support for the collection and recycling of such lamps to municipalities and a conservation program established pursuant to Title 35-A, section 10110 and implemented by the Efficiency Maine Trust.

G. A department-approved recycling program under this subsection that is collectively implemented by manufacturers of mercury-added lamps must require the payment of a flat program participation fee, in lieu of payment of any other fees or costs associated with the program's operation, by a manufacturer participating in the program that previously offered for sale or distributed in the State any type of mercury-added lamps but that no longer offers for final sale or distributes in the State any type of mercury-added lamps; except that a manufacturer that previously offered for sale or distributed in the State only compact fluorescent mercury-added lamps but that no longer offers for final sale or distributes in the State compact fluorescent mercury-added lamps may be required to pay the flat program participation fee only for a period beginning on the date the manufacturer stops offering for final sale or distributing in the State compact fluorescent mercury-added lamps and ending 5 years after that date, after which time the manufacturer must be allowed to continue to participate in the program without being required to pay any fees or other costs associated with the program's operation.

H. If, based on the information annually reported to the department under paragraph A, subparagraph (8), the department determines that fewer than 25,000 total mercury-added lamps were collected in the prior calendar year in the State under all recycling programs implemented under this subsection and that the combined mercury-added lamp recycling rate in the prior calendar year under all recycling programs implemented under this subsection was 10% or greater, the department shall develop a process for reducing the scope of the manufacturer recycling program required under this subsection and for terminating all program requirements within the 3-year period subsequent to that determination.

(1) In developing the program reduction and termination process under this paragraph, the department shall invite the participation of manufacturers that have implemented a recycling program under this section.

(2) The program reduction and termination process developed under this paragraph must be based on the best available data regarding

the collection of mercury-added lamps in the State, including, but not limited to:

(a) The collection activity at each collection location;

(b) The estimated number of mercury-added lamps in the State still available for collection; and

(c) The total number of mercury-added lamps collected in the prior program years.

(3) Following completion of the development of the program reduction and termination process under this paragraph, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding its findings and recommendations for implementing that process, including any proposed legislation. The report under this subparagraph may be included in the report required under section 1772, subsection 1. After reviewing the report the committee may report out a bill to implement the recommendations contained in the report or to otherwise facilitate a reduction and termination of the manufacturer recycling program required under this subsection.

See title page for effective date.

## CHAPTER 287

### H.P. 1227 - L.D. 1716

#### An Act To Update the Licensing Laws for Occupational Therapy Practice

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

**Sec. 1. 32 MRSA §2271**, as amended by PL 1997, c. 294, §1, is repealed.

**Sec. 2. 32 MRSA §2272, sub-§4**, as repealed and replaced by PL 1997, c. 294, §2, is amended to read:

**4. Certification examination.** "Certification examination" means the certification examination for a ~~registered~~ an occupational therapist or the certification examination for ~~certified~~ an occupational therapy assistant, both of which are administered by NBCOT.

**Sec. 3. 32 MRSA §2272, sub-§5**, as repealed and replaced by PL 1997, c. 294, §2, is repealed.

**Sec. 4. 32 MRSA §2272, sub-§8**, as repealed and replaced by PL 1997, c. 294, §2, is repealed.

**Sec. 5. 32 MRSA §2272, sub-§8-A** is enacted to read:

**8-A. Director.** "Director" means the Director of the Office of Professional and Occupational Regulation within the department.

**Sec. 6. 32 MRSA §2272, sub-§9**, as enacted by PL 1997, c. 294, §2, is amended to read:

**9. Level II fieldwork.** "Level II fieldwork" means the experience required to prepare occupational therapy and ~~occupation~~ occupational therapy assistant students to carry out professional responsibilities under appropriate supervision and professional role modeling.

~~A minimum of 6 months, or 940 hours, of level II fieldwork is required for occupational therapy educational programs.~~

~~A minimum of 12 weeks, or 440 hours, of level II fieldwork is required for occupational therapy assistant educational programs.~~

**Sec. 7. 32 MRSA §2272, sub-§12-A**, as amended by PL 1999, c. 386, Pt. I, §1, is repealed.

**Sec. 8. 32 MRSA §2272, sub-§§12-B and 12-C** are enacted to read:

**12-B. Occupational therapy assistant.** "Occupational therapy assistant" means an individual who has passed the certification examination of the NBCOT for an occupational therapy assistant or who was certified as an occupational therapy assistant prior to June 1977 and who is licensed to practice occupational therapy under this chapter in the State under the supervision of a licensed occupational therapist.

**12-C. Occupational therapy practitioner.** "Occupational therapy practitioner" means an individual who is licensed as an occupational therapist or an occupational therapy assistant.

**Sec. 9. 32 MRSA §2272, sub-§14**, as enacted by PL 1997, c. 294, §2, is amended to read:

**14. Supervision of OTA.** "Supervision of ~~COTA~~ OTA" means initial directions and periodic inspection of the service delivery and provision of relevant in-service training. The supervising licensed occupational therapist shall determine the frequency and nature of the supervision to be provided based on the clients' required level of care and the ~~COTA's~~ OTA's caseload, experience and competency.

**Sec. 10. 32 MRSA §2276, sub-§1-A**, as amended by PL 1999, c. 386, Pt. I, §2, is further amended to read:

**1-A. License required.** A person may not practice, or profess to be authorized to practice occupational therapy, as an occupational therapist or ~~certified~~ occupational therapy assistant in this State or use the words "occupational therapist," "~~registered~~ licensed

occupational therapist," "occupational therapy assistant" or "~~certified licensed~~ occupational therapy assistant" or the letters "O.T.," "~~O.T.R.~~," "O.T.A.," "~~C.O.T.A.~~" or other words or letters to indicate that the person using the words or letters is a licensed occupational therapist or ~~certified licensed~~ occupational therapy assistant, or that may misrepresent to the public that the person has received formalized training in the field of occupational therapy, unless that person is licensed in accordance with this chapter.

This subsection is not intended to prohibit occupational therapy students and occupational therapy assistant students completing fieldwork from using the letters "O.T.S." and "O.T.A.S." respectively.

**Sec. 11. 32 MRSA §2279, sub-§1**, as enacted by PL 1983, c. 746, §2, is repealed.

**Sec. 12. 32 MRSA §2281**, as amended by PL 2013, c. 217, Pt. J, §3, is further amended to read:

**§2281. Waiver of requirements for licensure**

The board shall grant a license to any person who, prior to July 25, 1984, successfully completed an examination administered by the Psychological Corporation under contract with the American Occupational Therapy Certification Board if that person meets the requirements of section 2279, ~~subsections 1 and~~ subsection 3.

**Sec. 13. 32 MRSA §2282**, as amended by PL 2007, c. 402, Pt. L, §7, is repealed.

**Sec. 14. 32 MRSA §2283, sub-§3**, as amended by PL 1991, c. 509, §17, is repealed.

**Sec. 15. 32 MRSA §2284, sub-§2**, as enacted by PL 1997, c. 294, §11, is repealed.

**Sec. 16. 32 MRSA §2285**, as repealed and replaced by PL 2007, c. 402, Pt. L, §10 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

**§2285. Fees**

~~The Director of the Office of Professional and Occupational Regulation within the department director~~ may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$120. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 17. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 32, chapter 32, in the chapter headnote, the words "occupational therapists" are amended to read "occupational therapy practice" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 288**  
**H.P. 1078 - L.D. 1476**

**An Act To Clarify Recounts in Municipal Elections**

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

**Sec. 1. 30-A MRSA §2531-B**, as amended by PL 2017, c. 191, §1, is repealed and the following enacted in its place:

**§2531-B. Recount of an election for office**

This section governs all recounts in any election for municipal office.

**4. Recount request and procedure.** A candidate, including a write-in candidate, other than the declared winner in an election may apply to the municipal clerk in writing for a recount. Written recount requests must be received by the clerk within 5 business days after the day of the contested election or within 5 business days after an inspection pursuant to section 2530-A in order to be valid.

**5. Public proceeding.** A recount is a public proceeding open to public attendance, subject to reasonable restrictions necessary to protect recount integrity or resulting from space limitations.

**6. Recount security.** The municipal clerk shall maintain control over the ballots and other recount materials. No recount personnel other than the clerk may have access to the areas where ballots are stored unless accompanied by the clerk or the clerk's designee. A person who causes a disruption of the recount process may be removed from the area at the discretion of the clerk.

**7. Amount of deposit.** A candidate requesting a recount shall pay a deposit to the municipal clerk when the recount is requested in an amount determined by the municipal clerk, which must be at least 50% of the reasonable estimate of the cost to the municipality performing the recount.

**8. Deposit not required.** Notwithstanding subsection 7, a deposit is not required for a recount if the percentage difference of the total votes of the official tabulation is equal to or less than:

A. Two and one-half percent, if the combined vote for the candidates is 1,000 or less;

B. Two percent, if the combined vote for the candidates is 1,001 to 5,000; or

C. One and one-half percent, if the combined vote for the candidates is 5,001 or over.

For purposes of this subsection, "percentage difference" means the difference between the percentage of the total votes for an office received by the candidate

requesting a recount and the percentage of the total votes for that office received by the nearest winning candidate.

**9. Forfeiture or refund of deposit.** If a recount changes the result of an election, a deposit under subsection 7 must be returned to the candidate who paid the deposit. If the recount does not change the result of the election, the municipality shall calculate the actual cost to the municipality of performing the recount. If the deposit was greater than the actual cost, the overpayment must be refunded to the candidate who paid the deposit. If the actual cost was greater than the deposit, the candidate who requested the recount shall pay the remainder of the actual cost to the municipality. A candidate who is not required to pay a deposit pursuant to subsection 8 may not be charged for the recount regardless of whether the recount changes the result of the election.

**10. Date of recount and notice.** When a recount request has been filed pursuant to subsection 4, along with a deposit if a deposit is required pursuant to subsection 7, the municipal clerk immediately shall set a date for the recount, which must be held as soon as reasonably possible at a date and time that affords the candidate who requested the recount a reasonable opportunity to be present. The municipal clerk shall notify the public, the municipal officers, the candidate who filed the recount request and all other candidates on that election ballot of the recount date and location. Notice must be posted pursuant to Title 1, section 406.

**11. Procedure at recount.** A recount in an election of a municipal officer must be conducted according to the procedures in this subsection unless the municipal legislative body adopts the recount procedures of Title 21-A, section 737-A and the rules adopted pursuant to that section, except that Title 21-A, section 737-A, subsections 1, 5 and 12 and the duties of the State Police do not apply.

A. The municipal clerk shall publicly explain the recount procedure at the start of the recount and shall supervise the sorting and hand counting of the votes in public with assistance from counters appointed by the clerk.

B. A candidate may provide counters to conduct the recount under the supervision of the municipal clerk. If an insufficient number of counters is provided, the clerk shall supply counters. Municipal officers and candidates on that election ballot may not serve as counters.

C. The municipal clerk and counters shall follow all applicable laws and the rules for determining voter intent adopted by the Secretary of State pursuant to Title 21-A, section 696, subsection 6.

D. If any ballots are disputed as to voter intent, the candidates may resolve the dispute by consensus in accordance with rules for determining voter

intent adopted by the Secretary of State pursuant to Title 21-A, section 696, subsection 6. If consensus cannot be reached, those disputed ballots must be set aside. If the number of disputed ballots potentially affects the outcome of the recount, the municipal clerk shall forward the disputed ballots to the clerk of the nearest Superior Court in the county in which the election was held.

E. Upon written request, the municipal clerk shall make the incoming voting list and absentee ballot materials, along with all records required by law to be kept in connection with the election, available for inspection, unless those materials have been requested as part of a state recount.

F. After the recount, the municipal clerk shall re-seal the package of ballots and incoming voting list and shall note on the package the fact that the recount was held and the date of the recount.

G. In order to withdraw from a recount, a candidate must notify the municipal clerk of the intent to withdraw and the reason for withdrawal. The notice must be signed by the candidate, notarized and delivered to the municipal clerk prior to or during the scheduled recount. In the event of a withdrawal, the final election day tabulation is considered the final result.

**12. Results of recount.** Within 24 hours after the results of the recount are determined, the municipal clerk shall prepare, sign and issue a final recount tabulation.

**Sec. 2. 30-A MRSA §2532,** as amended by PL 2017, c. 191, §2, is further amended to read:

**§2532. Referendum recount procedure**

In the case of a referendum, a recount must be granted upon written application of 10% or 100, whichever is less, of the registered voters in the municipality. The application must designate a person to be the official representative of the registered voters requesting the recount including the person's legal name, mailing address, residence address and telephone number. An official representative for the registered voters opposing the recount may be established by submission of an affidavit signed by 10 registered voters of the municipality. The time limits, rules and all other matters applying to candidates under section 2531-B apply equally to applicants for the recount. ~~Except as otherwise provided in this section, the method of conducting a referendum recount is governed by Title 21-A, section 737-A a referendum recount, except that provisions in section 2531-B applicable to the candidate requesting the recount and candidates not requesting the recount apply, for purposes of this section, to the official representative of the referendum recount and the official representative, if any, of the voters opposed to the recount, respectively.~~

See title page for effective date.

**CHAPTER 289**  
**S.P. 383 - L.D. 1263**

**An Act Regarding Telehealth**

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

**Sec. 1. 24 MRSA §2904, sub-§1, ¶A**, as amended by PL 2017, c. 396, §1, is further amended to read:

A. A licensed health care practitioner who voluntarily, without the expectation or receipt of monetary or other compensation either directly or indirectly, provides professional services, including services provided through telehealth as defined in Title 24-A, section 4316, subsection 1, paragraph E, within the scope of that health care practitioner's licensure:

- (1) To a nonprofit organization;
- (2) To an agency of the State or any political subdivision of the State;
- (3) To members or recipients of services of a nonprofit organization or state or local agency;
- (4) To support the State's response to a public health threat as defined in Title 22, section 801, subsection 10;
- (5) To support the State's response to an extreme public health emergency as defined in Title 22, section 801, subsection 4-A; or
- (6) To support the State's response to a disaster as defined in Title 37-B, section 703, subsection 2;

**Sec. 2. 24-A MRSA §4316**, as enacted by PL 2009, c. 169, §1, is repealed and the following enacted in its place:

**§4316. Coverage for telehealth services**

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

A. "Mobile health device" means a wearable device used to track health and wellness, including, but not limited to, a heart rate and respiratory monitor, an electrocardiogram monitor and a glucose monitor.

B. "Store and forward transfers" means transmission of an enrollee's recorded health history through a secure electronic system to a provider.

C. "Telehealth," as it pertains to the delivery of health care services, means the use of interactive

real-time visual and audio or other electronic media for the purpose of consultation and education concerning and diagnosis, treatment, care management and self-management of an enrollee's physical and mental health and includes real-time interaction between the enrollee and the telehealth provider, synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring. "Telehealth" does not include the use of audio-only telephone, facsimile machine, e-mail or texting.

D. "Telemonitoring," as it pertains to the delivery of health care services, means the use of information technology to remotely monitor an enrollee's health status via electronic means through the use of clinical data while the enrollee remains in a residential setting, allowing the provider to track the enrollee's health data over time. Telemonitoring may or may not take place in real time.

E. "Telephonic services," as it pertains to the delivery of health care services, means the use of telephone communication by a provider at a distance for the purpose of diagnosis, disease monitoring or treatment.

**2. Parity for telehealth services.** A carrier offering a health plan in this State may not deny coverage on the basis that the health care service is provided through telehealth if the health care service would be covered if it was provided through in-person consultation between an enrollee and a provider. Coverage for health care services provided through telehealth must be determined in a manner consistent with coverage for health care services provided through in-person consultation. If an enrollee is eligible for coverage and the delivery of the health care service through telehealth is medically appropriate, a carrier may not deny coverage for telehealth services. A carrier may offer a health plan containing a provision for a deductible, copayment or coinsurance requirement for a health care service provided through telehealth as long as the deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance applicable to a comparable service provided through in-person consultation. A carrier may not exclude a health care service from coverage solely because such health care service is provided only through a telehealth encounter, as long as telehealth is appropriate for the provision of such health care service.

**3. Coverage for telehealth services.** Except as provided in this section, a carrier shall provide coverage for any medically necessary health care service delivered through telehealth as long as the following requirements are met.

A. The health care service is otherwise covered under an enrollee's health plan.

B. The health care service delivered by telehealth is of comparable quality to the health care service delivered through in-person consultation.

C. Prior authorization is required for telehealth services only if prior authorization is required for the corresponding covered health care service. An in-person consultation prior to the delivery of services through telehealth is not required.

D. Coverage for telehealth services is not limited in any way on the basis of geography, location or distance for travel.

E. The carrier shall require that a clinical evaluation is conducted either in person or through telehealth before a provider may write a prescription that is covered.

F. The carrier shall provide coverage for the treatment of 2 or more persons who are enrolled in the carrier's health plan at the same time through telehealth, including counseling for substance use disorders involving opioids.

**4. Telemonitoring requirements.** A carrier shall provide coverage for telemonitoring if:

A. The telemonitoring is intended to collect an enrollee's health-related data, including, but not limited to, pulse and blood pressure readings, that assist a provider in monitoring and assessing the enrollee's medical condition;

B. The telemonitoring is medically necessary for the enrollee;

C. The enrollee is cognitively and physically capable of operating the mobile health devices the enrollee has a caregiver willing and able to assist with the mobile health devices; and

D. The enrollee's residence is suitable for telemonitoring. If the residence appears unable to support telemonitoring, the telemonitoring may not be provided unless necessary adaptations are made.

**5. Coverage for telephonic services.** A carrier shall provide coverage for telephonic services when scheduled telehealth services are technologically unavailable at the time of the scheduled telehealth service for an existing enrollee and the telephonic services are medically appropriate for the corresponding covered health care services.

**6. Utilization review.** This section does not prohibit or limit a carrier from conducting a utilization review for telehealth services as long as the utilization review is conducted in the same manner and uses the same clinical review criteria as a utilization review for an in-person consultation for the same service.

**7. Provider eligibility.** In order to be eligible for reimbursement under this section, a provider providing

health care services through telehealth must be acting within the scope of the provider's license. A carrier may not impose additional credentialing requirements or prior approval requirements for a provider as a condition of reimbursement for health care services provided under this section unless those credentialing requirements or prior approval requirements are the same as those imposed for a provider that does not provide health care services through telehealth.

**8. Telehealth equipment.** A carrier may not require a provider to use specific telecommunications technology and equipment as a condition of coverage under this section as long as the provider uses telecommunications technology and equipment that comply with current industry interoperability standards and that comply with standards required under the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 and regulations promulgated under that Act.

**Sec. 3. Application.** The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**Sec. 4. Exemption from review.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, that section of this Act that enacts Title 24-A, section 4316 is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

See title page for effective date.

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## CHAPTER 290

### H.P. 1088 - L.D. 1486

#### An Act To Strengthen Supports for Adults with Intellectual Disabilities or Autism in Crisis

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

**Sec. 1. 34-B MRSA §5206, sub-§8** is enacted to read:

**8. Rules.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are major substantive rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Department of Health and Human Services to study rate changes and rate structure for persons with intellectual disabilities or autism.** The Department of Health and Human Ser-

vices shall study the existing services for persons with intellectual disabilities or autism and determine the adequacy of the MaineCare reimbursement methodology and rates paid to providers for meeting the needs of persons with intellectual disabilities or autism at risk for out-of-home placement due to challenging behavior that affects health and safety. The department shall report its findings, along with recommendations and any suggested legislation, to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The committee is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

**Sec. 3. Rulemaking.** The Department of Health and Human Services shall provisionally adopt rules that are required pursuant to the Maine Revised Statutes, Title 34-B, section 5206, subsection 8 no later than April 1, 2020.

See title page for effective date.

**CHAPTER 291  
H.P. 94 - L.D. 112**

**An Act To Implement Changes  
to Maine's Solid Waste Laws  
Pursuant to a Review of the  
State Waste Management and  
Recycling Plan**

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

**PART A**

**Sec. A-1. 38 MRSA §1303-C, sub-§1-C,** as enacted by PL 2007, c. 338, §1 and affected by §5 and enacted by c. 414, §1, is amended to read:

**1-C. Bypass.** "Bypass" means any solid waste that is destined for disposal, processing or beneficial use at ~~a~~ an operating solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility's temporary malfunction, temporary insufficient capacity, temporary inability to process or burn, or temporary downtime ~~or any other comparable reason~~. For the purposes of this subsection, "operating solid waste facility" means a licensed solid waste facility that is fully operational at the time that the malfunction, insufficient capacity, inability to process or burn or downtime begins and that intends to resume full operation at the time that the malfunction, insufficient capacity, inability to process or burn or downtime ends.

**Sec. A-2. 38 MRSA §2152-A** is enacted to read:

**§2152-A. State-owned solid waste disposal facilities; purpose, management and**

**operation; disposal of municipal solid waste**

**1. Purpose of State-owned solid waste disposal facilities.** The Legislature finds that the purpose of State-owned solid waste disposal facilities is to ensure that adequate disposal capacity is available for the disposal of solid waste generated within the State through the development of new disposal capacity for anticipated state disposal capacity needs and the operation of existing facilities to address current state disposal capacity needs.

**2. Consistency with solid waste management hierarchy.** The Legislature intends that all aspects of the management and operation of State-owned solid waste disposal facilities be conducted in a manner that maximizes alignment with the solid waste management hierarchy under section 2101.

The bureau, the operators of State-owned solid waste disposal facilities and the department shall ensure that the acceptance of waste at State-owned solid waste disposal facilities is consistent with the hierarchy and that options for the management of such waste that represent a higher priority on the hierarchy are not otherwise reasonably available.

**3. Disposal of municipal solid waste at State-owned solid waste disposal facilities; department authorization criteria; department limitation of disposal.** The Legislature intends that the State prioritize the disposal at State-owned solid waste disposal facilities of special wastes for which there are limited disposal options in the State and minimize the disposal at State-owned solid waste disposal facilities of non-bypass, unprocessed municipal solid waste. In accordance with this intent and with the provisions of this chapter and chapter 13, the department may:

A. Authorize the land disposal of non-bypass, unprocessed municipal solid waste at a State-owned solid waste disposal facility only when:

- (1) A specific need for the disposal has been identified by the bureau and the operator of the facility;
- (2) The disposal is consistent with the solid waste management hierarchy under section 2101, as determined by the department; and
- (3) Options for the management of the waste that represent a higher priority on the hierarchy are not otherwise reasonably available, as determined by the department; and

B. Limit the volume of municipal solid waste disposed of at a State-owned solid waste disposal facility and the duration of such disposal through the imposition of such limitations under the facility's license.

**Sec. A-3. 38 MRSA §2156-A, sub-§1**, as amended by PL 2011, c. 655, Pt. GG, §43 and affected by §70, is further amended to read:

**1. Planning for development.** The bureau, in consultation with the department, shall plan for the development of facilities sufficient to meet anticipated unmet needs for municipal solid waste and special waste identified in the state plan and any revisions to the plan and to serve all geographic areas of the State. ~~The bureau, in consultation with the department, may plan for the development of facilities sufficient to meet needs for special waste identified in the state plan and any revisions to the plan and to serve all geographic areas of the State.~~

## PART B

**Sec. B-1. 38 MRSA §1310-B, sub-§2**, as amended by PL 2015, c. 250, Pt. C, §10, is further amended to read:

**2. Hazardous waste information and information on mercury-added products and electronic devices; chemicals; recyclables.** Information relating to hazardous waste submitted to the department under this subchapter, information relating to mercury-added products submitted to the department under chapter 16-B, information relating to electronic devices submitted to the department under section 1610, subsection 6-A, information related to priority toxic chemicals submitted to the department under chapter 27 ~~or~~ information related to products that contain the "deca" mixture of polybrominated diphenyl ethers submitted to the department under section 1609 or information related to reporting on reportable recyclable materials submitted to the department under section 2145 may be designated by the person submitting it as being only for the confidential use of the department, its agents and employees, the Department of Agriculture, Conservation and Forestry and the Department of Health and Human Services and their agents and employees, other agencies of State Government, as authorized by the Governor, employees of the United States Environmental Protection Agency and the Attorney General and, for waste information, employees of the municipality in which the waste is located. The designation must be clearly indicated on each page or other portion of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the person submitting the information and the general nature of the information. Upon a request for information, the scope of which includes information so designated, the commissioner shall notify the submitter. Within 15 days after receipt of the notice, the submitter shall demonstrate to the satisfaction of the department that the designated information should not

be disclosed because the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available. Unless such a demonstration is made, the information must be disclosed and becomes a public record. The department may grant or deny disclosure for the whole or any part of the designated information requested and within 15 days shall give written notice of the decision to the submitter and the person requesting the designated information. A person aggrieved by a decision of the department may appeal only to the Superior Court in accordance with the provisions of section 346. All information provided by the department to the municipality under this subsection is confidential and not a public record under Title 1, chapter 13. In the event a request for such information is submitted to the municipality, the municipality shall submit that request to the commissioner to be processed by the department as provided in this subsection.

**Sec. B-2. 38 MRSA §2101-A, sub-§§4 and 5** is enacted to read:

**4. Recycling establishment.** "Recycling establishment" means an establishment engaged in the marketing, brokering or purchasing of reportable recyclable materials generated in the State. "Recycling establishment" does not include an establishment that directs all reportable recyclable materials it markets, brokers or purchases to brokers and purchasers that are located in the State.

**5. Reportable recyclable materials.** "Reportable recyclable materials" means any of the following categories of recyclable materials that are separated from household, commercial or institutional waste and that are delivered to a recycling establishment for recycling: glass; cardboard, paper and paper products; plastic and plastic products; cartons, laminated materials and other packaging; nonferrous and ferrous metals, including white goods; textiles; and mixed streams of recyclable materials that include any combination of the materials listed in this subsection.

**Sec. B-3. 38 MRSA §2124-A, first ¶**, as amended by PL 2017, c. 376, §2, is further amended to read:

By January 1, ~~2020~~ 2021 and biennially thereafter, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters and the Governor setting forth information on statewide generation of solid waste, statewide recycling rates and available disposal capacity for solid waste.

**Sec. B-4. 38 MRSA §2133, sub-§7**, as amended by PL 2011, c. 655, Pt. GG, §33 and affected by §70, is further amended to read:

**7. Recycling progress reports.** Municipalities shall report ~~annually~~ biennially, on forms provided by the department, on their solid waste management and recycling practices. The ~~annual~~ biennial report must ~~include how much of each type of solid waste is generated and how that solid waste is managed~~ identify the options available to residents and businesses within the municipality for managing solid waste, including any provisions for the separate management of reportable recyclable materials and organic waste and the disposal of other municipal solid waste, including construction and demolition debris. The department shall assist ~~municipal reporting~~ municipalities in developing and tracking a municipal or regional recycling rate by developing a municipal waste stream management assessment model. The model must rely on actual waste data whenever possible, but incorporate default generation estimates when needed. Default generation estimates must incorporate factors such as commercial activity, geographical differences and municipal population.

**Sec. B-5. 38 MRSA §2145** is enacted to read:

**§2145. Recycling reporting**

**1. Reporting requirement.** Beginning March 1, 2020 and annually thereafter, a recycling establishment shall report to the department regarding its recycling of reportable recyclable materials generated in the State. The report must be on a form provided by or a format approved by the department and must include:

A. The business name, mailing address, physical address, e-mail address, contact person and telephone number of the recycling establishment;

B. The amount in tons of each category of reportable recyclable materials, by generator, received by the recycling establishment; and

C. The amount in tons of each category of reportable recyclable materials, by destination, shipped by the recycling establishment.

The report must specify the quantity of reportable recyclable materials required to be reported under paragraphs B and C delineated into distinct material types to the extent possible. If the report specifies the quantity of reportable recyclable materials as determined using a volume-to-weight conversion formula, the report must include that conversion formula for review and approval by the department. The report may provide an aggregate quantity for multiple locations operated by a recycling establishment as long as the report specifically identifies each location used in determining the aggregate quantity.

The department shall establish reporting guidelines to ensure that reportable recyclable materials to be included in a report under this subsection are not counted more than once.

**2. Data aggregation.** The department shall aggregate data contained within the reports submitted under this section for the purpose of determining statewide quantities of reportable recyclable materials recycled.

**3. Confidentiality.** Information submitted to the department pursuant to this section may be designated as confidential by the submitting party in accordance with the provisions of section 1310-B and, if the information is so designated, the provisions of section 1310-B apply.

See title page for effective date.

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**CHAPTER 292**

**H.P. 227 - L.D. 303**

**An Act To Require Recovery Residences for Persons with Substance Use Disorder Be Equipped with Naloxone and To Exempt from Criminal Liability Persons Administering Naloxone**

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

**Sec. 1. 17-A MRSA §1111-B**, as enacted by PL 2019, c. 137, §1, is amended to read:

**§1111-B. Exemption from criminal liability for reporting a drug-related medical emergency or administering naloxone**

A person who in good faith seeks medical assistance for or administers naloxone hydrochloride to another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance may not be arrested or prosecuted for a violation of section 1107-A, 1108, 1111 or 1111-A or a violation of probation as authorized by chapter 49 if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance, administering naloxone hydrochloride or experiencing a drug-related overdose.

**Sec. 2. 22 MRSA §2353, sub-§1, ¶E** is enacted to read:

E. "Recovery residence" means a shared living residence for individuals recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

Sec. 3. 22 MRSA §2353, sub-§4-A is enacted to read:

**4-A. Recovery residences; standing orders for naloxone hydrochloride.** Acting under standing orders from a licensed health care professional authorized by law to prescribe naloxone hydrochloride, a recovery residence shall operate in accordance with rules adopted by the department and the provisions of this subsection.

A. Notwithstanding any provision of law to the contrary, a recovery residence shall store and dispense naloxone hydrochloride and is not subject to the provisions of Title 32, chapter 117. The recovery residence shall store on site at least 2 units of naloxone hydrochloride for each floor of the recovery residence.

B. A recovery residence shall provide training in administration of naloxone hydrochloride that meets the protocols and criteria established by the department, and residents of the recovery residence, employees of the recovery residence and all other persons involved in the administration of a recovery residence shall successfully complete the training.

C. A licensed health care professional authorized by law to prescribe naloxone hydrochloride shall distribute unit-of-use packages of naloxone hydrochloride and the medical supplies necessary to administer the naloxone hydrochloride to a recovery residence that has provided training described in paragraph B so that the recovery residence may possess and administer naloxone hydrochloride to an individual who appears to be experiencing a drug-related overdose.

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 293  
H.P. 526 - L.D. 721**

**An Act To Encourage Public Participation in School Board Meetings**

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

Sec. 1. 20-A MRSA §1001, sub-§20 is enacted to read:

**20. School board meeting public comment period.** A school board shall provide the opportunity for the public to comment on school and education mat-

ters at a school board meeting. Nothing in this subsection restricts the school board from establishing reasonable standards for the public comment period, including time limits and conduct standards. For purposes of this subsection, "school board meeting" means a full meeting of the school board and does not include meetings of subcommittees.

See title page for effective date.

**CHAPTER 294  
H.P. 710 - L.D. 955**

**An Act To Prohibit Offshore Oil and Natural Gas Drilling and Exploration**

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

Sec. 1. 12 MRSA §1862, sub-§14 is enacted to read:

**14. Prohibition on oil and natural gas exploration, development and production.** Notwithstanding any other provision of law to the contrary, the director may not permit, approve or otherwise authorize any oil or natural gas exploration, development or production in, on or under the submerged and intertidal land owned by the State.

As used in this subsection, "development" has the same meaning as in Title 38, section 570-AA, subsection 1; "exploration" has the same meaning as in Title 38, section 570-AA, subsection 2; and "production" has the same meaning as in Title 38, section 570-AA, subsection 3.

Sec. 2. 38 MRSA c. 3, sub-c. 2-C is enacted to read:

**SUBCHAPTER 2-C**

**PROHIBITION ON OIL AND NATURAL GAS EXPLORATION, DEVELOPMENT AND PRODUCTION**

**§570-AA. Definitions**

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

**1. Development.** "Development" means the activities conducted subsequent to the exploration for and discovery of oil or natural gas resources, but prior to the production of those resources, to facilitate the production of those resources, including, but not limited to, geophysical activities, drilling, platform construction, pipeline construction and the operation of all onshore support facilities specifically constructed or designed to support those activities.

**2. Exploration.** "Exploration" means the activities conducted to locate oil or natural gas resources, prior to the development or production of those resources, including, but not limited to, the drilling of wells for the purpose of locating and determining the size and scope of those resources.

**3. Federal waters.** "Federal waters" means those waters and submerged lands lying seaward to the waters of the State that are subject to federal jurisdiction and control.

**4. Oil terminal facility.** "Oil terminal facility" has the same meaning as in section 542, subsection 7.

**5. North Atlantic planning area.** "North Atlantic planning area" means an area of federal waters in the outer Continental Shelf adjacent to the coastal waters of the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey.

**6. Production.** "Production" means the activities conducted subsequent to the exploration, discovery and development of oil or natural gas resources including, but not limited to, the removal or extraction of those resources, related field operations, the transportation of those resources over the waters of the State to onshore facilities, workover drilling and the operation, monitoring and maintenance of the removal or extraction process. "Production" does not include the transfer of oil or natural gas resources to or from the waters of the State, including both onloading and offloading of oil or natural gas resources between an oil terminal facility and a vessel or between vessels, except that "production" does include the transfer of oil or natural gas resources to or from the waters of the State when such transfer involves oil or natural gas resources removed or extracted from federal waters in the north Atlantic planning area.

**7. Vessel.** "Vessel" has the same meaning as in section 542, subsection 11.

#### **§570-BB. Prohibition**

Notwithstanding any other provision of law to the contrary, a person may not perform or cause to be performed, and the department may not permit, approve or otherwise authorize, any oil or natural gas exploration, development or production in, on or under the waters of the State.

See title page for effective date.

## **CHAPTER 295**

### **H.P. 751 - L.D. 1009**

#### **An Act To Provide Protections for Maine Patients Facing Step Therapy**

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

**Sec. 1. 24-A MRSA §4320-M** is enacted to read:

#### **§4320-M. Step therapy**

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

A. "Clinical practice guidelines" means a systematically developed statement to assist prescriber and enrollee decisions about appropriate health care for specific clinical circumstances and conditions.

B. "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols and practice guidelines used by a carrier or utilization review organization to determine the medical necessity and appropriateness of health care services.

C. "Medically necessary," with respect to health services and supplies, means appropriate, under the applicable standard of care, to improve or preserve health, life or function; to slow the deterioration of health, life or function; or for the early screening, prevention, evaluation, diagnosis or treatment of a disease, condition, illness or injury.

D. "Pharmaceutical sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

E. "Stable on a prescription drug" means, with respect to an enrollee, receiving a positive therapeutic outcome on a prescription drug selected by the enrollee's health care provider for the enrollee's medical condition.

F. "Step therapy override exception determination" means a determination based on a review of an enrollee's or prescriber's request for an override, along with supporting rationale and documentation, that the step therapy protocol should be overridden in favor of immediate coverage of the health care provider's selected prescription drug.

G. "Step therapy protocol" means a protocol that establishes a specific sequence in which prescription drugs for a specified medical condition are medically necessary for a particular enrollee and are covered under a pharmacy or medical benefit

by a carrier, including self-administered and physician-administered drugs.

H. "Utilization review organization" means an entity that conducts a utilization review, other than a carrier performing a utilization review for its own health benefit plans.

**2. Clinical review criteria.** Clinical review criteria used to establish a step therapy protocol must be based on clinical practice guidelines that:

A. Recommend that the prescription drugs be taken in the specific sequence required by the step therapy protocol;

B. Are developed and endorsed by a multidisciplinary panel of experts that manages conflicts of interest among the members of the writing and review groups by:

(1) Requiring members to disclose any potential conflicts of interest with entities, including carriers and pharmaceutical manufacturers, and recuse themselves from voting if they have a conflict of interest;

(2) Using a methodologist to work with writing groups to provide objectivity in data analysis and ranking of evidence through the preparation of evidence tables and facilitating consensus; and

(3) Offering opportunities for public review and comments;

C. Are based on high-quality studies, research and medical practice;

D. Are created by an explicit and transparent process that:

(1) Minimizes biases and conflicts of interest;

(2) Explains the relationship between treatment options and outcomes;

(3) Rates the quality of the evidence supporting recommendations; and

(4) Considers relevant patient subgroups and preferences; and

E. Are continually updated through a review of new evidence, research and newly developed treatments.

**3. Absence of clinical practice guidelines.** In the absence of clinical practice guidelines that meet the requirements in subsection 2, peer-reviewed publications may be substituted.

**4. Consideration of atypical populations and diagnoses.** When establishing a step therapy protocol, a utilization review organization shall also take into

account the needs of atypical patient populations and diagnoses when establishing clinical review criteria.

**5. Construction.** This section may not be construed to require carriers or the State to set up a new entity to develop clinical review criteria used for step therapy protocols.

**6. Exceptions process.** When coverage of a prescription drug for the treatment of any medical condition is restricted for use by a carrier or utilization review organization through the use of a step therapy protocol, the enrollee and prescriber must have access to a clear, readily accessible and convenient process to request a step therapy override exception determination from that carrier or utilization review organization.

A. A carrier or utilization review organization may use its existing medical exceptions process to provide step therapy override exception determinations, and the process established must be easily accessible on the carrier's or utilization review organization's website.

B. A carrier or utilization review organization shall expeditiously grant a step therapy override exception determination if:

(1) The required prescription drug is contraindicated or will likely cause an adverse reaction in or physical or mental harm to the enrollee;

(2) The required prescription drug is expected to be ineffective based on the known clinical characteristics of the enrollee and the known characteristics of the prescription drug regimen;

(3) The enrollee has tried the required prescription drug while under the enrollee's current or previous health insurance or health plan, or another prescription drug in the same pharmacologic class or with the same mechanism of action, and the prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse reaction;

(4) The required prescription drug is not in the best interest of the enrollee, based on medical necessity; or

(5) The enrollee is stable on a prescription drug selected by the enrollee's health care provider for the medical condition under consideration while on a current or previous health insurance or health plan.

Nothing in this paragraph may be construed to encourage the use of a pharmaceutical sample for the sole purpose of meeting the requirements for

the granting of a step therapy override exception determination.

C. Upon the granting of a step therapy override exception determination, the carrier or utilization review organization shall authorize coverage for the prescription drug prescribed by the prescriber.

D. A carrier or utilization review organization shall grant or deny a request for a step therapy override exception determination or an appeal of a determination within 72 hours, or 2 business days, whichever is less, after receipt of the request. If exigent circumstances, as described in section 4311, subsection 1-A, paragraph B, exist, a carrier or utilization review organization shall grant or deny the request within 24 hours after receipt of the request. The carrier shall provide coverage for the prescription drug prescribed by the prescriber during the pendency of the request for a step therapy override exception determination or an appeal of a determination. If a carrier or utilization review organization does not grant or deny the request within the time required under this paragraph, the exception or appeal is granted.

E. An enrollee may appeal a step therapy override exception determination.

F. This section does not prevent:

(1) A carrier or utilization review organization from requiring an enrollee to try a generic drug, as defined in Title 32, section 13702-A, subsection 14, or an interchangeable biological product, as defined in Title 32, section 13702-A, subsection 14-A, prior to providing coverage for the equivalent brand-name prescription drug; or

(2) A health care provider from prescribing a prescription drug that is determined to be medically necessary.

7. Rules. The superintendent may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Application.** The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

**CHAPTER 296  
H.P. 933 - L.D. 1290**

**An Act To Increase  
Transparency with Regard to  
Pawnshops**

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

**Sec. 1. 30-A MRSA §3962, sub-§3,** as amended by PL 1993, c. 59, §2, is further amended to read:

**3. List filed with law enforcement agency and regional tracking system.** ~~Before the 15th day of every month, the~~ Within 10 days of a transaction, a pawnbroker shall file with the law enforcement agency of jurisdiction submit to a regional property and recovery tracking system administered by a regional law enforcement support organization designated by the Department of Public Safety, Bureau of State Police, in a form acceptable to that agency the recipient, a summary report of the pawn transactions entered into during the preceding calendar month. transaction, including:

A. The name and address of the pawnbroker;

B. The date and time of the transaction;

C. The name, address, date of birth, telephone number, if any, and unique identifying number on the written proof of identification required under section 3971 of the consumer or seller; and

D. Information on every item involved in the transaction, including a description of the item, manufacturer, if known, serial number, if any, and amount of the loan or purchase price given for the item.

**Sec. 2. Effective date.** This Act takes effect July 1, 2020.

Effective July 1, 2020.

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**CHAPTER 297  
H.P. 966 - L.D. 1338**

**An Act To Protect Teachers  
from Unfair Evaluations**

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

**Sec. 1. 20-A MRSA §13201, sub-§3,** as enacted by PL 2019, c. 132, §2, is amended to read:

**3. Termination upon elimination of a teaching position.** The right to terminate a contract, after due notice of 90 days, is reserved to the school board when changes in local conditions warrant the elimination of

the teaching position for which the contract was made. The order of layoff and recall is a negotiable item in accordance with the procedures set forth in Title 26, chapter 9-A. In any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall ~~must~~ may include the teacher's effectiveness rating pursuant to chapter 508 as a factor and may also include, but may not be limited to, seniority.

**Sec. 2. 20-A MRSA §13703**, as enacted by PL 2011, c. 635, Pt. A, §3, is repealed and the following enacted in its place:

**§13703. Use of effectiveness rating; grievance**

**1. Use of effectiveness rating.** A superintendent may use effectiveness ratings of educators to inform strategic human capital decision making, including, but not limited to, decision making regarding recruitment, selection, induction, mentoring, professional development, compensation, assignment and dismissal.

**2. Just cause for nonrenewal.** Subject to appeal or grievance under the terms of an applicable collective bargaining agreement, receipt of summative effectiveness ratings indicating that a teacher is ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract as long as there is a reasonable basis in fact for the effectiveness ratings, the evaluation process leading to the effectiveness ratings has been performed in a manner reasonably consistent with the approved system and department rules and the effectiveness ratings are not the result of bad faith.

**3. Appeal or grievance.** Except as provided in subsection 2, a teacher does not have the right to an appeal or grievance of a summative effectiveness rating unless the summative effectiveness rating is used by the teacher's employer as a basis for disciplinary action. When a summative effectiveness rating is used as the sole basis for disciplinary action and there is an appeal or grievance under the terms of an applicable collective bargaining agreement of that disciplinary action, the standard applied to the summative effectiveness rating is the same as for nonrenewal under subsection 2.

**4. Opportunity to respond.** A teacher may provide a written response to any summative effectiveness rating issued to the teacher. If a teacher provides a written response, the response must be attached to and made a part of that teacher's summative effectiveness rating.

See title page for effective date.

**CHAPTER 298**

**H.P. 855 - L.D. 1181**

**An Act To Reduce Electricity  
Costs through Nonwires  
Alternatives**

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

**Sec. 1. 35-A MRSA §102, sub-§13**, as amended by PL 2009, c. 539, §1, is further amended to read:

**13. Public utility.** "Public utility" includes every gas utility, natural gas pipeline utility, transmission and distribution utility, telephone utility, water utility and ferry, as those terms are defined in this section, and each of those utilities is declared to be a public utility. "Public utility" does not include the operation of a radio paging service, as that term is defined in this section, or mobile telecommunications services unless only one entity or an affiliated interest of that entity, as defined in section 707, subsection 1, paragraph A, exclusively controls the use of the radio frequency spectrum assigned by the Federal Communications Commission to provide mobile service to the service area. "Public utility" includes a smart grid coordinator as defined in section 3143, subsection 1, paragraph B.

Nothing in this subsection precludes:

- A. The jurisdiction, control and regulation by the commission pursuant to private and special act of the Legislature;
- B. The commission's jurisdiction and control over and regulation of a public utility that provides, in addition to other services, radio paging service or mobile telecommunications services;
- C. The commission's jurisdiction and control over and regulation of basic exchange telephone service offered by a provider of mobile telecommunications services if, after investigation and hearing, the commission determines that the provider is engaged in the provision of basic exchange telephone service; and
- D. Negotiations for, or negates agreements or arrangements existing on the effective date of this paragraph relating to, rates, terms and conditions for interconnection provided by a telephone utility to a company providing radio paging or mobile telecommunications services.

**Sec. 2. 35-A MRSA §116, sub-§9** is enacted to read:

**9. Public Advocate special assessment.** Each investor-owned transmission and distribution utility subject to assessment under this section is subject to an additional annual assessment on its intrastate gross operating revenues to produce sufficient revenue for

expenditures of the Office of the Public Advocate for contracted services and administrative costs associated with the nonwires alternative coordinator pursuant to section 1701, subsection 2-A. Revenue produced from the assessments must be deposited in the Public Advocate Regulatory Fund and used only for purposes specified in this subsection.

**Sec. 3. 35-A MRSA §1701, sub-§2-A** is enacted to read:

**2-A. Nonwires alternative policy; coordinator; services.** The Public Advocate shall contract with a person or entity, referred to in this subsection as "the nonwires alternative coordinator," to provide services in accordance with this subsection. As used in this subsection, "nonwires alternative" has the same meaning as in section 3131, subsection 4-C. The nonwires alternative coordinator shall:

A. Review small transmission project and distribution project planning studies in accordance with section 3132-B;

B. Investigate and make recommendations regarding nonwires alternatives to proposed capital investments in the transmission and distribution system pursuant to sections 3132, 3132-A and 3132-B and in accordance with section 3132-C;

C. Conduct benefit-cost analyses to evaluate the cost-effectiveness of nonwires alternatives and make recommendations regarding nonwires alternatives and procurement of recommended nonwires alternatives in accordance with sections 3132-C and 3132-D; and

D. Track the implementation of nonwires alternative projects in the State and issue quarterly reports on the projects' progress, including project budgets, timelines, in-service dates, costs incurred, operational savings and other benefits.

The nonwires alternative coordinator shall collaborate with the Efficiency Maine Trust, transmission and distribution utilities and interested parties in performing the services required by this subsection.

The Public Advocate shall include in its annual report required under section 1702, subsection 6 information regarding the services provided by the nonwires alternative coordinator.

**Sec. 4. 35-A MRSA §1701, sub-§3, ¶F**, as enacted by PL 1999, c. 259, §4, is amended to read:

F. Special Assistant to the Public Advocate, salary range 20 25.

**Sec. 5. 35-A MRSA §3131, sub-§§4-C and 4-D** are enacted to read:

**4-C. Nonwires alternative.** "Nonwires alternative" means a nontransmission alternative or an infrastructure, technology or application that defers or re-

duces the need for capital investment in the transmission and distribution system and addresses system reliability needs proposed to be met by the transmission or distribution system investment.

**4-D. Nonwires alternative coordinator.** "Nonwires alternative coordinator" means the person or entity providing services under contract to the Office of the Public Advocate as described in section 1701, subsection 2-A.

**Sec. 6. 35-A MRSA §3131, sub-§8** is enacted to read:

**8. Cost-effective.** "Cost-effective" means, with respect to nonwires alternatives, that benefits exceed costs, as determined by benefit-cost analysis conducted pursuant to section 3132-C, subsection 2.

**Sec. 7. 35-A MRSA §3132, sub-§2-D**, as enacted by PL 2017, c. 201, §4, is amended to read:

**2-D. Nontransmission alternatives investigation; consideration.** In considering whether to approve or disapprove all or portions of a proposed transmission line and associated infrastructure pursuant to subsection 5, the commission shall, for a transmission line proposed by an investor-owned transmission and distribution utility, consider the results and recommendations of an investigation by an independent 3rd party, which may be the commission or a contractor selected by the commission, of nontransmission alternatives to construction of the proposed transmission line. The investigation must set forth the total projected costs of the transmission line as well as the total projected costs of the alternatives over the effective life of the proposed transmission line the nonwires alternative coordinator conducted in accordance with section 3132-C.

**Sec. 8. 35-A MRSA §3132, sub-§3**, as amended by PL 2009, c. 123, §3, is further amended to read:

**3. Transmission line rebuilding or relocation projects.** Each transmission and distribution utility shall file annually with the commission and the Office of the Public Advocate, for review by the nonwires alternative coordinator, a schedule of transmission line rebuilding or relocation projects that it intends to carry out during the next 5 years concerning transmission lines that will become, or will remain at, voltages of 69 kilovolts or more. The schedule must describe each project, showing the length, location and estimated cost.

If the commission determines that an investigation of any transmission line rebuilding or relocation project is warranted, it shall notify the transmission and distribution utility within 60 days of the annual filing and the transmission and distribution utility is then required to comply with the provisions of this section with respect to that project. The absence of commis-

sion notification requiring the utility to file a petition does not preclude such notification in subsequent years.

**Sec. 9. 35-A MRSA §3132, sub-§3-A,** as amended by PL 2009, c. 123, §4, is further amended to read:

**3-A. Minor transmission line construction projects.** Each domestic transmission and distribution utility shall file annually with the commission and the Office of the Public Advocate, for review by the non-wires alternative coordinator, a schedule of minor transmission line construction projects that it intends to carry out during the next 5 years concerning transmission lines that will be capable of operating at 69 kilovolts or more. A minor transmission line construction project is a transmission line construction project the cost of which does not exceed 25% of the utility's current annual transmission property depreciation charge. The schedule must describe each project, showing the length, location and estimated cost.

If the commission determines that an investigation of any minor transmission line construction project is warranted, it shall notify the transmission and distribution utility within 60 days of the annual filing and the utility must then comply with the provisions of this section with respect to that project. The absence of commission notification requiring the utility to file a petition does not preclude such notification in subsequent years.

**Sec. 10. 35-A MRSA §3132, sub-§5,** as amended by PL 2013, c. 369, Pt. C, §4, is further amended to read:

**5. Commission approval of a proposed transmission line; nontransmission alternatives.** The commission may approve or disapprove all or portions of a proposed transmission line and shall make such orders regarding its character, size, installation and maintenance and regarding nontransmission alternatives to the proposed transmission line as are necessary, having regard for any increased costs caused by the orders. ~~The~~ In its review and consideration of non-transmission alternatives, as required by subsection 2-D, the commission shall give preference to the non-transmission alternatives that have been identified as able to address the identified need for the proposed transmission line ~~at lower total cost to ratepayers in this State most cost-effectively.~~ cost-effectiveness of the identified nontransmission alternatives are reasonably equal, the commission shall give preference to the alternatives that produce the lowest amount of local air emissions, including greenhouse gas emissions.

**Sec. 11. 35-A MRSA §3132, sub-§6,** as amended by PL 2013, c. 369, Pt. C, §5, is further amended to read:

**6. Commission order; certificate of public convenience and necessity.** In its order, the commission shall make specific findings with regard to the public need for the proposed transmission line. The commission shall make specific findings with regard to the likelihood that nontransmission alternatives can sufficiently address the identified public need over the effective life of the transmission line ~~at lower total cost more cost-effectively.~~ Except as provided in subsection 6-A for a high impact electric transmission line and in accordance with subsection 6-B regarding nontransmission alternatives, if ~~the~~ If the commission finds that a public need exists, after considering whether the need can be ~~economically and reliably and~~ more cost-effectively met using nontransmission alternatives, it shall issue a certificate of public convenience and necessity for the transmission line. In determining public need, the commission shall, at a minimum, take into account economics, reliability, public health and safety, scenic, historic and recreational values, state renewable energy generation goals, the proximity of the proposed transmission line to inhabited dwellings and nontransmission alternatives to construction of the transmission line, including energy conservation, distributed generation or load management. If the commission orders or allows the erection of the transmission line, the order is subject to all other provisions of law and the right of any other agency to approve the transmission line. The commission shall, as necessary and in accordance with subsections 7 and 8, consider the findings of the Department of Environmental Protection under Title 38, chapter 3, subchapter 1, article 6, with respect to the proposed transmission line and any modifications ordered by the Department of Environmental Protection to lessen the impact of the proposed transmission line on the environment. A person may submit a petition for and obtain approval of a proposed transmission line under this section before applying for approval under municipal ordinances adopted pursuant to Title 30-A, Part 2, Subpart 6-A; and Title 38, section 438-A and, except as provided in subsection 4, before identifying a specific route or route options for the proposed transmission line. ~~Except as provided in subsection 4, the~~ Except as provided in subsection 4, the commission may not consider the petition insufficient for failure to provide identification of a route or route options for the proposed transmission line. The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance of the certificate, the decision by the person to erect or construct was prudent. At the time of its issuance of a certificate of public convenience and necessity, the commission shall send to each municipality through which a proposed corridor or corridors for a transmission line extends a separate notice that the issuance of the certificate does not override, supersede or otherwise affect municipal authority to regulate the siting of the proposed transmission line. The commission may deny a certificate of public convenience and necessity

for a transmission line upon a finding that the transmission line is reasonably likely to adversely affect any transmission and distribution utility or its customers.

**Sec. 12. 35-A MRSA §3132-A**, as amended by PL 2017, c. 201, §§5 and 6, is further amended to read:

**§3132-A. Construction of transmission projects prohibited without approval of the commission**

A person may not construct any transmission project without approval from the commission. For the purposes of this section, "transmission project" means any proposed transmission line and its associated infrastructure capable of operating at less than 69 kilovolts and projected to cost in excess of \$20,000,000 ~~\$5,000,000~~.

**1. Submission requirement.** A person that proposes to undertake in the State a transmission project must provide the commission with a description of the need for the proposed transmission project.

**1-A. Nonwires alternatives investigation; consideration.** In considering whether to approve or disapprove all or portions of a proposed transmission project pursuant to subsection 2, the commission shall, ~~for a transmission project proposed by an investor-owned transmission and distribution utility, consider the results and recommendations of an investigation by an independent 3rd party, which may be the commission or a contractor selected by the commission, of nontransmission alternatives to construction of the proposed transmission project the nonwires alternative coordinator conducted in accordance with section 3132-C. The investigation must set forth the total projected costs of the transmission project as well as the total projected costs of the alternatives over the effective life of the proposed transmission project.~~

**2. Commission approval of a proposed transmission project; nontransmission alternatives.** In order for a transmission project to be approved, the commission must consider whether the identified need over the effective life of the proposed transmission project can be ~~economically and reliably and more cost-effectively~~ met using nontransmission alternatives ~~at a lower total cost~~. ~~During~~ In its review ~~and consideration of nontransmission alternatives, as required by subsection 1-A,~~ the commission shall give preference to nontransmission alternatives that ~~are~~ have been identified as able to address the identified need for the proposed transmission project ~~at lower total cost to ratepayers most cost-effectively~~. ~~Of the identified nontransmission alternatives, the commission shall give preference to the lowest cost nontransmission alternatives.~~ When the ~~costs to ratepayers cost-effectiveness~~ of the identified nontransmission alternatives are reasonably equal, the commission shall give

preference to the alternatives that produce the lowest amount of local air emissions, including greenhouse gas emissions.

**3. Exception.** A transmission project that is constructed, owned and operated by a generator of electricity solely for the purpose of electrically and physically interconnecting the generator to the transmission system of a transmission and distribution utility is not subject to this section.

**Sec. 13. 35-A MRSA §3132-B** is enacted to read:

**§3132-B. Small transmission and distribution projects**

For the purposes of this section, "small transmission project" means any proposed transmission line and associated infrastructure capable of operating at less than 69 kilovolts and projected to cost \$5,000,000 or less.

**1. Planning study.** Each investor-owned transmission and distribution utility in this State shall annually complete and submit to the Office of the Public Advocate, for review by the nonwires alternative coordinator, a planning study for small transmission projects and distribution projects. In completing the planning study, an investor-owned transmission and distribution utility shall develop and use system planning models. The study must:

A. Analyze system needs for the next 5 years and provide a schedule of proposed projects and associated costs;

B. Describe system capacity and load by substation and circuit; and

C. Identify corresponding planned and anticipated growth-related investments.

After review of a planning study submitted under this subsection, the nonwires alternative coordinator may provide comments or recommendations, which may include recommendations to achieve the policy goals established in section 3143. An investor-owned transmission and distribution utility may, at its discretion, incorporate recommendations on a planning study made by the nonwires alternative coordinator. Failure to incorporate recommendations made by the nonwires alternative coordinator may not result in a presumption of imprudence.

**2. Nonwires alternatives investigation.** Except as provided in subsection 3, for a proposed project presented in a planning study under subsection 1, the nonwires alternative coordinator:

A. Shall investigate nonwires alternatives if the project is a small transmission project or is a distribution project estimated to cost \$500,000 or more; and

B. May investigate nonwires alternatives if the project is a distribution project estimated to cost less than \$500,000 and, in the judgment of the nonwires alternative coordinator, there is a reasonable likelihood that a nonwires alternative would be more cost-effective than the proposed distribution project.

An investigation of nonwires alternatives under this subsection must be conducted in accordance with section 3132-C.

**3. Excluded projects; criteria.** The commission, by rule, shall develop criteria to exclude from investigation by the nonwires alternative coordinator small transmission projects and distribution projects best suited to transmission and distribution investments, including but not limited to projects that are:

A. Necessary for redundant supply to a radial load;

B. Necessary to address maintenance, asset condition or safety needs;

C. Necessary to address stability or short circuit problems; or

D. Required to be in service within one year based on the controlling load forecast.

**4. Nonwires alternatives recommendations.** Based on the investigation under subsection 2, the nonwires alternative coordinator shall make recommendations to the investor-owned transmission and distribution utility regarding nonwires alternatives to proposed small transmission projects and distribution projects. The nonwires alternative coordinator and the utility shall attempt to reach a good faith agreement regarding the adoption of nonwires alternatives that are most cost-effective. If agreement is reached, the utility shall pursue the agreed-upon nonwires alternatives. If there is no agreement, the utility shall petition the commission to resolve the dispute.

**5. Dispute resolution.** In responding to a petition by an investor-owned transmission and distribution utility pursuant to subsection 4, the commission shall review the planning study prepared under subsection 1 and the recommendations of the nonwires alternative coordinator under subsection 4. In resolving the dispute, the commission shall give preference to nonwires alternatives that are identified as able to address the identified need for the proposed small transmission project or distribution project and are most cost-effective. Of the identified nonwires alternatives, the commission shall give preference to the lowest-cost nonwires alternatives. When the costs to ratepayers in this State of the identified nonwires alternatives are reasonably equal, the commission shall give preference to the nonwires alternatives that produce the lowest amount of local air emissions, including greenhouse gas emissions.

**Sec. 14. 35-A MRSA §3132-C** is enacted to read:

**§3132-C. Nonwires alternatives investigation and recommendations**

**1. Investigation required.** The nonwires alternative coordinator shall conduct an investigation of and make recommendations regarding nonwires alternatives to a wires project under section 3132, 3132-A or 3132-B in accordance with this section. The investigation must be conducted in coordination with the Efficiency Maine Trust. For the purposes of this section, "wires project" means a transmission line and associated infrastructure subject to the requirements of section 3132, a transmission project as defined in section 3132-A or a small transmission project or distribution project covered by section 3132-B.

**2. Investigation methods; benefit-cost analysis.** An investigation under subsection 1 must set forth the total projected costs and annual carrying costs of the wires project and the nonwires alternatives over the effective life of the wires project. The investigation must include a benefit-cost analysis that evaluates the cost-effectiveness of nonwires alternatives as compared to the wires project, under which:

A. Benefits and costs are measured in net present value;

B. Benefits reflect total, quantifiable avoided costs and are calculated from the perspective of the investor-owned transmission and distribution utility and ratepayers, including any deferral value; and

C. Costs are calculated from the perspective of the investor-owned transmission and distribution utility. For a nonwires alternative, costs include the utility's cost of any contracts required to deliver the nonwires alternative but do not include any ratepayer contributions to the cost of the nonwires alternative.

**3. Data.** An investor-owned transmission and distribution utility shall provide data requested by the Public Advocate or the Efficiency Maine Trust, subject to enforcement by the commission, to allow the nonwires alternative coordinator, in conjunction with the trust, to carry out investigation and analysis under this section. The trust shall use utility ratepayer usage data to identify cost-effective nonwires alternatives on the customer side of the meter. An investor-owned transmission and distribution utility may request a protective order if necessary to protect the confidentiality of data provided under this section in accordance with section 1311-A.

**4. Recommendations.** On the basis of the investigation under subsection 1, the nonwires alternative coordinator shall develop and provide to the commission or to an investor-owned transmission and distri-

bution utility, as appropriate, recommendations regarding cost-effective nonwires alternatives to the wires project, including a proposed plan for procurement of the recommended nonwires alternatives. The proposed procurement plan must be consistent with the provisions of section 3132-D.

**Sec. 15. 35-A MRSA §3132-D** is enacted to read:

**§3132-D. Nonwires alternatives procurement**

When the commission determines a nonwires alternative is appropriate under section 3132, 3132-A or 3132-B or an investor-owned transmission and distribution utility agrees voluntarily to a nonwires alternative under section 3132-B, the utility shall procure the nonwires alternative in accordance with this section.

**1. Behind the meter alternatives.** For a nonwires alternative on the customer side of the meter, the investor-owned transmission and distribution utility shall contract with the Efficiency Maine Trust to deliver the nonwires alternative through the trust's programs.

**2. Grid-side alternatives.** For a nonwires alternative on the grid side of the meter, the commission shall determine an entity, which may include but is not limited to the investor-owned transmission and distribution utility or a 3rd party, to deliver the nonwires alternative and shall make orders as necessary; except, when a utility voluntarily agrees to a nonwires alternative on the grid side of the meter under section 3132-B, the utility shall determine the entity to deliver the nonwires alternative.

An investor-owned transmission and distribution utility's prudently incurred costs to deliver nonwires alternatives directly or under contract with the Efficiency Maine Trust or a 3rd party are recoverable in rates. For purposes of this section, prudently incurred costs do not include a financial or performance incentive for the utility.

**Sec. 16. 35-A MRSA §3143, sub-§1**, as enacted by PL 2009, c. 539, §2, is amended to read:

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

A. "Smart grid" means the integration of information and communications innovations and infrastructure, including nonwires alternatives, with the electric system to enhance the efficiency, reliability and functioning of the system through smart grid functions.

B. "Smart grid coordinator" means an entity, authorized by the commission in accordance with subsection 5, that manages access to smart grid functions and associated infrastructure, technolo-

gy and applications within the service territory of a transmission and distribution utility.

C. "Smart grid functions" means those functions that advance the policy of the United States as specified in the federal Energy Independence and Security Act of 2007, Public Law 110-140, Section 1301, including functions that enable consumers to access information about and to manage and adjust their electricity consumption or to generate and store electricity and functions specified in Section 1306(d) of that Act.

**Sec. 17. 35-A MRSA §3143, sub-§2, ¶¶D and E**, as enacted by PL 2009, c. 539, §2, are amended to read:

D. The State currently lacks a comprehensive smart grid policy but faces critical decisions regarding the implementation of smart grid functions and associated infrastructure, technology and applications, and the commission and the Legislature will play central roles in making those decisions; ~~and~~

E. It is vital that a smart grid policy be developed in order to ensure that all ratepayers and the State as a whole are afforded the benefits of smart grid functions and associated infrastructure, technology and applications; ~~and~~

**Sec. 18. 35-A MRSA §3143, sub-§2, ¶F** is enacted to read:

F. It is in the public interest to establish a nonwires alternative coordinator for the State.

**Sec. 19. 35-A MRSA §3143, sub-§5**, as enacted by PL 2009, c. 539, §2, is repealed.

**Sec. 20. 35-A MRSA §3143, sub-§10**, as enacted by PL 2009, c. 539, §2, is amended to read:

**10. Consumer education.** A If a transmission and distribution utility ~~that~~ or the Efficiency Maine Trust implements smart grid functions, the utility or the trust shall, to the extent the commission determines appropriate, provide information to customers about the purpose and goals of smart grid functions, the ways in which smart grid functions, including but not limited to time-of-use pricing, may involve customer interaction and how the implementation of smart grid functions can benefit customers.

**Sec. 21. 35-A MRSA §10104, sub-§4, ¶G** is enacted to read:

G. In developing the triennial plan, or an annual update plan under subsection 6, the trust may include, as part of its budget for electric efficiency and conservation programs under section 10110, the costs of providing nonwires alternatives in accordance with section 3132-D.

**Sec. 22. 35-A MRSA §10104, sub-§9**, as amended by PL 2017, c. 110, §34, is further amended to read:

**9. Coordination with other entities.** Consistent with the requirements of this chapter and other applicable laws, the board shall coordinate with the activities and programs of state agencies and authorities that relate to the purposes of this chapter in order to align such activities and programs with the plans and programs of the trust. For purposes of this subsection, activities and programs of state agencies and authorities that relate to the purposes of this chapter include but are not limited to energy efficiency programs relating to state facilities administered by the Department of Administrative and Financial Services, Bureau of General Services, the adoption, amendment and maintenance of the Maine Uniform Building and Energy Code by the Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A within the Department of Public Safety, energy efficiency or green energy workforce development activities of the Department of Labor or the State Workforce Board ~~and~~ energy efficiency and weatherization programs administered by the Maine State Housing Authority and the activities of the nonwires alternative coordinator established pursuant to section 1701, subsection 2-A.

**Sec. 23. Appropriations and allocations.** The following appropriations and allocations are made.

**EXECUTIVE DEPARTMENT**

**Public Advocate 0410**

Initiative: Provides allocations for the contracted services of a person or entity to serve as a nonwires alternative coordinator.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$800,000	\$800,000
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$800,000	\$800,000

**Public Advocate 0410**

Initiative: Provides allocations for an increase in the salary range of the Special Assistant to the Public Advocate from range 20 to range 25.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$3,039	\$4,052
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,039	\$4,052

<b>EXECUTIVE DEPARTMENT</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$803,039</b>	<b>\$804,052</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$803,039</b>	<b>\$804,052</b>

See title page for effective date.

**CHAPTER 299**

**S.P. 389 - L.D. 1269**

**An Act To Update the Laws Governing Child Safety Seats and Seat Belts**

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

**Sec. 1. 29-A MRSA §1861, last ¶**, as enacted by PL 2007, c. 150, §9, is amended to read:

For purposes of this section, "personal effects" includes medications, medical equipment, clothing, mail, child ~~safety seats~~ restraint systems and similar items. Except for child ~~safety seats~~ restraint systems, items attached to the vehicle and business equipment, machinery and tools are not considered personal effects. For the purposes of this section, "child restraint system" has the same meaning as in section 2081, subsection 1, paragraph A-2.

**Sec. 2. 29-A MRSA §2081**, as amended by PL 2009, c. 34, §1 and c. 436, §1, is further amended to read:

**§2081. Use of safety seat belts and child restraint systems**

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

~~A. "Child safety seat" means a child safety seat that meets the standards described in the Federal Motor Vehicle Safety Standards.~~

A-1. "Belt positioning seat" means a child restraint system that positions a child on a motor vehicle seat to improve the fit of a seat belt on the child.

A-2. "Child restraint system" means any device, except a Type I seat belt or Type II seat belt, designed for use in a motor vehicle to restrain, seat and position children who weigh 80 pounds or

less and that meets the requirements of the Federal Motor Vehicle Safety Standard 213.

A-3. "Convertible child restraint system" means a child restraint system capable of positioning a child to face either in the direction of the front of the motor vehicle or the rear of the motor vehicle.

B. "Federal Motor Vehicle Safety Standards" means the standards described in 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981, as subsequently amended.

C. "~~Federally approved child restraint system~~" means a child safety restraint that is intended to be used as crash protection in vehicles and that meets the requirements of the Federal Motor Vehicle Safety Standard 213.

D. "Rear-facing child restraint system" means a child restraint system that positions a child to face the rear of the motor vehicle.

E. "Type I seat belt" means a lap belt designed for pelvic restraint of a person seated in a motor vehicle.

F. "Type II seat belt" means a combination of belts designed for pelvic and upper torso restraint of a person seated in a motor vehicle.

~~2. Children under 40 pounds. When a child who weighs less than 40 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with safety seat belts, the operator must have the child properly secured in accordance with the manufacturer's instructions in a child safety seat. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.~~

2-A. Children under 2 years of age. When a child who is less than 2 years of age is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator shall ensure that the child is properly secured in a rear-facing child restraint system or convertible child restraint system properly secured in the rear-facing position in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions, except if the child is in a convertible child restraint system and the child exceeds the manufacturer recommended weight limit for the rear-facing position the child may be properly secured in a forward-facing position in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent

offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

2-B. Children 2 years of age or older and weighing less than 55 pounds. When a child who is 2 years of age or older and who weighs less than 55 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator shall ensure that the child is properly secured in a child restraint system in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

3. Passengers less than 18 years of age. Except as provided in ~~subsection 2~~ subsections 2-A and 2-B, the following provisions apply to passengers less than 18 years of age riding in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

A. The operator shall ensure that a child who weighs at least 40 pounds but less than 80 pounds, who is less than 57 inches in height and who is less than 8 years of age is properly secured in a federally approved child restraint system. Non-profit, municipal or contracted transportation service providers are exempt from this paragraph until February 1, 2005, except that the operator shall ensure that the child is properly secured in a seat belt positioning seat in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions.

B. The operator shall ensure that a child who is less than 18 years of age and at least 8 years of age or who is less than 18 years of age and more than 4 feet, 9 inches in height and who is not required to be secured under paragraph A or subsection 2-A or 2-B is properly secured in a seat belt.

C. The operator shall ensure that a child who is less than 12 years of age and who weighs less than 100 pounds is properly secured in the rear seat of a vehicle, if possible.

3-A. Other passengers 18 years of age and older; operators. When a person 18 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the passenger must be properly secured in a seat belt. Each such passenger is responsible for

wearing a seat belt as required by this subsection, and a passenger that fails to wear a seat belt as required by this subsection is subject to the enforcement provisions of subsection 4. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be properly secured in the operator's seat belt. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court. A vehicle, the contents of a vehicle, the driver of or a passenger in a vehicle may not be inspected or searched solely because of a violation of this subsection.

**4. Enforcement.** The following provisions apply to ~~subsections 2, 3 and~~ subsection 3-A.

A. ~~Unless the vehicle is operated by a person under 21 years of age, the~~ The requirements of subsection 3-A do not apply to a passenger over ~~one~~ 18 years of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use.

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a physician, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that physician. That certificate is valid for the period designated by the physician, which may not exceed one year. The Secretary of State may issue a removable windshield placard that is visible to law enforcement officers to a person with a certificate from a physician. A removable windshield placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is in motion without obstructing the view of the operator. The placard must be displayed by hanging it from the rearview mirror so that it may be viewed from the front and rear of the vehicle when the vehicle is in motion. If the vehicle is not equipped with a rearview mirror, the placard must be displayed on the dashboard. The placard must be identifiable as a seat belt placard as designed by the Secretary of State. A placard issued to a person under this paragraph expires when the physician's certificate expires.

**5. Evidence.** In an accident involving a motor vehicle, the nonuse of seat belts by the operator or passengers or the failure to secure a child is not admissible in evidence in a civil or criminal trial, except in a trial for violation of this section.

**6. Exceptions.** Notwithstanding subsection 3-A:

A. A rural mail carrier of the United States Postal Service is not required to be secured in a seat belt while engaged in the delivery of mail;

B. The operator of a taxicab or a limousine is not responsible for securing in a seat belt a passenger transported for a fee; and

C. A newspaper delivery person is not required to be secured in a seat belt while engaged in the actual delivery of newspapers from a vehicle or performing newspaper delivery duties that require frequent entry into and exit from a vehicle.

See title page for effective date.

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## CHAPTER 300

### H.P. 1029 - L.D. 1416

#### An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 1 MRSA §412**, as amended by PL 2011, c. 662, §7, is further amended to read:

**§412. Public records and proceedings training for certain officials and public access officers**

**1. Training required.** A public access officer and an ~~elected~~ official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official or public access officer shall complete the training not later than the 120th day after the date the ~~elected~~ official takes the oath of office to assume the person's duties as an ~~elected~~ official or the person is designated as a public access officer pursuant to section 413, subsection 1.

**2. Training course; minimum requirements.** The training course under subsection 1 must be designed to be completed by an official or a public access officer in less than 2 hours. At a minimum, the training must include instruction in:

A. The general legal requirements of this chapter regarding public records and public proceedings;

B. Procedures and requirements regarding complying with a request for a public record under this chapter; and

C. Penalties and other consequences for failure to comply with this chapter.

An ~~elected~~ official or a public access officer meets the training requirements of this section by conducting a thorough review of all the information made available by the State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. To meet the requirements of this subsection, any other training course must include all of this information and may include additional information.

**3. Certification of completion.** Upon completion of the training course required under subsection 1, the ~~elected~~ official or public access officer shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training completed and the date of completion. The ~~elected~~ official shall keep the record or file it with the public entity to which the official was elected or appointed. A public access officer shall file the record with the agency or official that designated the public access officer.

**4. Application.** This section applies to a public access officer and the following ~~elected~~ officials:

- A. The Governor;
- B. The Attorney General, Secretary of State, Treasurer of State and State Auditor;
- C. Members of the Legislature elected after November 1, 2008;
- E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of county governments;
- F. Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments;
- G. Officials of school administrative units; and
- H. Officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or 119 or a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, transit district as defined in Title 30-A, section 3501, sub-

section 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2.

See title page for effective date.

## CHAPTER 301

### H.P. 1075 - L.D. 1468

#### An Act To Enact the Maine Uniform Directed Trust Act

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

**Sec. 1. 18-B MRSA §103, sub-§17**, as enacted by PL 2003, c. 618, Pt. A, §1 and affected by §2, is repealed and the following enacted in its place:

**17. Terms of a trust.** "Terms of a trust" means:

A. Except as otherwise provided in paragraph B, the manifestation of the settlor's intent regarding a trust's provisions as:

- (1) Expressed in the trust instrument; or
- (2) Established by other evidence that would be admissible in a judicial proceeding; or

B. The trust's provisions as established, determined or amended by:

- (1) A trustee or other person in accordance with applicable law;
- (2) Court order; or
- (3) A nonjudicial settlement agreement under this Code.

**Sec. 2. 18-B MRSA §105, sub-§2, ¶B**, as enacted by PL 2003, c. 618, Pt. A, §1 and affected by §2, is amended to read:

B. The Subject to the Maine Uniform Directed Trust Act, the duty of a trustee to act in good faith and in accordance with the purposes of the trust;

**Sec. 3. 18-B MRSA §603, sub-§1**, as amended by PL 2005, c. 184, §13, is further amended to read:

**1. Revocable trust.** ~~While~~ To the extent a trust is revocable, rights of the beneficiaries are subject to the control of, and the duties of the trustee are owed exclusively to, the settlor.

**Sec. 4. 18-B MRSA §603, sub-§3** is enacted to read:

**3. Revocable trust; direction of settlor.** To the extent a trust is revocable by the settlor, the trustee may follow a direction of the settlor that is contrary to the terms of the trust. To the extent a trust is revocable by the settlor in conjunction with a person other than the trustee or person holding an adverse interest,

the trustee may follow a direction of the settlor and the other person holding the power to revoke even if the direction is contrary to the terms of the trust.

**Sec. 5. 18-B MRSA §703, sub-§3**, as enacted by PL 2003, c. 618, Pt. A, §1 and affected by §2, is amended to read:

**3. Participation by cotrustee.** A Subject to the Maine Uniform Directed Trust Act, a cotrustee must shall participate in the performance of a trustee's function unless the cotrustee is unavailable to perform the function because of absence, illness, disqualification or other temporary incapacity or the cotrustee has properly delegated the performance of the function to another trustee.

**Sec. 6. 18-B MRSA §703, sub-§7**, as enacted by PL 2003, c. 618, Pt. A, §1 and affected by §2, is amended to read:

**7. Reasonable care.** Each Subject to the Maine Uniform Directed Trust Act, each trustee shall exercise reasonable care to:

- A. Prevent a cotrustee from committing a serious breach of trust; and
- B. Compel a cotrustee to redress a serious breach of trust.

**Sec. 7. 18-B MRSA §808**, as enacted by PL 2003, c. 618, Pt. A, §1 and affected by §2, is repealed.

**Sec. 8. 18-B MRSA Pt. 2** is enacted to read:

## PART 2

### MAINE UNIFORM DIRECTED TRUST ACT

#### CHAPTER 21

### MAINE UNIFORM DIRECTED TRUST ACT

#### §2101. Short title

This Part may be known and cited as "the Maine Uniform Directed Trust Act."

#### §2102. Definitions

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

**1. Act.** "Act" means the Maine Uniform Directed Trust Act.

**2. Breach of trust.** "Breach of trust" includes a violation by a trust director or trustee of a duty imposed on that director or trustee by the terms of the trust, this Act or law of this State other than this Act pertaining to trusts.

**3. Directed trust.** "Directed trust" means a trust for which the terms of the trust grant a power of direction.

**4. Directed trustee.** "Directed trustee" means a trustee that is subject to a trust director's power of direction.

**5. Person.** "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.

**6. Power of direction.** "Power of direction" means a power over a trust granted to a person by the terms of the trust to the extent the power is exercisable while the person is not serving as a trustee. "Power of direction" includes a power over the investment, management or distribution of trust property or other matters of trust administration. "Power of direction" excludes the powers described in section 2105, subsection 2.

**7. Settlor.** "Settlor" has the same meaning as in section 103, subsection 14.

**8. State.** "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

**9. Terms of a trust.** "Terms of a trust" means:

A. Except as otherwise provided in paragraph B, the manifestation of the settlor's intent regarding a trust's provisions as:

- (1) Expressed in the trust instrument; or
- (2) Established by other evidence that would be admissible in a judicial proceeding; or

B. The trust's provisions as established, determined or amended by:

- (1) A trustee or trust director in accordance with applicable law;
- (2) Court order; or
- (3) A nonjudicial settlement agreement under the Maine Uniform Trust Code.

**10. Trust director.** "Trust director" means a person that is granted a power of direction by the terms of a trust to the extent the power is exercisable while the person is not serving as a trustee. The person is a trust director whether or not the terms of the trust refer to the person as a trust director and whether or not the person is a beneficiary or settlor of the trust.

**11. Trustee.** "Trustee" includes an original, additional and successor trustee and a cotrustee.

#### §2103. Application; principal place of administration

**1. Application.** This Act applies to a trust, whenever created, that has its principal place of ad-

ministration in this State, subject to the following rules:

A. If the trust was created before January 1, 2020, this Act applies only to a decision or action occurring on or after January 1, 2020.

B. If the principal place of administration of the trust is changed to this State on or after January 1, 2020, this Act applies only to a decision or action occurring on or after the date of the change.

**2. Principal place of administration.** Without precluding other means to establish a sufficient connection with the designated jurisdiction in a directed trust, terms of the trust that designate the principal place of administration of the trust are valid and controlling if:

A. A trustee's principal place of business is located in or a trustee is a resident of the designated jurisdiction;

B. A trust director's principal place of business is located in or a trust director is a resident of the designated jurisdiction; or

C. All or part of the administration occurs in the designated jurisdiction.

#### **§2104. Common law and principles of equity**

The common law and principles of equity supplement this Act, except to the extent modified by this Act or law of this State other than this Act.

#### **§2105. Exclusions**

**1. Power of appointment.** In this section, "power of appointment" means a power that enables a person acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appointment over trust property.

**2. Exclusions.** This Act does not apply to a:

A. Power of appointment;

B. Power to appoint or remove a trustee or trust director;

C. Power of a settlor over a trust to the extent the settlor has a power to revoke the trust;

D. Power of a beneficiary over a trust to the extent the exercise or nonexercise of the power affects the beneficial interest of:

(1) The beneficiary; or

(2) Another beneficiary represented by the beneficiary under the Maine Uniform Trust Code, sections 301 to 305 with respect to the exercise or nonexercise of the power; or

E. Power over a trust if:

(1) The terms of the trust provide that the power is held in a nonfiduciary capacity; and

(2) The power must be held in a nonfiduciary capacity to achieve the settlor's tax objectives under the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2017.

**3. Power of direction.** Unless the terms of a trust provide otherwise, a power granted to a person to designate a recipient of an ownership interest in or power of appointment over trust property that is exercisable while the person is not serving as a trustee is a power of appointment and not a power of direction.

#### **§2106. Powers of trust director**

**1. Power of direction.** Subject to section 2107, the terms of a trust may grant a power of direction to a trust director.

**2. Powers of trust director.** Unless the terms of a trust provide otherwise:

A. A trust director may exercise any further power appropriate to the exercise or nonexercise of a power of direction granted to the director under subsection 1; and

B. Trust directors with joint powers shall act by majority decision.

#### **§2107. Limitations on trust director**

A trust director is subject to the same rules as a trustee in a like position and under similar circumstances in the exercise or nonexercise of a power of direction or further power under section 2106, subsection 2, paragraph A regarding:

**1. Medicaid payback provision.** A payback provision in the terms of a trust necessary to comply with the reimbursement requirements of Medicaid law in Section 1917 of the federal Social Security Act, 42 United States Code, Section 1396p(d)(4)(A); and

**2. Charitable interest.** A charitable interest in the trust, including notice regarding the interest to the Attorney General.

#### **§2108. Duty and liability of trust director**

**1. Duties and liabilities.** Subject to subsection 2, with respect to a power of direction or further power under section 2106, subsection 2, paragraph A:

A. A trust director has the same fiduciary duty and liability in the exercise or nonexercise of the power:

(1) If the power is held individually, as a sole trustee in a like position and under similar circumstances; or

(2) If the power is held jointly with a trustee or another trust director, as a cotrustee in a like position and under similar circumstances; and

B. The terms of the trust may vary a trust director's duty or liability to the same extent the terms of the trust could vary the duty or liability of a trustee in a like position and under similar circumstances.

2. Health care provider. Unless the terms of a trust provide otherwise, if a trust director is licensed, certified or otherwise authorized or permitted by law other than this Act to provide health care in the ordinary course of the director's business or practice of a profession, to the extent the director acts in that capacity, the director has no duty or liability under this Act.

3. Additional duties and liabilities. The terms of a trust may impose a duty or liability on a trust director in addition to the duties and liabilities under this section.

**§2109. Duty and liability of directed trustee**

1. Reasonable action to comply. Subject to subsection 2, a directed trustee shall take reasonable action to comply with a trust director's exercise or nonexercise of a power of direction or further power under section 2106, subsection 2, paragraph A, and the trustee is not liable for the action.

2. No compliance if willful misconduct. A directed trustee may not comply with a trust director's exercise or nonexercise of a power of direction or further power under section 2106, subsection 2, paragraph A to the extent that by complying the trustee would engage in willful misconduct.

3. Release from liability not effective. An exercise of a power of direction under which a trust director may release a trustee or another trust director from liability for breach of trust is not effective if:

A. The breach involved the trustee's or other director's willful misconduct;

B. The release was induced by improper conduct of the trustee or other director in procuring the release; or

C. At the time of the release, the director did not know the material facts relating to the breach.

4. Petition court for instructions. A directed trustee that has reasonable doubt about its duty under this section may petition the Probate Court or the Superior Court for instructions.

5. Additional duty or liability. The terms of a trust may impose a duty or liability on a directed trustee in addition to the duties and liabilities under this section.

**§2110. Duty to provide information to trust director or trustee**

1. Trustee's duty to provide information. Subject to section 2111, a trustee shall provide infor-

mation to a trust director to the extent the information is reasonably related to both:

A. The powers or duties of the trustee; and

B. The powers or duties of the director.

2. Trust director's duty to provide information. Subject to section 2111, a trust director shall provide information to a trustee or another trust director to the extent the information is reasonably related to both:

A. The powers or duties of the director; and

B. The powers or duties of the trustee or other director.

3. Trustee acts in reliance. A trustee that acts in reliance on information provided by a trust director is not liable for a breach of trust to the extent the breach resulted from the reliance, unless by so acting the trustee engages in willful misconduct.

4. Trust director acts in reliance. A trust director that acts in reliance on information provided by a trustee or another trust director is not liable for a breach of trust to the extent the breach resulted from the reliance, unless by so acting the trust director engages in willful misconduct.

**§2111. No duty to monitor, inform or advise**

1. Trustee. Unless the terms of a trust provide otherwise:

A. A trustee does not have a duty to:

(1) Monitor a trust director; or

(2) Inform or give advice to a settlor, beneficiary, trustee or trust director concerning an instance in which the trustee might have acted differently than the director; and

B. By taking an action described in paragraph A, a trustee does not assume the duty excluded by paragraph A.

2. Trust director. Unless the terms of a trust provide otherwise:

A. A trust director does not have a duty to:

(1) Monitor a trustee or another trust director; or

(2) Inform or give advice to a settlor, beneficiary, trustee or another trust director concerning an instance in which the director might have acted differently than a trustee or another trust director; and

B. By taking an action described in paragraph A, a trust director does not assume the duty excluded by paragraph A.

**§2112. Application to cotrustee**

The terms of a trust may relieve a cotrustee from duty and liability with respect to another cotrustee's exercise or nonexercise of a power of the other cotrustee to the same extent that in a directed trust a directed trustee is relieved from duty and liability with respect to a trust director's power of direction under sections 2109 to 2111.

**§2113. Limitation of action against trust director**

**1. Action for breach of trust.** An action against a trust director for breach of trust must be commenced within the same limitation period as in the Maine Uniform Trust Code, section 1005 for an action for breach of trust against a trustee in a like position and under similar circumstances.

**2. Report or accounting.** A report or accounting has the same effect on the limitation period for an action against a trust director for breach of trust that the report or accounting would have under the Maine Uniform Trust Code, section 1005 in an action for breach of trust against a trustee in a like position and under similar circumstances.

**§2114. Defenses in action against trust director**

In an action against a trust director for breach of trust, the director may assert the same defenses a trustee in a like position and under similar circumstances could assert in an action for breach of trust against the trustee.

**§2115. Jurisdiction over trust director**

**1. Personal jurisdiction.** By accepting appointment as a trust director of a trust subject to this Act, the director submits to personal jurisdiction of the courts of this State regarding any matter related to a power or duty of the director.

**2. Other methods not excluded.** This section does not preclude other methods of obtaining jurisdiction over a trust director.

**§2116. Office of trust director**

Unless the terms of a trust provide otherwise, the rules applicable to a trustee apply to a trust director regarding the following matters:

**1. Acceptance.** Acceptance under the Maine Uniform Trust Code, section 701;

**2. Bond to secure performance.** Giving of bond to secure performance under the Maine Uniform Trust Code, section 702;

**3. Reasonable compensation.** Reasonable compensation under the Maine Uniform Trust Code, section 708;

**4. Resignation.** Resignation under the Maine Uniform Trust Code, section 705;

**5. Removal.** Removal under the Maine Uniform Trust Code, section 706; and

**6. Successor.** Vacancy and appointment of successor under the Maine Uniform Trust Code, section 704.

**§2117. Uniformity of application and construction**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**§2118. Relation to Electronic Signatures in Global and National Commerce Act**

This Act modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 United States Code, Section 7001 et seq., but does not modify, limit or supersede Section 101(c) of that Act, 15 United States Code, Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 United States Code, Section 7003(b).

**§2119. Effective date**

This Act takes effect January 1, 2020.

Effective January 1, 2020.

**CHAPTER 302****H.P. 1151 - L.D. 1592**

**An Act To Allow the  
Dissolution of Regional School  
Units Composed of a Single  
Municipality**

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

**Sec. 1. 20-A MRSA §1466, sub-§2,** as enacted by PL 2009, c. 580, §9, is amended to read:

**2. Form.** ~~The~~ Except as provided in subsection 2-A, the article to be voted upon must be in substantially the following form:

"Article: Do you favor filing a petition for withdrawal with the board of directors of regional school unit (name of regional school unit) and with the Commissioner of Education, authorizing the withdrawal committee to expend \$ (insert amount) and authorizing the (municipal officers; i.e., selectpersons, town council, etc.) to issue notes in the name of the (name of the municipality) or otherwise pledge the credit of the (name of the municipality) in an amount not to exceed \$ (insert amount) for this purpose?

Yes No"

**Sec. 2. 20-A MRSA §1466, sub-§2-A** is enacted to read:

**2-A. Form for withdrawal for a regional school unit composed of a single municipality.** If the regional school unit is composed of a single municipality, the article to be voted upon must be in substantially the following form:

"Article: Do you favor filing a petition for withdrawal from and dissolution of regional school unit (name of regional school unit) with the board of directors of regional school unit (name of regional school unit) and with the Commissioner of Education, authorizing the withdrawal committee to expend \$ (insert amount) and authorizing the (municipal officers; i.e., selectpersons, town council, etc.) to issue notes in the name of the (name of the municipality) or otherwise pledge the credit of the (name of the municipality) in an amount not to exceed \$ (insert amount) for this purpose?"

Yes No"

**Sec. 3. 20-A MRSA §1466, sub-§7**, as enacted by PL 2009, c. 580, §9, is amended to read:

**7. Article.** ~~The~~ Except as provided in subsection 7-A, the article to be voted on must be in the following form.

"Article: Do you favor the withdrawal of the (name of municipality) from the regional school unit (name of regional school unit) subject to the terms and conditions of the withdrawal agreement dated (insert date)?"

Yes No"

**Sec. 4. 20-A MRSA §1466, sub-§7-A** is enacted to read:

**7-A. Article for a regional school unit composed of a single municipality.** If the regional school unit is composed of a single municipality, the article to be voted upon must be in substantially the following form:

"Article: Do you favor the withdrawal of the (name of municipality) from the regional school unit (name of regional school unit) and the dissolution of the regional school unit (name of regional school unit) subject to the terms and conditions of the withdrawal agreement dated (insert date)?"

Yes No"

**Sec. 5. 20-A MRSA §1466, sub-§21** is enacted to read:

**21. Dissolution.** Except as otherwise provided in this section, upon the withdrawal of a municipality

from a regional school unit that is composed of a single municipality, the regional school unit is dissolved.

See title page for effective date.

## CHAPTER 303

### H.P. 1160 - L.D. 1601

#### An Act To Amend the Laws Governing the Educators for Maine Program

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

**Sec. 1. 20-A MRSA §12501-A, sub-§10**, as enacted by PL 2003, c. 427, §2, is amended to read:

**10. Graduating high school senior.** "Graduating high school senior" means a student who is a resident of the State, who graduates from a secondary school ~~approved pursuant to section 2901 or a home instruction program as described in section 5001-A, subsection 3, paragraph A, subparagraph (4) and who is entering that student's first year in an institution of higher education at the beginning of the next academic year. An academic year for graduating high school seniors is considered to be from September to June.~~

**Sec. 2. 20-A MRSA §12501-A, sub-§12**, as amended by PL 2013, c. 7, §1, is further amended to read:

**12. Return service.** "Return service" means service in a public elementary or secondary school, publicly supported secondary school, special education facility as defined in section 7001, subsection 6 or private school in this State approved for tuition purposes for a full school year as a certified teacher or a speech pathologist, service as a Jobs for Maine's Graduates specialist with similar teacher certification or service for a 12-month period in a child care facility by an individual who has attained child care provider qualifications.

**Sec. 3. 20-A MRSA §12501-A, sub-§14-A** is enacted to read:

**14-A. Underserved geographic areas.** "Underserved geographic areas" means those geographic areas of the State where there is an insufficient supply of teachers or speech pathologists as determined by the chief executive officer in consultation with the commissioner.

**Sec. 4. 20-A MRSA §12502**, as amended by PL 2003, c. 427, §3, is further amended by adding at the end a new paragraph to read:

Under the program, the authority may annually award a certain number of loan repayments to selected educators in underserved geographic areas as funds

permit. A selected loan repayment recipient must enter into a loan repayment agreement with the authority and may receive payment from the authority on the recipient's outstanding student debt for each year of service as long as the recipient teaches in an underserved geographic area.

**Sec. 5. 20-A MRSA §12503, last ¶**, as amended by PL 1999, c. 441, §7, is repealed.

**Sec. 6. 20-A MRSA §12504, last ¶**, as amended by PL 2003, c. 427, §5, is further amended to read:

Loans of up to \$2,000 per academic year or \$8,000 total in an amount to be determined annually by the authority based on available funds, but in no event less than \$3,000 per academic year for eligible undergraduate students and \$2,000 per academic year for eligible students pursuing postbaccalaureate certification, may be made to students pursuing postbaccalaureate certification. Loans of up to \$3,000 per academic year or \$12,000 total may be made to eligible undergraduate students. Selected full-time undergraduate students may receive loans for a period not to exceed 8 semesters at the institution they attend. Selected full-time and part-time students pursuing postbaccalaureate certifications may receive loans for a period not to exceed 4 semesters or the equivalent thereof at the institution they attend. An individual who has received an Educators for Maine loan as an undergraduate may also receive a loan for students pursuing postbaccalaureate certification. In no event may an individual receive more than \$20,000 in total Educators for Maine loans. Loans are for one academic year and are renewable if the recipient maintains a grade point average of at least 2.5 based on a 4.0 grade point system or the equivalent and submits a complete renewal application by the deadline annually.

**Sec. 7. 20-A MRSA §12505, sub-§1**, as amended by PL 2003, c. 427, §6, is further amended to read:

**1. Eligibility for loans for undergraduate education.** An Educators for Maine loan recipient must be an undergraduate at an institution of higher education. Preference must be given to students enrolled in a program that has been determined to be an underserved subject area.

**Sec. 8. 20-A MRSA §12507, first ¶**, as amended by PL 2003, c. 427, §10, is further amended to read:

Each student who receives a loan may cancel the total amount of the loan by completing one year of return service in ~~the~~ a public schools school, publicly supported secondary school, special education facility as defined in section 7001, subsection 6 or private schools school approved for tuition purposes in the State for each year the individual receives a loan. An individual who received that individual's first program

loan after January 1, 2000 may also cancel the total amount of the loan by completing one year of return service by working in a child care facility. The return service requirement is one year for every 2 years or less that the individual receives a loan if return service is performed in an underserved subject area or an underserved geographic area. Return service for this purpose must be performed within 5 10 years of graduation from the institution of higher education. If the chief executive officer grants a deferment, the time period for performance of return service may be extended for the same period as the deferment. Return service may not be credited for the same semester for which an individual receives a loan pursuant to this chapter. Pro rata loan forgiveness may be granted for part-time return service as determined by rule of the authority. Failure to fulfill the return service option necessitates repayment to the authority as follows.

See title page for effective date.

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## CHAPTER 304

### H.P. 1161 - L.D. 1609

#### An Act To Set Off Court Fines, Surcharges and Assessments against Lottery Winnings

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

**Sec. 1. 8 MRSA §378-A** is enacted to read:

**§378-A. Setoff of claims against lottery winnings; priority**

If the bureau is required under state law or court order to set off a person's lottery winnings against a claim of an amount due and more than one claim is made against the lottery winnings, the bureau shall set off against the winnings as many claims as possible in the following order of priority:

**1. Liquidated child support debts.** Liquidated child support debts owed to or through the Department of Health and Human Services pursuant to Title 19-A, section 2360;

**2. Liquidated tax liabilities.** Liquidated tax liabilities pursuant to Title 36, section 185, subsection 3;

**3. Unemployment compensation debt.** Unemployment compensation debt pursuant to Title 26, section 1051, subsection 8;

**4. Court-ordered restitution obligations.** Court-ordered restitution obligations when the amounts due are identified by a district attorney's office;

**5. Fines, surcharges and assessments owed to State.** Fines, surcharges and assessments imposed by

any of the courts and owed to the State pursuant to Title 14, section 3141-A; and

**6. All other claims.** All other claims in the order of their receipt.

**Sec. 2. 14 MRSA §3141-A** is enacted to read:

**§3141-A. Setoff of fines against lottery winnings**

The State Court Administrator appointed pursuant to Title 4, section 15 shall periodically notify the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this subsection as "the bureau," of all persons who owe a monetary fine, surcharge or assessment imposed by a court to the State under this Title. Prior to paying any lottery winnings that must be paid directly by the bureau, the bureau shall determine whether the lottery winner is on the list of persons who owe a monetary fine, surcharge or assessment imposed by a court to the State under this Title. If the winner is on the list of persons who owe a monetary fine, surcharge or assessment imposed by a court, the bureau shall suspend payment of the winnings and provide notice to the winner of its intention to set off the winnings against the monetary fine, surcharge or assessment owed. The bureau shall provide the winnings due to the winner to the State Court Administrator in payment of any monetary fine, surcharge or assessment owed by the winner under this Title. The bureau shall release any remaining winnings in accordance with state law.

See title page for effective date.

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**CHAPTER 305**

**H.P. 1172 - L.D. 1629**

**An Act Regarding Future Evaluations of the Pine Tree Development Zone Program**

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

**Sec. 1. 30-A MRSA §5250-P, sub-§2**, as enacted by PL 2017, c. 440, §5, is amended to read:

**2. Evaluation; specific public policy objective; performance measures.** The Pine Tree Development Zone program established by this subchapter is subject to ongoing legislative review in accordance with Title 3, chapter 37. In developing evaluation parameters to perform the review, the Office of Program Evaluation and Government Accountability, the Legislature's government oversight committee and the joint standing committee of the Legislature having jurisdiction over taxation matters shall consider:

A. That the specific public policy objective of the Pine Tree Development Zone program established

by this subchapter is to create and retain quality jobs in this State by reducing the tax burden experienced by businesses and thereby making this State's business tax burden more comparable to other states, encouraging location and expansion of businesses in this State and improving the competitiveness of this State's businesses; and

B. Performance measures, including:

- (1) Change in employment levels of qualified Pine Tree Development Zone employees;
- (2) Amount of investment directly related to a qualified business activity;
- (3) Comparison of business tax burden in this State to other states;
- (4) Comparison of other cost burdens in this State to other states;
- (5) Comparison of the amount of public incentives received from the Pine Tree Development Zone program to the amount of public incentives received from other incentive programs in the State;
- (6) Measures of industry competitiveness for businesses receiving Pine Tree Development Zone benefits;
- (7) Measures of fiscal impact and overall economic impact to the State; and
- (8) Other measures as may be relevant to the evaluation of program outcomes.

The Office of Program Evaluation and Government Accountability shall provide a report of its evaluation of the Pine Tree Development Zone program established by this subchapter in accordance with Title 3, section 999 by January 15, 2021 and shall also provide this report to the joint standing committee of the Legislature having jurisdiction over economic development matters, which may report out a bill to the ~~First Regular Session of the 130th~~ Legislature in response to the report's recommendations.

See title page for effective date.

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**CHAPTER 306**

**S.P. 597 - L.D. 1766**

**An Act To Transform Maine's Heat Pump Market To Advance Economic Security and Climate Objectives**

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

**Sec. 1. 10 MRSA §1415-G, sub-§1**, as amended by PL 2011, c. 300, §2, is repealed and the following enacted in its place:

**1. Residential construction, remodeling and renovation.** During the construction, remodeling or renovation of a multifamily residential structure, a person may not install electric resistance space heating equipment as the primary heating system if that construction, remodeling or renovation is funded in whole or in part by public funds, guarantees or bond proceeds unless:

A. The person obtains a waiver from the commission in accordance with subsection 2; or

B. The structure meets a standard for calculated heat load established by the commission by rule or order.

For purposes of this section, "multifamily residential structure" means a residential structure with more than one dwelling unit and "electric resistance space heating equipment" does not include electric thermal storage space heating equipment, a high-performance air source heat pump that satisfies minimum heating performance standards of the Efficiency Maine Trust or a geothermal heat pump.

**Sec. 2. 35-A MRSA §10103, sub-§4**, as amended by PL 2013, c. 369, Pt. A, §5, is further amended to read:

**4. Program funding.** The board may apply for and receive grants from municipal, state, federal and private sources for deposit into appropriate program funds, including funds for both residential and business programs. The board may deposit in appropriate program funds the proceeds of any bonds issued for the purposes of programs administered by the trust. The board may receive and shall deposit in appropriate program funds revenue resulting from any forward capacity market or other capacity payments from the regional transmission organization that may be attributable to those projects funded by those funds, except that, from fiscal year 2019-20 to fiscal year 2024-25, such payments must be used to promote high-performance air source heat pump technology and deposited in the Heating Fuels Efficiency and Weatherization Fund established in section 10119. The board shall deposit into appropriate program funds revenue transferred to the trust from the energy infrastructure benefits fund pursuant to Title 5, section 282, subsection 9 for use in accordance with subsection 4-A. The board may also deposit any grants or other funds received by or from any entity with which the trust has an agreement or contract pursuant to this chapter if the board determines that receipt of those funds is consistent with the purposes of this chapter.

**Sec. 3. 35-A MRSA §10104, sub-§8**, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

**8. Approval of Maine State Housing Authority plans.** After July 1, 2010, the Maine State Housing Authority, prior to applying for federal funds on behalf of the State pursuant to Title 30-A, section 4741, subsection 15 for weatherization, energy conservation and fuel assistance pursuant to the Weatherization Assistance for Low-income Persons Program administered through the United States Department of Energy and the Low-income Home Energy Assistance Program administered through the United States Department of Health and Human Services, shall submit to the board for its review and input the authority's implementation plans for the use of such funds. The plans must describe the amount of budget available to support the heat pump goal established in section 10119, subsection 2, paragraph A, subparagraph (2), the plans' strategy for promoting that goal and an estimate of the number of units that will be installed. The plans must provide for coordination by the Maine State Housing Authority in its use of such funds with the programs administered by the trust under this chapter. The Maine State Housing Authority shall include consider in its plans any recommendations of the board to the extent the recommendations are consistent with the applicable federal guidelines governing the use of the funds.

**Sec. 4. 35-A MRSA §10110, sub-§1, ¶C**, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

C. "Conservation programs" means programs developed by the trust pursuant to this section designed to ~~reduce inefficient~~ increase the efficiency of electricity use.

**Sec. 5. 35-A MRSA §10110, sub-§4-A, ¶A**, as enacted by PL 2013, c. 369, Pt. A, §20 and affected by §30, is amended to read:

A. Consider electric energy efficiency resources that are reasonably foreseeable to be acquired by the trust using ~~all other sources of revenue, including, but not limited to,~~ the Regional Greenhouse Gas Initiative Trust Fund under section 10109, federal or state grants or settlement funds designated by the board for programs implemented under this section, except that forward capacity market payments deposited in the Heating Fuels Efficiency and Weatherization Fund established in section 10119 may not be considered;

**Sec. 6. 35-A MRSA §10119**, as amended by PL 2009, c. 652, Pt. A, §49, is further amended to read:

**§10119. Heating Fuels Efficiency and Weatherization Fund**

**1. Fund established; use of money.** The Heating Fuels Efficiency and Weatherization Fund, referred to in this section as "the fund," is established. The fund is a nonlapsing fund and is administered by the trust in

accordance with this section. Any interest earned on funds in the fund must be credited to the fund, and funds not spent in any fiscal year remain in the fund to be used in accordance with this section. The trust may receive and deposit in the fund funds from the following sources:

- A. Any funds collected from an assessment on heating fuels;
- B. Federal funds and awards that may be used for the purposes of this section;
- C. The proceeds of any bonds issued for the purposes of this section;
- D. Principal and interest received from the repayment of loans made from the fund;
- E. Any interest earned on investment of fund balances; ~~and~~
- F. Any ~~other~~ funds from public or private sources received in support of the purposes for which the fund is established; ~~and~~

G. Payments from the forward capacity market or other payments by the regional transmission organization.

The trust may annually deposit funds received pursuant to this section into the administration fund, to a maximum in any fiscal year of 10% of the revenues received under this section.

**2. Program.** All funds deposited in the fund must be administered by the trust in accordance with the following.

A. All funds deposited in the fund must be administered by the trust to reduce heating fuel consumption consistent with the purpose and targets of the trust and the triennial plan to achieve the following ~~goal~~ goals:

- (1) By 2030, to provide cost-effective energy efficiency and weatherization measures to substantially all homes and businesses whose owners wish to participate in programs established by the trust under this section; ~~and~~
- (2) From fiscal year 2019-20 to fiscal year 2024-25, to install 100,000 new high-performance air source heat pumps in the State to provide heating in residential and nonresidential spaces. "High-performance air source heat pump" means an air source heat pump that satisfies minimum heating performance standards as determined by the trust.

B. Funds from the fund may be used only for programs that provide cost-effective ~~energy efficiency and heating fuel efficiency or weatherization~~ measures ~~for the benefit of heating fuel customers or to efficiency service providers serving~~

~~those customers and~~ in accordance with ~~the following~~ this paragraph.

(1) Program categories ~~must~~ may include low-income, single-family and 2-family residential units, multifamily residential units, small business, commercial and institutional and such other categories as the trust determines appropriate; ~~and~~

(2) Within program categories, the trust may differentiate between programs for new construction and existing buildings; ~~and~~

(3) Cost-effective energy heating fuel efficiency measures must include measures that improve the energy efficiency of energy-using systems, ~~such as~~ heating and cooling systems; through system upgrades or conversions, including conversions to energy-efficient systems that rely on renewable energy sources, high-performance air source heat pumps or other systems that rely on effective energy efficiency technologies.

(4) Eligible program measures may include, but are not limited to, training or certification of energy auditors, insulation installers, mechanical heating system installers and maintenance technicians and building energy inspectors.

C. Program designs approved by the trust ~~must~~ may contain:

(1) Incentives to consumers to purchase and install cost-effective heating fuel efficiency and weatherization products and services ~~identified by a certified energy auditor~~, except in the case of programs to deliver education, training or certifications;

(2) ~~A schedule of customer copayments and loan~~ Loan options for prescribed products and services. Programs, including specially designed loans for low-income and moderate-income consumers may provide exemptions from the copayment and schedule for the purchase and installation of a high-performance air source heat pump;

(3) A plan for integrating delivery of heating fuel efficiency and weatherization measures with electric efficiency measures; and

(4) A system for the equitable allocation of costs among the contributing funds or subaccounts administered by the trust when more than one efficiency opportunity is identified, except that for purposes of advancing the goal of paragraph A, subparagraph (2), payments from the forward capacity market deposited in the fund must be used to supplement, and not supplant, heat pump incentive amounts

approved through the triennial plan for electric efficiency and conservation programs.

~~D. Other eligible program measures may include, but are not limited to, training or certification of energy auditors, insulation installers, mechanical heating system installers and maintenance technicians and building energy inspectors.~~

**3. Rulemaking.** The board may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Effective date.** This section takes effect July 1, 2010.

See title page for effective date.

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**CHAPTER 307  
H.P. 231 - L.D. 307**

**An Act To Limit the Number of Charter Schools in Maine**

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

**Sec. 1. 20-A MRSA §2405, sub-§9,** as amended by PL 2017, c. 284, Pt. XXXXX, §1, is repealed.

**Sec. 2. 20-A MRSA §2405, sub-§10** is enacted to read:

**10. Limit on number of public charter schools.** No more than 10 public charter schools may operate at any time. Any time the cap is reached, the commissioner may not accept further registrations from the commission or from local school boards and collaborators of local school boards.

**Sec. 3. Public charter school charter revocation and nonrenewal.** The Maine Charter School Commission shall develop a process for the revocation or nonrenewal of a public charter school's charter for public charter schools that are not meeting required performance framework provisions and report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 1, 2020, on the recommended process and submit any suggested legislation to implement the process to revoke or not renew a public charter school's charter.

See title page for effective date.

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**CHAPTER 308  
H.P. 606 - L.D. 832**

**An Act To Expand Options for Consumers of Cable Television in Purchasing Individual Channels and Programs**

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

**Sec. 1. 30-A MRSA §3008, sub-§3, ¶F** is enacted to read:

F. Notwithstanding any provision in a franchise, a cable system operator shall offer subscribers the option of purchasing access to cable channels, or programs on cable channels, individually.

See title page for effective date.

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**CHAPTER 309  
S.P. 301 - L.D. 1022**

**An Act To Establish as a Class C Crime Criminal Conduct in Retaliation against a Witness, Informant, Victim or Juror**

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

**Sec. 1. 17-A MRSA §458** is enacted to read:

**§458. Retaliation against a witness, informant, victim or juror**

A person is guilty of retaliation against a witness, informant, victim or juror if, believing that another person is participating or has participated as a witness, informant, victim or juror in an official proceeding, as defined in section 451, subsection 5, paragraph A, or in an official criminal investigation, the actor engages in criminal conduct with the intent to retaliate for that other person's role in the official proceeding or official criminal investigation. Violation of this section is a Class C crime.

See title page for effective date.

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**CHAPTER 310**  
**S.P. 595 - L.D. 1763**

**An Act To Transfer  
Responsibility for Licensing of  
Land-based Aquaculture from  
the Department of Agriculture,  
Conservation and Forestry to  
the Department of Marine  
Resources**

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

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to provide for review of anticipated land-based aquaculture projects by the Department of Marine Resources as soon as possible; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 7 MRSA §2, 4th ¶, as amended by PL 2017, c. 94, §1, is further amended to read:

In addition, the commissioner shall be concerned with the quality of life of Maine farmers and rural communities. The commissioner shall promote: farm financing and rural development proposals; conservation and preservation of agricultural lands; increased and improved production of beef, poultry, sheep, dairy beef and other livestock; expanded and improved production of potatoes, fruits and other vegetables and horticultural ventures; coordinated foreign and domestic marketing of Maine agricultural products; in conjunction with the university, crop development and integrated pest management; ~~development of land-based aquaculture facilities~~; and conservation of non-renewable energy resources and utilization of renewable energy resources in conjunction with the Governor's Energy Office. To accomplish these objectives, the commissioner is authorized for, or on behalf of, Maine's farmers and rural community: to engage in research and educational programs; to participate directly or indirectly in programs to encourage and enable individuals to enter agricultural or other rural enterprises; to institute litigation or upon request to represent farmers or other members of the rural community in litigation where the commissioner determines that such litigation may be beneficial to agricultural industry as a whole; and to exercise all other powers of

an agency of State Government. The commissioner may study such issues and, consistent with statute, take such actions either individually, for, or on behalf of, the State's farmers or rural residents, or jointly with such other persons, agencies or organizations as the commissioner determines may benefit the State's farmers and rural communities. To further accomplish these objectives, the commissioner is authorized beginning July 1, 1991, on behalf of the State's rural community, to administer food assistance programs including the receipt, distribution and administration of federal and state funds, including block grants, for food assistance.

**Sec. 2.** 7 MRSA §52, sub-§3-A, as amended by PL 2017, c. 94, §2, is further amended to read:

**3-A. Farm product.** "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, grains and food crops, dairy products, poultry and poultry products, bees, livestock and livestock products, ~~fish and fish products~~ and fruits, berries, vegetables, flowers, seeds, grasses, Christmas trees and other similar products.

**Sec. 3.** 7 MRSA c. 209, as amended, is repealed.

**Sec. 4.** 12 MRSA §6073-D, last ¶, as amended by PL 2017, c. 94, §4, is further amended to read:

This section does not exempt the possessor of the marine organism from any requirement to hold a lease or license pursuant to section 6072, 6072-A, 6072-B ~~or~~ 6072-C or ~~Title 7, section 1501~~ 6085 to engage in the culture of marine organisms.

**Sec. 5.** 12 MRSA §6085, as repealed by PL 2017, c. 94, §5, is reenacted to read:

**§6085. Marine organism aquaculture license**

**1. License required.** The commissioner may require a license for aquaculture of marine organisms in facilities that are not located in the coastal waters of the State but are located in the State.

**2. Licensed activities.** The holder of a license under this section may possess marine organisms the holder has raised by means of aquaculture. The holder of such a license is exempt from any requirement regarding the time of taking or possessing, minimum or maximum length or other minimum or maximum size requirement for any marine organism the holder has raised by means of aquaculture.

**3. Permit denial.** The commissioner may refuse to issue a license under this section if the commissioner finds that the aquaculture activity presents an unreasonable risk to indigenous marine life or its environment. In determining whether or not to refuse to issue a license, the commissioner shall consider factors, including, but not limited to:

A. Risk of accidental or intentional introduction of marine organisms or marine organism products into the coastal waters of the State;

B. Risk of the introduction or spread of disease within the State; and

C. Interference with the enforcement of possession, size or season limits for wild marine organisms.

**4. Monitoring and revocation.** The commissioner shall monitor licensed facilities under this section on an annual basis. If the commissioner determines following an annual review or at any other time that the licensed aquaculture activity presents an unreasonable risk to indigenous marine life or its environment, the commissioner may revoke the license after the licensee has been given an opportunity for a hearing before the department.

**5. Reporting.** The commissioner may require the holder of a license under this section to file periodic reports regarding the aquaculture practices and production of the facility. Information obtained pursuant to this provision is considered fisheries statistics for the purposes of section 6173, except that information about marine organism health reported pursuant to section 6071 may not be considered fisheries statistics.

**6. Fee.** The commissioner may charge a fee for a license under this section not to exceed \$1,000, the amount to be established in rules adopted by the commissioner depending on the type and amount of aquaculture. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 6. 12 MRSA §6085-A,** as enacted by PL 2017, c. 94, §6, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 17, 2019.

**CHAPTER 311**

**H.P. 1207 - L.D. 1683**

**An Act To Clarify the Definitions of Consumer-owned Utilities**

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

**Whereas,** the fast pace of change in the electric industry has created confusion within the current legal parameters under which new forms of transmission

and distribution electric utility ownership are being introduced in the State; and

**Whereas,** the confusion in the electric industry caused by the current legal parameters of transmission and distribution electric utility ownership could cause harm to ratepayers and inhibit the beneficial growth of the industry; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 35-A MRSA §3201, sub-§6,** as enacted by PL 1997, c. 316, §3, is amended to read:

**6. Consumer-owned transmission and distribution utility.** "Consumer-owned transmission and distribution utility" means any transmission and distribution utility wholly owned by its consumers, including; its consumers served in the State. "Consumer-owned transmission and distribution utility" includes but is not limited to:

A. The transmission and distribution portion of a rural electrification cooperative organized under chapter 37;

B. The transmission and distribution portion of an electrification cooperative organized on a cooperative plan under the laws of the State;

C. A municipal or quasi-municipal transmission and distribution utility located in the State;

D. The transmission and distribution portion of a municipal or quasi-municipal entity located in the State providing generation and other services; and

E. A transmission and distribution utility wholly owned by a municipality located in the State.

**Sec. 2. 35-A MRSA §3501, sub-§1,** as amended by PL 1999, c. 398, Pt. A, §85 and affected by §§104 and 105, is further amended to read:

**1. Consumer-owned transmission and distribution utility.** For the purposes of this chapter, "consumer-owned transmission and distribution utility" means any transmission and distribution utility that is wholly owned by its consumers, including; its consumers served in the State. "Consumer-owned transmission and distribution utility" includes but is not limited to:

A. Any rural electrification cooperative organized under chapter 37;

B. Any electrification cooperative organized on a cooperative plan under the laws of the State;

C. Any municipal or quasi-municipal transmission and distribution utility located in the State;

D. The portion of any municipal or quasi-municipal entity located in the State providing transmission and distribution services; and

E. Any transmission and distribution utility wholly owned by a municipality located in the State.

**Sec. 3. 35-A MRSA §6101, sub-§1-A**, as enacted by PL 1987, c. 490, Pt. B, §11, is repealed and the following enacted in its place:

**1-A. Consumer-owned water utility.** Consumer-owned water utility" means any water utility which is wholly owned by its consumers, including its consumers served in the State. "Consumer-owned water utility" includes but is not limited to:

A. Any municipal or quasi-municipal water district or corporation located in the State;

B. Any municipal water department located in the State; or

C. The water portion of any utility wholly owned by a municipality or district located in the State.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 17, 2019.

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## CHAPTER 312

### S.P. 577 - L.D. 1735

#### An Act To Clarify the Pathway for a Registered Dispensary under the Maine Medical Use of Marijuana Act To Become a For-profit Entity

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

**Whereas**, Public Law 2017, chapter 452 became law on December 13, 2018 and repealed the requirement that registered medical marijuana dispensaries be nonprofit entities; and

**Whereas**, Public Law 2017, chapter 452 authorizes the State to issue 6 additional dispensary registration certificates without the requirement that these dispensaries be established as nonprofit entities; and

**Whereas**, Public Law 2017, chapter 452 does not provide a clear pathway for existing registered medical marijuana dispensaries to reorganize as for-profit entities under Maine law; and

**Whereas**, it is imperative that the law be immediately amended to provide a pathway for an existing registered medical marijuana dispensary to qualify to operate under the law as amended by Public Law 2017, chapter 452; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §2428, sub-§13** is enacted to read:

**13. Reorganization to for-profit status.** Any of the 8 registered dispensaries that were issued registration certificates as of April 1, 2018 and that are operating as nonprofit entities may convert to a for-profit entity pursuant to this subsection. A registered dispensary established pursuant to subsection 11-A, paragraph A that was not issued a dispensary registration certificate before April 1, 2018 and operates as a nonprofit entity may not convert to a for-profit entity.

A. A registered dispensary that is operating as a nonprofit entity may enter into any of the following transactions to reorganize the registered dispensary as a for-profit entity:

(1) A registered dispensary operating as a nonprofit entity may merge with and into a business corporation formed pursuant to Title 13-C;

(2) A business corporation formed pursuant to the laws of this State may purchase substantially all of the assets of a registered dispensary operating as a nonprofit entity; and

(3) Notwithstanding any provision of the law to the contrary in this Title, Title 13-B or Title 13-C, a registered dispensary operating as a nonprofit entity is entitled to convert into a domestic business corporation by adopting a plan of entity conversion in accordance with Title 13-C, section 953 that is approved by a vote of 2/3 of the members of the board of directors of the nonprofit entity at a meeting duly called for that purpose or by unanimous written consent. A plan of entity conversion adopted pursuant to this subparagraph must be signed and submitted to the Secretary of State on a form prescribed by the Secretary of State, must be executed and filed in the manner prescribed in Title 13-C, section 955 and is subject to Title 13-C, section 957. If the Secretary of State finds that such filings com-

ply with this subparagraph, the Secretary of State shall accept the filings.

B. Notwithstanding Title 13-B, section 718, and notwithstanding any provision to the contrary in the articles of incorporation or the bylaws of a registered dispensary operating as a nonprofit entity, there exists no conflict of interest nor violation of fiduciary duty for the directors of a registered dispensary operating as a nonprofit entity for the limited purposes of:

- (1) Approving a transaction in order to reorganize pursuant to this section as set forth in paragraph A, subparagraph (1), (2) or (3);
- (2) Issuing any shares, membership interests or other securities, obligations, rights to acquire interests or other securities, cash or other property in order to reorganize pursuant to this section; or
- (3) Designating the directors or a business corporation in which the directors hold interests as members of a nonprofit entity that previously had no members in order to reorganize pursuant to this section.

C. The patients of a registered dispensary that is operating as a nonprofit entity may not be deemed members entitled to vote under Title 13-B, section 604, nor may such patients be deemed members for purposes of a merger, purchase or conversion reorganization transaction pursuant to this subsection.

D. If a registered dispensary reorganizes as a for-profit entity pursuant to this section and subsequently sells or transfers its interest in the reorganized registered dispensary, the registered dispensary or the dispensary's successor in interest, shall pay to the Medical Use of Marijuana Fund established under section 2430 a percentage of the value of the sale or transfer of interest, as determined by an independent appraisal at the time of the sale or transfer of interest, in accordance with this paragraph:

- (1) If the sale or transfer of interest is completed in the first year after the reorganization, the amount paid to the Medical Use of Marijuana Fund must equal 10% of the value of the sale or transfer of interest;
- (2) If the sale or transfer of interest is completed in the 2nd year after the reorganization, the amount paid to the Medical Use of Marijuana Fund must equal 7.5% of the value of the sale or transfer of interest;
- (3) If the sale or transfer of interest is completed in the 3rd year after the reorganization, the amount paid to the Medical Use of Mari-

juana Fund must equal 5% of the value of the sale or transfer of interest; and

(4) If the sale or transfer of interest is completed in the 4th year after the reorganization, the amount paid to the Medical Use of Marijuana Fund must equal 2.5% of the value of the sale or transfer of interest.

The cost of an appraisal required under this paragraph must be paid from the Medical Use of Marijuana Fund.

E. A registered dispensary that reorganizes as a for-profit entity pursuant to this section, or the dispensary's successor in interest if the dispensary sells or transfers its interest in the reorganized registered dispensary, shall demonstrate to the department as a condition of registration pursuant to section 2425 that the registered dispensary or the dispensary's successor in interest has provided discounts in an amount that is not less than 2% of gross sales of the registered dispensary in the previous year to qualifying patients who:

- (1) Are receiving hospice care;
- (2) Are 65 years of age or older;
- (3) Have a family income that is equal to or below 400% of the nonfarm income official poverty line; or
- (4) Are veterans of the United States Armed Forces.

The department shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2023 regarding the discounts provided by registered dispensaries or the dispensary's successor in interest pursuant to this paragraph. A registered dispensary subject to this paragraph shall provide to the commissioner an annual accounting demonstrating compliance with this paragraph.

This paragraph is repealed July 1, 2023.

F. A registered dispensary subject to paragraph D shall provide to the Attorney General the independent appraisal required in paragraph D.

G. Except as provided in paragraph F, a transaction pursuant to this subsection does not require any approval or notice under the provisions of Title 5, chapter 9.

H. The registration status of a registered dispensary that has completed a reorganization transaction pursuant to this subsection is governed by subsection 11-A, paragraph B.

**Sec. 2. 22 MRSA §2430, sub-§2, ¶¶D and E, as enacted by PL 2009, c. 631, §45 and affected by §51, are amended to read:**

D. All money from any other source, whether public or private, designated for deposit into or credited to the fund; ~~and~~

E. Interest earned or other investment income on balances in the fund; ~~and~~

**Sec. 3. 22 MRSA §2430, sub-§2, ¶F** is enacted to read:

F. All money received as a result of a reorganization of a registered dispensary operating as a non-profit entity to a for-profit entity pursuant to section 2428, subsection 13, paragraph D.

**Sec. 4. Secretary of State to develop form for reorganization of registered dispensary to a for-profit entity.** No later than August 1, 2019, the Secretary of State shall develop a form for a registered dispensary reorganizing as a for-profit entity pursuant to the Maine Revised Statutes, Title 22, section 2428, subsection 13 to submit a plan of entity conversion to the Secretary of State in accordance with Title 22, section 2428, subsection 13, paragraph A, subparagraph (3).

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 17, 2019.

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## CHAPTER 313

### H.P. 1251 - L.D. 1757

#### An Act To Clarify Certain Standards for the Efficiency Maine Trust's Triennial Plan

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

**Whereas,** it is necessary that this legislation take effect prior to the start of the next fiscal year for the Efficiency Maine Trust to remove uncertainty and prevent market disruption for Maine contractors, vendors and customers; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 30-A MRSA §4706, sub-§2, ¶D,** as amended by PL 1993, c. 175, §3, is further amended to read:

D. In any litigation or proceeding in which an authority is a party, the authority may introduce evidence based on any information that is deemed confidential and is within the control or custody of the authority; ~~and~~

**Sec. 2. 30-A MRSA §4706, sub-§2, ¶E,** as enacted by PL 1993, c. 175, §4, is amended to read:

E. Any person or agency directly involved in the administration or auditing of weatherization, energy conservation or fuel assistance programs of the Maine State Housing Authority and any agency of the State with a legitimate reason to know must be given access to those records described in subsection 1, paragraphs C and D; ~~and~~

**Sec. 3. 30-A MRSA §4706, sub-§2, ¶F** is enacted to read:

F. The Maine State Housing Authority may provide records to the Efficiency Maine Trust pursuant to Title 35-A, section 10104, subsection 4, paragraph A, subparagraph (2).

**Sec. 4. 35-A MRSA §10104, sub-§3,** as amended by PL 2013, c. 369, Pt. A, §9, is further amended to read:

**3. Performance metrics.** The trust shall develop quantifiable ~~measures of performance metrics~~ for all programs it administers and to which it will hold accountable all recipients of funding from the trust and recipients of funds used to deliver energy and energy efficiency and weatherization programs administered or funded by the trust. Such ~~measures performance metrics~~ may include, but are not limited to, reduced energy consumption, increased use of alternative energy resources, reduced heating costs, reduced capacity demand for natural gas, electricity and fossil fuels, reduced carbon dioxide emissions, program and overhead costs and cost-effectiveness, the number of new jobs created by the award of trust funds, the number of energy efficiency trainings or certification courses completed and the amount of sales generated.

**Sec. 5. 35-A MRSA §10104, sub-§4,** as amended by PL 2013, c. 369, Pt. A, §§10 to 13, is further amended to read:

**4. Triennial plan.** The board shall vote on a detailed, triennial, ~~energy efficiency, alternative energy resources and conservation~~ plan that includes the quantifiable ~~measures of performance metrics~~ developed under subsection 3 and make a full report of the vote to the commission in accordance with this subsection. The triennial plan must provide integrated planning, program design and implementation strategies for all energy efficiency, alternative energy resources and conservation programs administered by the trust, including but not limited to the electric efficiency and conservation programs under section 10110, the natural gas efficiency and conservation programs under

section 10111, the Regional Greenhouse Gas Initiative Trust Fund under section 10109, the Heating Fuels Efficiency and Weatherization Fund under section 10119 and any state or federal funds or publicly directed funds accepted by or allocated to the trust for the purposes of this chapter. The triennial plan must include provisions for the application of appropriate program funds to support workforce development efforts that are consistent with and promote the purposes of the trust. ~~Beginning January 1, 2011, the triennial plan must specify the appropriate participation of the State in national and regional carbon markets. The plan must be consistent with take into consideration the comprehensive state energy plan pursuant to Title 2, section 9, subsection 3, paragraph C. The plan must include, but is not limited to, efficiency and conservation program budget allocations, objectives, targets, performance metrics, program designs, program implementation strategies, timelines and other relevant information.~~

A. The triennial plan must be developed by the trust, in consultation with entities and agencies engaged in delivering efficiency programs in the State, to authorize and govern or coordinate implementation of energy efficiency and weatherization programs in the State. The triennial plan must identify ~~at the maximum~~ achievable cost-effective energy efficiency savings, ~~as defined by rule by the trust,~~ and related programs that could be implemented pursuant to sections 10110 and 10111, the costs and benefits of such programs and the basis and support for such identified costs and benefits. The trust shall conduct an evaluation of ~~at the maximum~~ cost-effective potential for electrical and natural gas energy efficiency savings in the State at least once every ~~5~~ 3 years.

(1) Transmission and distribution utilities and natural gas utilities shall furnish data to the trust that the trust requests under this subsection to develop and implement the triennial plan or conduct the evaluation of all cost-effective potential for electrical and natural gas energy efficiency savings subject to such confidential treatment as a utility may request and the board determines appropriate pursuant to section 10106. The costs of providing the data are deemed reasonable and prudent expenses of the utilities and are recoverable in rates.

(2) ~~Unless prohibited by federal law, the Maine State Housing Authority and the Department of Health and Human Services shall furnish to the trust data pertaining to the identity, location and contact information, but not including income or asset information, of households that qualify for low-income programs, as determined necessary by the trust to develop and implement the triennial plan and~~

to evaluate program effectiveness. Data received pursuant to this subparagraph is deemed to be received by the commission and is subject to a protective order issued by the commission pursuant to section 1311-A.

B. In developing the triennial plan, the staff of the trust shall consult the board and provide the opportunity for the board to provide input on drafts of the plan.

B-1. In developing the triennial plan, the trust shall provide the joint standing committee of the Legislature having jurisdiction over energy matters an opportunity to provide input on the plan, which may occur at the same time the trust consults with other entities in the development of the plan.

C. The board shall review and approve the triennial plan by affirmative vote of 2/3 of the trustees upon a finding that the plan is consistent with the statutory authority for each source of funds that will be used to implement the plan, advances the state energy efficiency targets in paragraph F ~~and~~, reflects the best practices of program administration under subsection 2 ~~and is consistent with the provisions of this section. The plan must include, but is not limited to, efficiency and conservation program budget allocations, objectives, targets, measures of performance, program designs, program implementation strategies, timelines and other relevant information.~~

D. Prior to submission of the triennial plan to the commission, the trust shall offer to provide a detailed briefing on the draft plan to the joint standing committee of the Legislature having jurisdiction over energy matters and, at the request of the committee, shall provide such a briefing and opportunity for input from the committee. After providing such opportunity for input and making any changes as a result of any input received, the board shall deliver the plan to the commission for its review and approval. ~~The~~ At the request of the trust or any party to the triennial plan, the commission shall open an adjudicatory proceeding and issue an order either approving the plan and issuing the appropriate orders to transmission and distribution utilities and gas utilities or rejecting the plan and stating the reasons for the rejection to review the triennial plan. If an adjudicatory proceeding is not requested, the commission may use an adjudicatory proceeding or other process to review the triennial plan. The commission shall review the triennial plan to determine whether it will capture the maximum achievable cost-effective energy efficiency savings. In conducting the review, the commission shall defer to the trust's calculations of energy savings as long as the calculations were conducted consistent with

rules of the trust and are supported by evidence in the record and the trust used a reasonable and transparent process to make the technical determinations necessary to make those calculations. The commission shall reject elements of the plan that propose to use funds generated pursuant to sections 3210-C, 10110, 10111 or 10119 if the plan fails to reasonably explain how these elements of the program would achieve the objectives and implementation requirements of the programs established under those sections or the ~~measures of performance metrics~~ under subsection 3. If the commission approves the triennial plan, the commission shall issue the appropriate orders to transmission and distribution utilities and natural gas utilities for the procurement of energy efficiency resources identified within the plan pursuant to section 10110, subsection 4-A and section 10111, subsection 2. If the commission rejects the triennial plan, the commission shall issue an order stating the reasons for the rejection. Funds generated under these statutory authorities may not be used pursuant to the triennial plan unless those elements of the plan proposing to use the funds have been approved by the commission. ~~The commission shall approve all elements of the triennial plan it determines to be cost effective, reliable and achievable and shall incorporate into gas utility and transmission and distribution rates sufficient revenue to provide for the procurement of energy efficiency resources identified within the plan pursuant to section 10110, subsection 4-A and section 10111, subsection 2.~~ The commission shall approve or reject the entire plan or elements of the plan within 120 days of its delivery to the commission. The board, within 30 days of final commission approval of ~~its~~ the triennial plan, shall submit the triennial plan to the joint standing committee of the Legislature having jurisdiction over energy matters together with any explanatory or other supporting material as the committee may request and, at the request of the committee, shall provide a detailed briefing on the final triennial plan. After receipt of the triennial plan, the joint standing committee of the Legislature having jurisdiction over energy matters may submit legislation relating to the triennial plan.

E. The trust shall determine the period to be covered by the triennial plan except that the period of the plan may not interfere with the delivery of any existing contracts to provide energy efficiency services that were previously procured pursuant to efficiency and conservation programs administered by the commission.

F. It is an objective of the triennial plan to design, coordinate and integrate sustained energy efficiency and weatherization programs that are available to all energy consumers in the State and

to users of all fuel types. The plan must set forth the costs and benefits of energy efficiency programs that advance the following goals; and funding necessary to meet those goals:

- (1) Reducing energy costs, including residential heating costs;
- (2) Weatherizing substantially all homes whose owners or occupants are willing to participate in and share the costs of cost-effective home weatherization to a minimum standard of weatherization, as defined by the trust, by 2030;
- (3) Reducing peak-load demand for electricity through trust programs by 300 megawatts by 2020;
- (4) By 2020, achieving electricity and natural gas program savings of at least 20% and heating fuel savings of at least 20%, as defined in and determined pursuant to the ~~measures of performance metrics~~ approved by the commission under section 10120;
- (5) Creating stable private sector jobs providing alternative energy and energy efficiency products and services in the State by 2020; and
- (6) Reducing Contributing to the effort to reduce greenhouse gas emissions ~~from the heating and cooling of buildings~~ in the State by amounts consistent with the State's goals greenhouse gas emission levels established in Title 38, section 576.

~~The trust shall preserve when possible and appropriate the opportunity for carbon emission reductions to be monetized and sold into a voluntary carbon market. Any program of the trust that supports weatherization of buildings must be voluntary and may not constitute a mandate that would prevent the sale of emission reductions generated through weatherization measures into a voluntary carbon market.~~

~~Except when specifically provided in the individual goals under this paragraph, the trust may consider expected savings from market effects not attributable to the trust as well as efforts by other organizations, including but not limited to federally funded low income weatherization programs.~~

As used in this paragraph, "heating fuel" means liquefied petroleum gas, kerosene or #2 heating oil, but does not include fuels when used for industrial or manufacturing processes.

G. After the triennial plan is approved, the trust or any party to the triennial plan may petition for, or the commission may initiate on its own, consideration of revising the calculations of avoided

energy costs used in the determination of maximum achievable cost-effective energy efficiency resources pursuant to section 10110, subsection 4-A or section 10111, subsection 2 upon a showing that, subsequent to the publication of the avoided energy cost study relied upon, changes in price forecasts would result in more than a 25% change in the value of avoided energy cost affecting a significant portion of the program activity in the triennial plan.

**Sec. 6. 35-A MRSA §10104, sub-§5, ¶D**, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

D. The performance of the trust and individual programs and program delivery agents or service providers in meeting the objectives, targets and ~~measures~~ of performance metrics approved by the commission and contained in the triennial plan.

**Sec. 7. 35-A MRSA §10104, sub-§6**, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

**6. Updated plans.** Within ~~30~~ 90 days of completion of the annual report under subsection 5, the director shall submit to the board an annual update plan describing any significant changes to the triennial plan under subsection 4 related to program budget allocations, goals, targets, ~~measures~~ of performance metrics, program designs, implementation strategies, timelines and other relevant information for the year ahead for all funds administered and managed by the trust. The director or any contractor, grantee or agency delivering programs may not execute any significant changes until the changes are approved by the board and, in the case of significant changes to programs using funds generated by assessments under this chapter, until the changes are also approved by the commission using the same standard as for the triennial plan.

All annual update plans must be presented to the commission and the joint standing committee of the Legislature having jurisdiction over energy matters.

**Sec. 8. 35-A MRSA §10110, sub-§4-A**, as amended by PL 2015, c. 255, §1, is further amended to read:

**4-A. Procurement of cost-effective energy efficiency and conservation resources.** The commission shall ensure that transmission and distribution utilities on behalf of their ratepayers procure ~~all~~ through the trust the maximum achievable cost-effective electric energy efficiency and conservation resources ~~found by the commission to be cost effective, reliable and achievable~~ pursuant to section 10104, subsection 4, except that the commission may not require the inclusion in rates under this subsection of a total amount that exceeds 4% of total retail electricity and transmission and distribution sales in the State as determined by the commission by rule. The cost of procurement

of cost-effective electric energy efficiency and conservation resources is a just and reasonable element of rates. The commission may issue any appropriate orders to transmission and distribution utilities necessary to achieve the goals of this subsection. When determining the ~~amount of~~ maximum achievable cost-effective electric energy efficiency resources ~~to be procured under this subsection~~, the commission shall:

A. Consider ~~electric~~ energy efficiency resources that are reasonably foreseeable to be acquired by the trust using all other sources of revenue, including, but not limited to, the Regional Greenhouse Gas Initiative Trust Fund under section 10109;

B. ~~Ensure that~~ Apply the discount rate adopted by the trust and ensure that the calculations of avoided energy costs and the budget identified by the trust in its triennial plan as needed to capture all cost effective electric energy efficiency resources are reasonable, based on sound evidence and make use of best practices across the region; and are consistent with rules adopted by the trust and are supported by evidence in the record. Avoided energy costs must include but are not limited to the following elements:

- (1) Retail value of electricity supply including a wholesale risk premium;
- (2) Statewide average value of avoided marginal transmission and distribution costs;
- (3) Statewide average for line losses; and
- (4) Demand reduction induced price effects.

The trust shall use, and the commission shall give deference to, values for each element of avoided energy cost from a regional avoided energy supply cost study as long as the analysis has been developed through a transparent process, with input from state agencies, public advocates, utilities or energy efficiency administrators from at least 3 other states in New England and the analysis has been published not more than 24 months prior to the trust's filing of the plan. When values specific to the State are not available in the regional study, the trust may use, and the commission shall give deference to, regional values provided in that regional study or values determined from other sources when supported by evidence in the record; and

C. Maximize total electricity savings for all ratepayers.

The commission shall consider gross efficiency savings for the purpose of determining savings that are cost-effective, reliable and achievable ~~and~~. The commission shall consider both whether the trust is taking reasonable steps to achieve high net and gross efficiency savings for the purpose of determining the ap

~~appropriateness of the amount identified by the trust in its triennial plan as needed to capture all cost-effective electric energy efficiency resources, including but not limited to the use of national standard practices as identified by the trust by rule.~~

Rules adopted under this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

**Sec. 9. 35-A MRSA §10111, sub-§1**, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

**1. Program established.** In accordance with the goals and objectives of the triennial plan, the trust shall establish a cost-effective conservation program to promote the efficient use of natural gas. Each gas utility in the State ~~that serves at least 5,000 residential customers~~ shall contribute data and other relevant information to assist in the development of the program. In determining whether the program is cost-effective, the trust may consider whether it promotes sustainable economic development or reduces greenhouse gas emissions to the extent the trust can quantify or otherwise reasonably identify such effects. The trust shall ~~seek to~~ encourage efficiency in natural gas use, provide incentives for the development of new, ~~energy-efficient business activity~~ cost-effective energy efficiency measures in the State and take into account the cost and benefits of energy efficiency and conservation to existing business activity in the State.

A. The trust shall consider, without limitation, a natural gas conservation program that:

- (1) Increases consumer awareness of cost-effective options for conserving energy;
- (2) Creates more favorable market conditions for the increased use of efficient products and services; and
- (3) Promotes sustainable economic development and reduces environmental damage.

B. The trust shall apportion available funds such that:

- (1) A reasonable percentage of the available funds is directed to programs for low-income residential consumers, as defined by the trust. The trust shall establish the percentage based on an assessment of the opportunity for cost-effective conservation measures for such consumers, including an assessment of the number of low-income residential consumers that may be eligible for such programs;
- (2) A reasonable percentage of the available funds is directed to programs for small business consumers, as defined by the trust. The trust shall establish the percentage based on an assessment of the opportunity for cost-effective conservation measures for such con-

sumers. In defining "small business" for the purposes of this subparagraph, the trust shall consider definitions of that term used for other programs in this State that assist small businesses; and

(3) To the greatest extent practicable, the remaining available funds are apportioned in a manner that allows all other consumers to have a reasonable opportunity to participate in one or more conservation programs.

**Sec. 10. 35-A MRSA §10111, sub-§2**, as amended by PL 2017, c. 358, §1, is further amended to read:

**2. Natural gas conservation fund; procurement level.** The natural gas conservation fund, which is a nonlapsing fund, is established to carry out the purposes of this section. The commission shall ~~assess each gas utility, in accordance with the triennial plan, an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable for those consumers who are eligible to receive funds from the natural gas conservation fund~~ ensure that gas utilities on behalf of their ratepayers procure through the trust the maximum achievable cost-effective natural gas energy efficiency and conservation resources pursuant to section 10104, subsection 4. The commission may issue any appropriate order to the gas utilities necessary to achieve the goals of this subsection, including the collection of funds for the procurement of cost-effective energy efficiency resources. The commission shall direct a gas utility that collects any ~~portion of the assessment funds~~ under this subsection from a customer that is a large-volume manufacturer and large-volume agricultural business to collect the ~~assessment funds~~ only on the first 1,000,000 centum cubic feet of natural gas used by that manufacturer or agricultural business in each year. The limitation on the collection of the assessment funds from large-volume manufacturers and large-volume agricultural businesses may not affect the trust's determination of the amount necessary to capture all cost-effective energy efficiency that is achievable and reliable. The limitation does not ~~limit~~ prohibit the eligibility of a large-volume manufacturer or large-volume agricultural business to participate in a natural gas conservation program. All amounts collected under this subsection must be transferred to the natural gas conservation fund. Any interest on funds in the fund must be credited to the fund. Funds not spent in any fiscal year remain in the fund to be used for the purposes of this section.

~~The assessments charged to funds collected from gas utilities under this section are just and reasonable costs for rate-making purposes and must be reflected in the rates of gas utilities.~~

All funds collected pursuant to this section are collected under the authority and for the purposes of this sec-

tion and are deemed to be held in trust for the purposes of benefiting natural gas consumers ~~serviced by the gas utilities assessed under this subsection.~~ In the event funds are not expended or contracted for expenditure within 2 years of being collected from consumers, the commission shall ensure that the value of those funds is returned to consumers.

For purposes of this subsection, "large-volume manufacturer" means a customer that is a gas utility ratepayer engaged in manufacturing in the State and purchases at least 1,000,000 centum cubic feet of natural gas per year. For purposes of this subsection, "large-volume agricultural business" means a customer that is a gas utility ratepayer that purchases at least 1,000,000 centum cubic feet of natural gas per year and is engaged in the commercial growing or harvesting of plants or commercial aquaculture, as defined in Title 12, section 6001, subsection 1, in the State.

When determining the maximum achievable cost-effective natural gas energy efficiency resources, the commission shall apply the discount rate adopted by the trust and ensure that the calculations of avoided energy costs are consistent with rules adopted by the trust and are supported by evidence in the record. Avoided energy costs must include but are not limited to the retail value of natural gas supply including a wholesale risk premium and demand reduction induced price effects. The trust shall use, and the commission shall give deference to, values for each element of avoided energy cost from a regional avoided energy cost study as long as the analysis has been developed through a transparent process, with input from state agencies, public advocates, utilities or energy efficiency administrators from at least 3 other states in New England and the analysis has been published not more than 24 months prior to the trust's filing of the triennial plan. When values specific to the State are not available in the regional study, the trust may use, and the commission shall give deference to, regional values provided in that regional study or values determined from other sources when supported by evidence in the record.

Rules adopted by the commission under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 11. 35-A MRSA §10120, sub-§1**, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

**1. Performance metrics.** The trust shall incorporate ~~measures of performance~~ metrics in the triennial plan. The ~~measures of performance~~ metrics must define the electricity, natural gas and heating fuel savings targets established in section 10104, subsection 4, paragraph F and specify the ~~measures~~ metrics for assessing progress in meeting the targets. The commission shall ratify ~~measures of performance~~ metrics incorporated in the triennial plan if it finds that these

~~measures~~ metrics satisfy the requirements of this chapter, including the principles described in section 10104, subsection 2, and are in the public interest. The commission and the trust may revise one or more of the ~~measures of performance~~ metrics in the triennial plan at any time by mutual agreement.

**Sec. 12. 35-A MRSA §10120, sub-§4** is enacted to read:

**4. Regional analysis of avoided costs.** The commission shall participate in any New England-wide process to establish a common analysis for determining the avoided costs of energy efficiency resources. The commission shall, at a minimum, provide input on the scope of work for any analysis, provide information specific to the State that may be useful for the analysis and review and provide feedback on drafts or other regional work products. The trust shall pay that portion attributable to the State of the cost of developing an avoided cost analysis. This subsection does not limit the ability of the trust to participate in the development of a regional avoided cost analysis.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 17, 2019.

**CHAPTER 314**

**S.P. 600 - L.D. 1776**

**An Act To Reduce the Membership of the Clean-up and Response Fund Review Board**

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

**Sec. 1. 38 MRSA §568-B, sub-§1**, as amended by PL 2015, c. 319, §30, is further amended to read:

**1. Clean-up and Response Fund Review Board.** The Clean-up and Response Fund Review Board, as established by Title 5, section 12004-G, subsection 11-A, is created to hear and decide appeals from insurance claims-related decisions under section 568-A and monitor income and disbursements from the fund under section 551. The review board consists of ~~14~~ 9 members appointed for 3-year terms as follows:

A. ~~Two persons~~ One person representing the petroleum industry, appointed by the Governor, ~~one of whom who~~ who is a representative of a statewide association of energy dealers;

A-1. ~~Two persons~~ One person, appointed by the ~~Governor~~ President of the Senate, who ~~have~~ has expertise in oil storage facility design and installation, oil spill remediation or environmental engineering;

B. ~~Four~~ Two members of the public appointed by the Governor. ~~Of the 4 members, 2~~ who must have expertise in biological science, earth science, engineering, insurance or law. ~~The 4 members~~ and may not be employed in or have a direct and substantial financial interest in the petroleum industry;

C. The commissioner or the commissioner's designee;

D. The State Fire Marshal or the fire marshal's designee;

~~E. One member representing marine fisheries interests appointed by the President of the Senate;~~

F. One member familiar with oil spill technology appointed by the Speaker of the House of Representatives;

G. One member with expertise in coastal geology, fisheries biology, marine fisheries or coastal wildlife habitat appointed by the President of the Senate; and

H. One member who is a licensed state pilot or a licensed merchant marine officer appointed by the Speaker of the House of Representatives.

Members other than those described in paragraphs C and D are entitled to reimbursement for direct expenses of attendance at meetings of the review board or the appeals panel.

**Sec. 2. 38 MRSA §568-B, sub-§2-A**, as amended by PL 2015, c. 319, §30, is further amended to read:

**2-A. Meetings.** The Clean-up and Response Fund Review Board shall meet ~~6~~ 4 times per year unless the review board votes not to hold a meeting. Action may not be taken unless a quorum is present. A quorum is ~~8~~ a majority of the seated members.

**Sec. 3. 38 MRSA §568-B, sub-§2-C**, as amended by PL 2015, c. 319, §30, is further amended to read:

**2-C. Appeals to review board.** An applicant aggrieved by an insurance claims-related decision under section 568-A, including but not limited to decisions on eligibility for coverage, eligibility of costs and waiver and amount of deductible, may appeal that decision to the Clean-up and Response Fund Review Board. The appeals panel is composed of the ~~public members~~ member appointed under subsection 1, paragraph ~~B~~ A-1, the 2 members appointed under subsection 1, paragraph B, the member appointed under sub-

section 1, paragraph G and the member appointed under subsection 1, paragraph H. The appeals panel shall hear and decide the appeal. Action may not be taken by the appeals panel unless a quorum is present. A quorum is a majority of the seated appeals panel members. Except as provided in review board rules, the appeal must be filed within 30 days after the applicant receives the decision made under section 568-A. The appeals panel must hear an appeal at its next meeting following receipt of the appeal unless the appeal petition is received less than 30 days before the meeting or unless the appeals panel and the aggrieved applicant agree to meet at a different time. If the appeals panel overturns the decision made under section 568-A, reasonable costs, including reasonable attorney's fees, incurred by the aggrieved applicant in pursuing the appeal to the review board must be paid from the fund. Reasonable attorney's fees include only those fees incurred from the time of an insurance claims-related decision forward. Decisions of the appeals panel are subject to judicial review pursuant to Title 5, chapter 375, subchapter 7.

**Sec. 4. Transition.** Notwithstanding the Maine Revised Statutes, Title 38, section 568-B, appointed members of the Clean-up and Response Fund Review Board serving on the effective date of this Act may serve for the remainder of their terms.

See title page for effective date.

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## CHAPTER 315

### S.P. 605 - L.D. 1789

#### An Act To Restore the Authority of the Board of Environmental Protection

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

**Sec. 1. 32 MRSA §4174, 2nd and 3rd ¶¶**, as amended by PL 2017, c. 137, Pt. A, §2, are further amended to read:

The ~~commissioner~~ Department of Environmental Protection shall establish the criteria and conditions for the classification of wastewater treatment plants or systems, using as a basis the standards established by the New England Water Pollution Control Association.

The ~~commissioner~~ Department of Environmental Protection shall establish by rule the qualifications, conditions and licensing standards and procedures for the certification of individuals to act as operators.

**Sec. 2. 32 MRSA §4179**, as amended by PL 2017, c. 137, Pt. A, §3, is further amended to read:

**§4179. Rules**

The ~~commissioner~~ Department of Environmental Protection shall adopt rules that include, but are not limited to, provisions establishing the basis for classification of treatment plants in accordance with section 4172 and provisions establishing requirements for certification and procedures for examination of candidates.

**Sec. 3. 38 MRSA §341-B**, as amended by PL 2011, c. 304, Pt. H, §1, is further amended to read:

**§341-B. Rules**

The purpose of the Board of Environmental Protection is to provide informed, independent and timely decisions on the interpretation, administration and enforcement of the laws relating to environmental protection and to provide for credible, fair and responsible public participation in department decisions. The board shall fulfill its purpose through ~~major substantive~~ rulemaking, decisions on selected permit applications, decisions on appeals of the commissioner's licensing ~~and actions, review of the commissioner's~~ enforcement actions and recommending changes in the law to the Legislature.

**Sec. 4. 38 MRSA §341-D, sub-§6**, as repealed and replaced by PL 2011, c. 304, Pt. H, §11, is further amended to read:

**6. Enforcement.** The board shall ~~hear appeals of emergency orders pursuant to section 347-A, subsection 3.:~~

E. Advise the commissioner on enforcement priorities and activities;

F. Advise the commissioner on the adequacy of penalties and enforcement activities;

G. Approve administrative consent agreements pursuant to section 347-A, subsection 1; and

H. Hear appeals of emergency orders pursuant to section 347-A, subsection 3.

**Sec. 5. 38 MRSA §341-H**, as amended by PL 2011, c. 538, §1, is further amended to read:

**§341-H. Departmental rulemaking**

~~The department may adopt, amend or repeal rules and emergency rules necessary for the interpretation, implementation and enforcement of any provision of law that the department is charged with administering as provided in this section.~~

Subject to Title 5, chapter 375, subchapter 2-A, the board may adopt, amend or repeal reasonable rules and emergency rules necessary for the interpretation, implementation and enforcement of any provision of law that the department is charged with administering as provided in this section. The board shall also adopt, amend and repeal rules as necessary for the conduct of

the department's business, including the processing of applications, the conduct of hearings and other administrative matters.

~~**1. Rule-making authority of the board.** Notwithstanding any other provision of this Title, and except as provided in this subsection, the board shall adopt, amend or repeal only those rules of the department designated as major substantive rules pursuant to Title 5, chapter 375, subchapter 2 A. The board shall also adopt, amend and repeal routine technical rules as necessary for the conduct of the board's business, including the processing of applications, the conduct of hearings and other administrative matters.~~

~~**2. Rule-making authority of the commissioner.** Notwithstanding any other provision of this Title, the commissioner shall adopt, amend or repeal only those rules of the department that are not designated as major substantive rules pursuant to Title 5, chapter 375, subchapter 2 A.~~

**3. Duties of department.** The department shall:

A. Identify in its regulatory agenda under Title 5, section 8060, when feasible, a proposed rule or provision of a proposed rule that is anticipated to be more stringent than a federal standard, if an applicable federal standard exists; and

B. During the consideration of any proposed rule, when feasible, and using information available to it, identify provisions of the proposed rule that the department believes would impose a regulatory burden more stringent than the burden imposed by the federal standard, if such a federal standard exists, and shall explain in a separate section of the basis statement the justification for the difference between the agency rule and the federal standard; and

~~C. Notwithstanding Title 5, chapter 375, subchapter 2 or 2 A, the department shall accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period at a meeting that is not a public hearing only if the additional public comment is directly related to comments received during the formal rule making comment period or is in response to changes to the proposed rule. Public notice of the meeting must comply with Title 1, section 406 and must state that the department will accept additional public comment on the proposed rule at that meeting.~~

**3-A. Additional public comment.** Notwithstanding Title 5, chapter 375, subchapter 2 or 2-A, the board shall accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period at a meeting that is not a public hearing only if the additional public comment is directly related to comments received during the formal rule-making comment period or is in

response to changes to the proposed rule. Public notice of the meeting must comply with Title 1, section 406 and must state that the board will accept additional public comment on the proposed rule at that meeting.

**4. Legislative review of a rule.** If a rule adopted by the ~~department~~ board is the subject of a request for legislative review of a rule under Title 5, chapter 377-A, the Executive Director of the Legislative Council shall immediately notify the ~~department~~ board of that request and of the legislative committee's decision under that chapter on whether or not to review the rule.

**Sec. 6. 38 MRSA §342, sub-§9,** as amended by PL 2011, c. 304, Pt. H, §15, is further amended to read:

**9. Rules.** The commissioner may ~~adopt, amend or repeal, in accordance with section 341-H, routine technical rules under Title 5, chapter 375, subchapter 2-A and shall~~ submit to the board new or amended ~~major substantive~~ rules for its adoption.

**Sec. 7. 38 MRSA §342, sub-§11-A,** as amended by PL 2011, c. 304, Pt. H, §16, is further amended to read:

**11-A. Recommendations and assistance to board.** The commissioner shall make recommendations to the board regarding proposed ~~major substantive~~ rules; permit and license applications over which the board has jurisdiction; modification or corrective action on licenses; appeals of license and permit decisions; enforcement actions; and other matters considered by the board. The commissioner shall also provide the board with the technical services of the department.

**Sec. 8. 38 MRSA §347-A, sub-§1, ¶A,** as amended by PL 2011, c. 304, Pt. H, §19, is further amended to read:

A. Whenever it appears to the commissioner, after investigation, that there is or has been a violation of this Title, of rules adopted under this Title or of the terms or conditions of a license, permit or order issued by the board or the commissioner, the commissioner may initiate an enforcement action by taking one or more of the following steps:

- (1) Resolving the violation through an administrative consent agreement pursuant to subsection 4, signed by the violator and approved by the ~~commissioner~~ board and the Attorney General;
- (2) Referring the violation to the Attorney General for civil or criminal prosecution;
- (3) Scheduling and holding an enforcement hearing on the alleged violation pursuant to subsection 2; or

(4) With the prior approval of the Attorney General, commencing a civil action pursuant to section 342, subsection 7 and the Maine Rules of Civil Procedure, Rule 3.

**Sec. 9. 38 MRSA §347-A, sub-§4, ¶D,** as amended by PL 2011, c. 304, Pt. H, §20, is further amended to read:

D. The public may make written comments to the ~~commissioner~~ board at the ~~commissioner's~~ board's discretion on an administrative consent agreement entered into by the ~~commissioner~~ board.

**Sec. 10. 38 MRSA §347-A, sub-§6, ¶A,** as amended by PL 2011, c. 538, §6, is further amended to read:

A. In the case of an administrative consent agreement, notice of the proposed agreement and the proposed agreement must be posted on the department's publicly accessible website at least 30 days before the ~~commissioner~~ board takes any action on the agreement. The Attorney General and the department shall receive and consider any written comments relating to the proposed agreement.

**Sec. 11. 38 MRSA §568-A, sub-§3,** as amended by PL 2017, c. 137, Pt. A, §13, is further amended to read:

**3. Exemptions from deductible.** The commissioner may waive the deductible requirement for an applicant's personal residence if the commissioner determines that the applicant does not have the financial resources to pay the deductible. The ~~commissioner~~ department shall adopt rules to determine the standards to be used to assess an applicant's ability to pay this deductible.

**Sec. 12. 38 MRSA §1319-O,** as amended by PL 2015, c. 124, §9, is further amended to read:

**§1319-O. Rule-making authority; hazardous waste, waste oil and biomedical waste**

**1. Hazardous waste.** This subsection governs rulemaking for hazardous waste.

A. The ~~commissioner~~ department may adopt and amend rules identifying hazardous waste. It is the intent of the Legislature that the ~~commissioner~~ department shall identify as hazardous waste those substances that are identified by the United States Environmental Protection Agency in proposed or final regulations. The Legislature also intends that the ~~commissioner~~ department may identify as hazardous waste, in accordance with subparagraph (2), other substances in addition to those identified by the United States Environmental Protection Agency. Further, the Legislature intends that a substance that has been identified as a hazardous waste by the ~~commissioner~~ department

may be removed from identification only by further rulemaking by the ~~commissioner~~ department.

Hazardous waste may be identified as follows.

(1) The ~~commissioner~~ department may identify any substance as a hazardous waste if that substance is identified as hazardous by particular substance, by characteristic, by chemical class or as a waste product of a specific industrial activity in proposed or final rules of the United States Environmental Protection Agency.

(2) The ~~commissioner~~ department may identify any substance as a hazardous waste if the ~~commissioner~~ department, after evaluation based on existing data or data reasonably extrapolated from previously conducted studies using similar classes of substances or compounds under similar circumstances, has determined that the substance is an acute or chronic toxin causing significant potential adverse public health or environmental effects. An acute or chronic toxin may include the characteristics of:

- (a) Carcinogenicity;
- (b) Mutagenicity;
- (c) Teratogenicity; or
- (d) Infectiousness.

Rules adopted under this subparagraph must be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources for review.

(3) Whenever the ~~commissioner~~ department proposes to adopt or amend rules identifying hazardous waste or removing hazardous waste from identification, the ~~commissioner~~ department shall hold a public hearing.

(4) In addition to hazardous waste identified under subparagraphs (1) and (2), the Legislature identifies the following chemicals, materials, substances or waste as being hazardous waste:

- (a) Polychlorinated biphenyls and any substance containing polychlorinated biphenyls.

B. The ~~commissioner~~ department may adopt rules relating to the handling of hazardous waste, including, but not limited to:

- (1) Containerization and labeling of hazardous waste, consistent with applicable rules of other federal and state agencies;
- (2) Reporting of handling of hazardous waste; and

(3) Waste that is not compatible.

C. The ~~commissioner~~ department may adopt rules relating to transportation of hazardous waste, including, but not limited to:

(1) Licensing of transporters of hazardous waste, conveyances used for the transportation of hazardous waste and the operators of these conveyances; and licensing fees must be paid to the Maine Hazardous Waste Fund; and

(2) A manifest system for hazardous waste that takes into consideration the requirements of the United States Resources Conservation and Recovery Act of 1976, Public Law 94-580, as amended, and this subchapter.

D. The ~~commissioner~~ department may adopt rules relating to the interim and final licensing and operation of waste facilities for hazardous waste, including, but not limited to:

(1) Standards for the safe operation and maintenance of the waste facilities, including, but not limited to, record keeping, monitoring before and during operation of the facility and after its termination of use or closure, inspections and contingency plans to minimize potential damage from hazardous waste;

(2) The training of personnel and the certification of supervisory personnel involved in the operation of the waste facilities;

(3) The termination, closing and potential future uses of the waste facilities;

(4) Rules equivalent to regulations of the United States Environmental Protection Agency that provide for licensing or permitting by rule; and

(5) Corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage or disposal facility seeking a permit under this subchapter, regardless of the time waste was placed in the unit. For purposes of this paragraph, "solid waste management unit" includes any waste pile, landfill, surface impoundment or land treatment facility from which hazardous constituents might migrate, regardless of whether the unit was intended for the management of solid or hazardous wastes.

E. The ~~commissioner~~ department may adopt rules relating to evidence of financial capacity of hazardous waste facilities' owners or operators, and of those who transport hazardous waste, to protect public health, safety and welfare and the environment, including, but not limited to:

- (1) Liability insurance;
- (2) Bonding; and
- (3) Financial ability to comply with statutory and regulatory requirements or conditions.

Evidence of financial capacity required by the ~~commissioner~~ department may include one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit or qualification as a self-insurer. In establishing the required evidence of financial capacity to further the purposes of this subchapter, the ~~commissioner~~ department may specify policy or other contractual terms, conditions or defenses that are necessary or that are unacceptable.

F. By January 1, 2000, the board shall adopt, at a minimum, the universal waste rules, excluding pesticides, promulgated by the United States Environmental Protection Agency as defined in 40 Code of Federal Regulations, Parts 9, 260, 261, 262, 264, 265, 266, 268, 270 and 273.

**2. Waste oil.** This subsection governs rulemaking for waste oil.

A. The ~~board~~ department may adopt rules relating to the transportation, collection and storage of waste oil to protect public health, safety and welfare and the environment. The rules may include, without limitation, rules requiring licenses for waste oil dealers and the location of waste oil storage sites that are operated by waste oil dealers, evidence of financial capability and manifest systems for waste oil. A person licensed by the department to transport or handle hazardous waste is not required to obtain a waste oil dealer's license, but the hazardous waste license must include any terms or conditions determined necessary by the department relating to the transportation or handling of waste oil.

B. The ~~board~~ department may adopt rules relating to the registration, design and operation of used oil collection centers for the purposes of section 1319-Y. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Handling and disposal of biomedical waste.**

The ~~commissioner~~ department shall adopt rules relating to the packaging, labeling, handling, storage, collection, transportation, treatment and disposal of biomedical waste, including infectious and pathogenic waste, to protect public health, safety and welfare and the environment.

- A. The rules must include, without limitation:
- (1) Registration of biomedical waste generators;

- (2) Handling of biomedical waste by generators;
- (3) Licensing of biomedical waste transporters and the conveyances used for the transportation of biomedical waste;
- (4) Implementation of a biomedical waste tracking or manifest system;
- (5) Establishment of treatment and disposal standards; and
- (6) Categories of biomedical waste subject to regulation under this subsection, consistent with the provisions of section 1303-C, subsection 1-A.

B. The ~~commissioner~~ department shall adopt rules governing the siting, licensing, operational and record-keeping requirements for biomedical waste treatment, storage and disposal facilities.

C. The ~~commissioner~~ department shall require evidence of financial capacity.

D. The ~~commissioner~~ department may assess licensing and registration fees sufficient to pay for the department's administrative costs in regulating biomedical waste.

E. The rules must provide transportation and disposal options for persons who generate fewer than 50 pounds of sharps per month that allow:

- (1) The generator or an employee of the generator to transport properly packaged sharps to a licensed biomedical waste disposal facility or another medical facility that has volunteered to serve as a collection point for sharps if no more than 50 pounds of sharps are transported in one trip; and
- (2) The generator to mail properly packaged sharps to a licensed biomedical waste disposal facility in this State or a facility in another state if the carrier accepts those items and no more than 50 pounds are transported in any single package.

For purposes of this paragraph, "sharps" means items that may cause puncture wounds or cuts, including hypodermic needles, syringes, scalpel blades, capillary tubes and lancets, and "properly packaged" means packaged in accordance with department rules and rules or requirements imposed by the mail carrier.

**Sec. 13. 38 MRSA §1362, sub-§1, ¶A,** as amended by PL 2017, c. 475, Pt. A, §67, is further amended to read:

- A. Any substance identified by the ~~commissioner~~ department under section 1319-O;

**Sec. 14. 38 MRSA §1609, sub-§13**, as amended by PL 2009, c. 610, §6, is further amended to read:

**13. Department rule-making authority; flame retardants.** If the commissioner determines, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Public Safety, Office of the State Fire Marshal, that a flame retardant is harmful to the public health and the environment or meets the criteria as a prohibited replacement pursuant to subsection 14, paragraph B and a safer alternative to the flame retardant as set forth in subsection 14 is available, the ~~commissioner~~ department may adopt rules to prohibit the manufacture, sale or distribution in the State of:

- A. A mattress, a mattress pad or upholstered furniture intended for indoor use in a home or other residential occupancy that contains that flame retardant;
- B. A television or computer that has a plastic housing containing that flame retardant; or
- C. A plastic shipping pallet that contains that flame retardant.

The ~~commissioner's~~ department's rulemaking under this subsection must be made in accordance with Title 5, chapter 375, subchapter 2-A. The department shall report any rulemaking undertaken pursuant to this subsection to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The joint standing committee of the Legislature having jurisdiction over natural resources matters may submit legislation relating to the department's report. For purposes of this subsection, "flame retardant" means any chemical that is added to a plastic, foam or textile to inhibit flame formation. Rules adopted pursuant to this subsection are routine technical rules.

**Sec. 15. 38 MRSA §1691, sub-§11**, as enacted by PL 2007, c. 643, §2, is further amended to read:

**11. Priority chemical.** "Priority chemical" means a chemical identified as such by the ~~commissioner~~ department pursuant to section 1694, subsection 1.

**Sec. 16. 38 MRSA §1694, sub-§§1 and 2**, as amended by PL 2011, c. 319, §5, are further amended to read:

**1. Criteria.** The ~~commissioner~~ department may designate a chemical of high concern as a priority chemical if the commissioner finds, in concurrence with the Department of Health and Human Services, Maine Center for Disease Control and Prevention:

- A. The chemical has been found through biomonitoring to be present in human blood, including

umbilical cord blood, breast milk, urine or other bodily tissues or fluids;

B. The chemical has been found through sampling and analysis to be present in household dust, indoor air or drinking water or elsewhere in the home environment; or

D. The chemical is present in a consumer product used or present in the home.

**2. Designation.** The commissioner shall designate at least 2 priority chemicals by January 1, 2011. The ~~commissioner~~ department may designate additional priority chemicals if the commissioner finds that the chemicals meet one of the criteria listed in subsection 1.

**Sec. 17. 38 MRSA §1694, last ¶**, as enacted by PL 2007, c. 643, §2, is amended to read:

The ~~commissioner~~ department shall adopt rules to implement the provisions of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 18. 38 MRSA §1697, sub-§6**, as enacted by PL 2007, c. 643, §2, is amended to read:

**6. Mercury-added products.** The ~~commissioner~~ department may designate mercury or a mercury compound as a priority chemical for the purpose of adopting rules under section 1696 to prohibit the manufacture, sale or distribution of a mercury-added product that is not regulated under section 1661-C or 1667 prior to the effective date of this section. The disclosure requirements of section 1695 do not apply to the manufacturer or distributor of a children's product that contains the designated mercury or mercury compound if the manufacturer has complied with the notification requirement under section 1661-A.

**Sec. 19. 38 MRSA §3106, sub-§8, ¶A**, as enacted by PL 2015, c. 166, §14, is amended to read:

A. A distributor that initiates the deposit under section 3103, subsection 2 or 4 has the obligation to pick up any empty, unbroken and reasonably clean beverage containers of the particular kind, size and brand sold by the distributor from dealers to whom that distributor has sold those beverages and from licensed redemption centers designated to serve those dealers pursuant to an order entered under section 3109. A distributor that, within this State, sells beverages under a particular label exclusively to one dealer, which dealer offers those labeled beverages for sale at retail exclusively at the dealer's establishment, shall pick up any empty, unbroken and reasonably clean beverage containers of the kind, size and brand sold by the distributor to the dealer only from those licensed redemption centers that serve the various establishments of the dealer, under an order entered under section 3109. A dealer that manufactures its own

beverages for exclusive sale by that dealer at retail has the obligation of a distributor under this section. The ~~commissioner~~ department may establish by rule, in accordance with the Maine Administrative Procedure Act, criteria prescribing the manner in which distributors shall fulfill the obligations imposed by this paragraph. The rules may establish a minimum number or value of containers below which a distributor is not required to respond to a request to pick up empty containers. Any rules adopted under this paragraph must allocate the burdens associated with the handling, storage and transportation of empty containers to prevent unreasonable financial or other hardship.

**Sec. 20. Transition provisions.** The following transition provisions apply to changes in rulemaking and the impact on pending proceedings.

**1. Effect on existing rules.** All rules adopted by the Commissioner of Environmental Protection prior to the effective date of this Act continue in effect until amended or rescinded by the Board of Environmental Protection; and

**2. Effect on pending proceedings.** All regulatory proceedings pending before the Board of Environmental Protection or the Commissioner of Environmental Protection on the effective date of this Act are subject to the Maine Revised Statutes, Title 1, section 302.

See title page for effective date.

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## CHAPTER 316

### H.P. 1305 - L.D. 1834

#### An Act Regarding Prostitution

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

**Sec. 1. 17-A MRSA §853-A, sub-§1, ¶B,** as amended by PL 2007, c. 476, §29, is further amended to read:

B. The person violates paragraph A and, at the time of the offense, the person has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of the prior conviction may not precede the commission of the offense by more than 2 years. Violation of this paragraph is a Class ~~D~~ E crime.

**Sec. 2. 17-A MRSA 1902, sub-§6** is enacted to read:

**6. A deferred disposition is a preferred disposition in a prosecution for engaging in prostitution under section 853-A, subsection 1, paragraph B.**

See title page for effective date.

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## CHAPTER 317

### H.P. 211 - L.D. 287

#### An Act To Impose on Mental Health Professionals a Duty To Warn and Protect

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

**Sec. 1. 32 MRSA §2600-D** is enacted to read:

#### **§2600-D. Duty to warn and protect**

**1. Duty.** An osteopathic physician licensed under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a patient's violent behavior if the osteopathic physician has a reasonable belief based on communications with the patient that the patient is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the osteopathic physician to take any action that in the reasonable professional judgment of the osteopathic physician would endanger the osteopathic physician or increase the threat of danger to a potential victim.

**2. Discharge of duty.** An osteopathic physician subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the osteopathic physician makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the patient under Title 34-B, chapter 3, subchapter 4, article 3.

**3. Immunity.** No monetary liability and no cause of action may arise concerning patient privacy or confidentiality against an osteopathic physician licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

**Sec. 2. 32 MRSA §3300-G** is enacted to read:

#### **§3300-G. Duty to warn and protect**

**1. Duty.** A physician licensed under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a patient's violent behavior if the physician has a reasonable belief based on communications with the patient that the patient is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the physi-

cian to take any action that in the reasonable professional judgment of the physician would endanger the physician or increase the threat of danger to a potential victim.

**2. Discharge of duty.** A physician subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the physician makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the patient under Title 34-B, chapter 3, subchapter 4, article 3.

**3. Immunity.** No monetary liability and no cause of action may arise concerning patient privacy or confidentiality against a physician licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

**Sec. 3. 32 MRSA §3820** is enacted to read:

**§3820. Duty to warn and protect**

**1. Duty.** A licensee under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a patient's violent behavior if the licensee has a reasonable belief based on communications with the patient that the patient is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the licensee to take any action that in the reasonable professional judgment of the licensee would endanger the licensee or increase the threat of danger to a potential victim.

**2. Discharge of duty.** A licensee subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the licensee makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the patient under Title 34-B, chapter 3, subchapter 4, article 3.

**3. Immunity.** No monetary liability and no cause of action may arise concerning patient privacy or confidentiality against a person licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

**Sec. 4. 32 MRSA §6207-C** is enacted to read:

**§6207-C. Duty to warn and protect**

**1. Duty.** A certified alcohol and drug counselor or a licensed alcohol and drug counselor has a duty to warn of or to take reasonable precautions to provide protection from a client's violent behavior if the counselor has a reasonable belief based on communications with the client that the client is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the counselor to take any action that in the reasonable professional judgment

of the counselor would endanger the counselor or increase the threat of danger to a potential victim.

**2. Discharge of duty.** A certified alcohol and drug counselor or a licensed alcohol and drug counselor subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the counselor makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the client under Title 34-B, chapter 3, subchapter 4, article 3.

**3. Immunity.** No monetary liability and no cause of action may arise concerning client privacy or confidentiality against an alcohol and drug counselor certified or licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

**Sec. 5. 32 MRSA §7006** is enacted to read:

**§7006. Duty to warn and protect**

**1. Duty.** A licensee under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a client's violent behavior if the licensee has a reasonable belief based on communications with the client that the client is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the licensee to take any action that in the reasonable professional judgment of the licensee would endanger the licensee or increase the threat of danger to a potential victim.

**2. Discharge of duty.** A licensee subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the licensee makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the client under Title 34-B, chapter 3, subchapter 4, article 3.

**3. Immunity.** No monetary liability and no cause of action may arise concerning client privacy or confidentiality against a person licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

**Sec. 6. 32 MRSA §13866** is enacted to read:

**§13866. Duty to warn and protect**

**1. Duty.** A licensee under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a client's violent behavior if the licensee has a reasonable belief based on communications with the client that the client is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the licensee to take any action that in the reasonable professional judgment of the licensee would endanger the licensee or increase the threat of danger to a potential victim.

**2. Discharge of duty.** A licensee subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the licensee makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the client under Title 34-B, chapter 3, subchapter 4, article 3.

**3. Immunity.** No monetary liability and no cause of action may arise concerning client privacy or confidentiality against a person licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

See title page for effective date.

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**CHAPTER 318**  
**S.P. 53 - L.D. 166**

**An Act To Protect  
Schoolchildren by Providing  
Additional Enforcement and  
Prevention Options for  
Unlawful Passing of a School  
Bus**

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

**Sec. 1. 29-A MRSA §2117**, as enacted by PL 2009, c. 223, §1, is amended to read:

**§2117. Use of traffic surveillance cameras restricted**

The Except as provided in subsections 1 and 2, the State or a municipality may not use a traffic surveillance camera to prove or enforce a violation of this Title. For purposes of this section, "traffic surveillance camera" means a device that, in conjunction with a lighted traffic-control device or a lane direction control device, as described in section 2057, subsections 1 and 3, or a speed measurement device as described in section 2075, subsection 4, automatically produces one or more photographs, one or more microphotographs, a videotape or any other recorded image of a vehicle at the time the vehicle is operated in violation of state law.

~~This section does not apply to a photo-monitoring system, as defined by Title 23, section 1980, subsection 2-A, paragraph B, subparagraph 4, used by the Maine Turnpike Authority for toll enforcement purposes.~~

**1. School buses.** The State or a municipality may use a traffic surveillance camera mounted on a school bus in conjunction with a lighted traffic-control device to prove or enforce a violation of section 2308, subsection 2. A photograph, microphotograph, videotape or other recorded image or audio produced by a

traffic surveillance camera mounted on a school bus is confidential and may only be released to a law enforcement officer for the purpose of an investigation into a violation of the law or to a law enforcement officer, prosecutor, defendant or court for the purpose of a prosecution of a violation of the law.

The state or a municipality may not retain a photograph, microphotograph, videotape or other recorded image or audio produced by a traffic surveillance camera mounted on a school bus for more than 30 days from the date of production unless it is released in accordance with this subsection.

For the purposes of this subsection, "prosecutor" means a person who by virtue of public employment is vested by law with a duty to prosecute offenders for crimes, whether that duty extends to all crimes or is limited to specific crimes.

**2. Toll enforcement.** The Maine Turnpike Authority may use a photo-monitoring system, as defined by Title 23, section 1980, subsection 2-A, paragraph B, subparagraph (4), for toll enforcement purposes.

**Sec. 2. 29-A MRSA §2301, sub-§§1-D and 5-C** are enacted to read:

**1-D. Extended stop arm.** "Extended stop arm" means a stop arm that when activated extends 3 to 6 feet outward from the left side of a school bus.

**5-C. Stop arm.** "Stop arm" means a device mounted on the left side of a school bus that when activated displays a stop sign to traffic in front of and behind that school bus.

**Sec. 3. 29-A MRSA §2302, sub-§1, ¶G**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

G. May be equipped with a system of stop arms or extended stop arms to be operated only with the red signal lights; and

**Sec. 4. 29-A MRSA §2308, sub-§6**, as amended by PL 2019, c. 113, Pt. C, §75, is further amended to read:

**6. Penalty.** A violation of this section subsection 2 is a Class E crime that is punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense.

**Sec. 5. 29-A MRSA §2380, sub-§3-A**, as enacted by PL 2005, c. 482, §6, is amended to read:

**3-A. Maximum width; additional exceptions.** In addition to the exceptions in subsection 3, the following are excluded from the measurement of vehicle width:

- A. Reflecting mirrors;
- B. Turn signal lamps; ~~and~~

C. Appurtenances on motor homes, truck campers and camp trailers, if such appurtenances extend no more than 6 inches from either side of the body of the vehicle; and

D. Extended stop arms as defined in section 2301, subsection 1-D.

See title page for effective date.

**CHAPTER 319**

**H.P. 1138 - L.D. 1576**

**An Act To Improve the Department of Corrections' Response to Emergency Situations by Amending Provisions Related to Vehicles Operated by Certain Department Employees**

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

**Sec. 1. 29-A MRSA §2054, sub-§1, ¶B**, as amended by PL 2017, c. 229, §32, is further amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Agriculture, Conservation and Forestry vehicle operated by a forest ranger;
- (5) A Department of Agriculture, Conservation and Forestry vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee or a Department of Corrections vehicle operated by a person who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a law enforcement officer;
- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire in-

vestigator or a Maine Drug Enforcement Agency officer;

- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;
- (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;
- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;
- (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;
- (17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- (18) A Federal Government vehicle operated by a federal law enforcement officer;
- (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;
- (20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;
- (21) A Department of the Secretary of State vehicle operated by a motor vehicle detective; and
- (22) A University of Maine System vehicle operated by a University of Maine System police officer.

**Sec. 2. 29-A MRSA §2054, sub-§5, ¶C**, as amended by PL 2001, c. 360, §7, is further amended to read:

C. Exceed the maximum speed limits as long as life or property is not endangered, except that a capital security ~~officers officer~~ and ~~employees of the~~ a person operating a Department of Corrections vehicle who is not certified as a law enforcement officer by the Board of Trustees of the Maine Criminal Justice Academy may not exercise this privilege;

See title page for effective date.

**CHAPTER 320**  
**S.P. 540 - L.D. 1663**

**An Act To Clarify**  
**Ranked-choice Voting Laws**

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

**Sec. 1. 21-A MRSA §1, sub-§27-C**, as repealed and replaced by PL 2017, c. 316, §1, is amended to read:

**27-C. Elections determined by ranked-choice voting.** "Elections determined by ranked-choice voting" means any election described in paragraph A or B in which 3 or more candidates have qualified to be listed on the ballot for a particular office or at least 2 such candidates plus one or more declared write-in candidates have qualified for that particular office:

A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative; and

B. General and special elections for the offices of United States Senator and United States Representative to Congress; and.

**Sec. 2. 21-A MRSA §601, sub-§1**, as amended by PL 1993, c. 473, §11 and affected by §46, is further amended to read:

**1. Arrangement.** The ballots must be arranged in a manner that is as consistent and uniform as possible throughout the State, except that ranked-choice contests must be grouped together and may be presented on the same page of the ballot as contests other than ranked-choice contests or on a separate ballot or ballot page from contests other than ranked-choice contests.

**Sec. 3. 21-A MRSA §601, sub-§2, ¶A**, as amended by PL 2013, c. 131, §15, is further amended to read:

A. Instructions must be printed on the ballot informing the voter how to designate the voter's ~~choice~~ choices on the ballot. Specific instructions must be presented above or next to the first contest of each type, such as ranked-choice contests, contests other than ranked-choice contests or referenda.

**Sec. 4. 21-A MRSA §605-A, sub-§2, ¶A**, as enacted by PL 2011, c. 342, §15, is amended to read:

A. The voting instruction poster must include information on how to mark the ballot, including how to mark a write-in vote; how to replace the ballot if the voter makes a mistake; and how to receive assistance in marking the ballot. It may include other voting information. The Secretary of

State may design separate instruction posters to instruct the voters on how to mark a ballot for elections to be determined by ranked-choice voting and those to be determined by plurality.

**Sec. 5. 21-A MRSA §696, sub-§2, ¶A**, as amended by PL 2009, c. 253, §32, is further amended to read:

A. If Except as provided in section 723-A for elections determined by ranked-choice voting, if a voter marks more names for an office than there are vacancies to be filled or more choices for a question than are permitted, the voter's vote for that office or question may not be counted.

**Sec. 6. 21-A MRSA §700**, as enacted by PL 2015, c. 146, §1, is amended to read:

**§700. Posting unofficial results**

As soon as practicable after the election return is prepared under section 711, if a secure place is available at the voting place or municipal office where the public may view a paper copy of the unofficial election results even when the voting place or municipal office is closed, an election official shall post a paper copy of the unofficial results of the election. For elections determined by ranked-choice voting, an election official shall post a paper copy of the results of the first choice votes cast.

**Sec. 7. 21-A MRSA §711, first ¶**, as amended by PL 2009, c. 253, §34, is further amended to read:

As soon as the results of the election have been declared, the election return must be prepared. The warden at each ward or precinct shall fill out the election return form provided by the Secretary of State, showing the number of votes cast for each candidate or question and recording the total number of state ballots cast in that ward or precinct. For elections determined by ranked-choice voting, the warden shall report on the election return only the first choice votes cast. The warden and one other election official shall sign the return and immediately deliver it to the municipal clerk. The form provided by the Secretary of State must include the names of all candidates, including declared write-in candidates as determined by section 722-A.

**Sec. 8. 21-A MRSA §723, sub-§1**, as amended by PL 2017, c. 248, §5, is further amended to read:

**1. Primary election.** In a primary election, the person who receives a plurality of the votes cast for nomination to any office, as long as there is at least one vote cast for that office, is nominated for that office, except for write-in candidates under paragraph A and elections determined by ranked-choice voting under section 723-A.

A. A write-in candidate who complies with section 722-A and who fulfills the other qualifications under section 334 may be nominated at the primary election if that person receives a number of valid write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5 on a primary petition for a candidate for that office.

B. The Secretary of State shall immediately certify by mail the nomination of each person nominated by the primary election.

**Sec. 9. 21-A MRSA §723-A, sub-§1, ¶¶F and G,** as enacted by IB 2015, c. 3, §5, are amended to read:

F. "Last-place candidate" means the candidate with the fewest votes in a round of the ranked-choice voting ~~tabulation~~ count.

G. "Mathematically impossible to be elected," with respect to a candidate, means either:

(1) The candidate cannot be elected because the candidate's vote total in a round of the ranked-choice voting ~~tabulation~~ count plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or

(2) The candidate has a lower vote total than a candidate described in subparagraph (1).

**Sec. 10. 21-A MRSA §723-A, sub-§1, ¶H-1** is enacted to read:

H-1. "Ranked-choice voting count" means the ranked-choice counting process described in this section and in rules adopted by the Secretary of State.

**Sec. 11. 21-A MRSA §723-A, sub-§1, ¶J,** as enacted by IB 2015, c. 3, §5, is amended to read:

J. "Round" means an instance of the sequence of ~~voting tabulation~~ vote counting steps established in subsection 2 and in rules adopted by the Secretary of State.

**Sec. 12. 21-A MRSA §723-A, sub-§2,** as amended by PL 2017, c. 316, §8, is further amended to read:

**2. Procedures.** Except as provided in subsections 3 and 4, the following procedures are used to determine the winner of an election determined by ranked-choice voting. ~~Tabulation~~ The ranked-choice voting count must proceed in rounds. In each round, the number of votes for each continuing candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for

that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following 2 potential outcomes.

A. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.

B. If there are more than 2 continuing candidates, the last-place candidate is defeated and a new round begins.

**Sec. 13. 21-A MRSA §723-A, sub-§3,** as enacted by IB 2015, c. 3, §5, is amended to read:

**3. Ties.** A tie under this section ~~between candidates for the most votes in the final round or a tie between last-place candidates in any round~~ must be decided by lot, and the candidate chosen by lot is defeated. The result of the tie resolution must be recorded and reused in the event of a recount. ~~Election officials may resolve prospective ties between candidates before the election~~ A tie between candidates for the most votes in the final round must be decided as provided in section 732.

**Sec. 14. 21-A MRSA §723-A, sub-§4,** as enacted by IB 2015, c. 3, §5, is amended to read:

**4. Modification of ranked-choice voting ballot and ranked-choice voting count.** Modification of a ranked-choice voting ballot and ~~tabulation~~ ranked-choice voting count is permitted in accordance with the following.

A. The number of allowable rankings may be limited to no fewer than ~~6~~ 5.

B. Two or more candidates may be defeated simultaneously by batch elimination in any round of ~~tabulation~~ counting.

**Sec. 15. 21-A MRSA §723-A, sub-§5-A,** as enacted by PL 2017, c. 316, §10, is amended to read:

**5-A. Rules.** The Secretary of State shall adopt rules for the proper and efficient administration of elections determined by ranked-choice voting. At a minimum, rules required under this subsection must include procedures, as determined appropriate by the Secretary of State, for requesting and conducting recounts of the results as determined in the rounds of ~~tabulation~~ counting described in subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 16. 21-A MRSA §737-A, 3rd ¶,** as amended by PL 2007, c. 515, §9, is further amended to read:

A candidate who is the apparent loser and who desires a recount must file with the Secretary of State a written request for a recount within 5 business days after the election, except that in an election determined

by ranked-choice voting, only a candidate who received one of the top 3 rankings at the end of the penultimate round of ranked-choice counting may request a recount. The recount is held under the supervision of the Secretary of State, who shall allow the candidate's representatives or counsel to recount the ballots. The candidate may not act as a counter of ballots.

See title page for effective date.

## CHAPTER 321

S.P. 562 - L.D. 1706

### An Act To Ensure Public Notification of Air Quality Violations

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

Sec. 1. 38 MRSA §589-A is enacted to read:

**§589-A. Notification of violation to affected municipality**

When the department issues a notice of violation for a violation of this chapter pursuant to section 347-A or receives an air quality-related notice of violation from the United States Environmental Protection Agency, the department shall provide notice of that violation to each municipality in which the violation occurred. The department may provide the information required under this section electronically.

See title page for effective date.

## CHAPTER 322

S.P. 569 - L.D. 1720

### An Act To Amend the So-called Dig Safe Law

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

Sec. 1. 23 MRSA §3360-A, sub-§10-B is enacted to read:

**10-B. Calling 9-1-1.** If contact with or damage to an underground pipe or another underground facility results in the escape of any natural gas or other hazardous substance or material regulated by the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration, the excavator shall immediately report the contact or damage by calling 9-1-1.

See title page for effective date.

## CHAPTER 323

S.P. 570 - L.D. 1721

### An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act

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

Sec. 1. 1 MRSA §1002, sub-§1-A, ¶D, as enacted by PL 2001, c. 470, §2, is amended to read:

D. Two initial appointees are appointed for one-year terms, 2 are appointed for 2-year terms and one is appointed for a 3-year term, according to a random lot drawing under the supervision of the Secretary of State. Subsequent appointees are appointed to serve 3-year terms. A person may not serve more than 2 consecutive terms, except that if a person is appointed to fill the unexpired portion of a term to fill a vacancy under paragraph F and that portion is less than 2 years, the person may serve 2 consecutive full terms thereafter.

Sec. 2. 21-A MRSA §1001, sub-§2, as amended by PL 2017, c. 475, Pt. A, §27, is further amended to read:

**2. Election.** "Election" means any primary, general or special election for state or county office or municipal office pursuant in a municipality subject to Title 30-A, section 2502, subsection 1 and any referendum, including a municipal referendum in a municipality subject to Title 30-A, section 2502, subsection 2.

Sec. 3. 21-A MRSA §1003, sub-§3-A, as amended by PL 2013, c. 470, §1, is further amended to read:

**3-A. Confidential records.** Investigative working papers of the commission are confidential, except that the commission may disclose them to the subject of the audit or investigation, other entities as necessary for the conduct of an audit or investigation and law enforcement and other agencies for purposes of reporting, investigating or prosecuting a criminal or civil violation. For purposes of this subsection, "investigative working papers" means documents, records and other printed or electronic information in the following limited categories that are acquired, prepared or maintained by the commission during the conduct of an audit, investigation or other enforcement matter:

- A. Financial information not normally available to the public;
- B. Information that, if disclosed, would reveal sensitive political or campaign information belonging to a party committee, political action committee, ballot question committee, candidate

or candidate's political committee, or other person who is the subject of an audit, investigation or other enforcement matter, even if the information is in the possession of a vendor or 3rd party;

C. Information or records subject to a privilege against discovery or use as evidence; and

D. Intra-agency or interagency communications related to an audit or investigation, including any record of an interview, meeting or examination.

The commission may disclose investigative working papers or discuss them at a public meeting, except for the information or records subject to a privilege against discovery or use as evidence, if the information or record is materially relevant to a finding of fact, violation or other memorandum or interim or final report by the commission staff or a decision by the commission concerning an audit, investigation or other enforcement matter. A memorandum or report on the audit or investigation prepared by staff for the commission may be disclosed at the time it is submitted to the commission, as long as the subject of the audit or investigation has an opportunity to review it first to identify material that the subject of the audit or investigation considers privileged or confidential under some other provision of law.

**Sec. 4. 21-A MRSA §1013-A, sub-§3,** as amended by PL 1995, c. 483, §5, is further amended to read:

**3. Party committees.** ~~The state, district and county and municipal committees of parties shall submit to the commission their state party committees the names and mailing addresses and e-mail addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 30 10 days after the appointment, election or hiring of these persons. Municipal committees must shall file copies of the same information with the commission and the municipal clerk. District, county and municipal committees that provide their state party committees with the information required by this subsection to be submitted to the commission have met that requirement. No later than the 2nd Monday in April June 15th of each year in which a general election is scheduled, the state party committee of a party shall submit to the commission a consolidated report, including the information required under this subsection, for of the names, mailing addresses and e-mail addresses of the chair and treasurer of the district, county and municipal committees of that party or of another officer if a chair or treasurer has not been appointed.~~

**Sec. 5. 21-A MRSA §1014, sub-§2-A,** as amended by PL 2013, c. 362, §3, is further amended to read:

**2-A. Other communications.** Whenever a person makes an expenditure to finance a communication

that names or depicts a clearly identified candidate and that is disseminated during the ~~21 days before a primary election or 35 days before a general election~~ 28 days, including election day, before a primary election, during the 35 days, including election day, before a special election or during the period of time from Labor Day to the election day for a general election through the media described in subsection 1, the communication must state the name and address of the person who made or financed the communication and a statement that the communication was or was not authorized by the candidate, except that a communication broadcast by radio is only required to state the city and state of the address of the person that financed the communication. The disclosure is not required if the communication was not made for the purpose of influencing the candidate's nomination for election or election.

**Sec. 6. 21-A MRSA §1014, sub-§5,** as amended by PL 2007, c. 443, Pt. A, §9, is further amended to read:

**5. Telephone calls.** Prerecorded automated telephone calls and scripted live telephone communications that name a clearly identified candidate during the ~~21 days before a primary election or the 35 days before a general election~~ 28 days, including election day, before a primary election, during the 35 days, including election day, before a special election or during the period of time from Labor Day to the general election day for a general election must clearly state the name of the person who made or financed the expenditure for the communication and whether the communication was authorized by a candidate, except for prerecorded automated telephone calls paid for by the candidate that use the candidate's voice in the telephone call and that are made in support of that candidate. Telephone calls made for the purposes of researching the views of voters surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients are not required to include the disclosure.

**Sec. 7. 21-A MRSA §1017, sub-§2, ¶D,** as amended by PL 2013, c. 334, §10, is further amended to read:

D. ~~Any~~ If the candidate has an opponent who is on the ballot or who is a declared write-in candidate, any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 11:59 p.m. on the day of the election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received pay-

ments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

**Sec. 8. 21-A MRSA §1017, sub-§3-A, ¶C,** as amended by PL 2013, c. 334, §11, is further amended to read:

C. ~~Any~~ If the candidate has an opponent who is on the ballot or who is a declared write-in candidate, any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of any election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

**Sec. 9. 21-A MRSA §1017, sub-§5,** as amended by PL 2011, c. 522, §1, is further amended to read:

**5. Content.** A report required under this section must contain the itemized accounts of contributions received during that report filing period, including the date a contribution was received, and the name, address, occupation, principal place of business, if any, and the amount of the contribution of each person who has made a contribution or contributions aggregating in excess of \$50. The report must contain the itemized expenditures made or authorized during the report filing period, the date and purpose of each expenditure and the name and address of each payee and creditor and any refund that a payee has made to the candidate or an agent of the candidate. If the payee is a member of the candidate's household or immediate family, the candidate ~~must~~ shall disclose the candidate's relationship to the payee in a manner prescribed by the commission. The report must contain a statement of any loan to a candidate by a financial institution in connection with that candidate's candidacy that is made during the period covered by the report, whether or not the loan is defined as a contribution under section 1012, subsection 2, paragraph A. The candidate and the treasurer are jointly and severally responsible for the timely and accurate filing of each required report.

**Sec. 10. 21-A MRSA §1017, sub-§8,** as amended by PL 2007, c. 443, Pt. A, §16, is further amended to read:

**8. Disposition of surplus.** A candidate or treasurer of a candidate registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 ~~must~~ shall dispose of a surplus exceeding \$100 within 4 years of the election for which the contributions were received by:

A. Returning contributions to the candidate's or candidate's authorized political committee's contributors, as long as no contributor receives more than the amount contributed;

B. A gift to a qualified political party within the State, including any county or municipal subdivision of such a party;

C. An unrestricted gift to the State. A candidate for municipal office may dispose of a surplus by making a restricted or unrestricted gift to the municipality;

D. Carrying forward the surplus balance to a political committee established to promote the same candidate for a subsequent election;

D-1. Carrying forward the surplus balance for use by the candidate for a subsequent election;

E. Transferring the surplus balance to one or more other candidates registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355, or to political committees established to promote the election of those candidates, provided that the amount transferred does not exceed the contribution limits established by section 1015;

F. Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;

G. Paying for any expense incurred in the proper performance of the office to which the candidate is elected, as long as each expenditure is itemized on expenditure reports; and

H. A gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

The choice must be made by the candidate for whose benefit the contributions were made.

**Sec. 11. 21-A MRSA §1017-A, sub-§2, ¶A,** as amended by PL 2007, c. 443, Pt. A, §17, is further amended to read:

A. The name of each candidate, ~~political committee,~~ political action committee, ballot question committee or party committee;

**Sec. 12. 21-A MRSA §1017-A, sub-§4-A,** as amended by PL 2013, c. 334, §12, is further amended to read:

**4-A. Filing schedule.** A state party committee shall file its reports according to the following schedule. All reports required under paragraphs A, B and C must be filed by 11:59 p.m. on the day of the filing deadline.

A. Quarterly reports must be filed by 11:59 p.m. A state party committee shall file quarterly reports:

- (1) On January 15th and, which must be complete up to December 31st;
- (2) On April 10th and, which must be complete up to March 31st;
- (3) On July 15th and, which must be complete up to June 30th; and
- (4) On October 5th and, which must be complete up to September 30th.

B. General and primary election reports must be filed by 11:59 p.m. During any year in which primary and general elections are held, a state party committee shall file primary and general election reports in addition to the reports required under paragraph A:

- (1) On the 11th day before the date on which the election is held and, which must be complete up to the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and, which must be complete up to the 35th day after that date.

C. Preelection and post election reports for special elections, referenda, initiatives, bond issues or constitutional amendments must be filed by 11:59 p.m. In an election year other than a year described in paragraph B, if a state party committee has received contributions or made expenditures for the purpose of influencing a ballot question election, a special election or a municipal candidate or referendum election subject to Title 30-A, section 2502, the committee shall file preelection and post-election reports:

- (1) On the 11th day before the date on which the election is held and, which must be complete up to the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and, which must be complete up to the 35th day after that date.

D. A state party committee that files an election report under paragraph B or C is not required to file a quarterly report under paragraph A when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C.

E. ~~A~~ If a state party committee is required to file a report 11 days before an election pursuant to

paragraph B or C, the committee shall report any single contribution of \$5,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

**Sec. 13. 21-A MRSA §1017-A, sub-§4-B, ¶C,** as amended by PL 2013, c. 334, §13, is further amended to read:

C. A committee shall report any single contribution of \$5,000 or more received or any expenditure of \$1,000 or more made after the 14th day before ~~any a general or special~~ election and more than 24 hours before 11:59 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

**Sec. 14. 21-A MRSA §1019-A,** as enacted by PL 2001, c. 465, §2, is amended to read:

**§1019-A. Reports of membership communications**

Any membership organization or corporation that makes a communication to its members or stockholders expressly advocating the election or defeat of a clearly identified candidate shall report any expenses related to such communications aggregating in excess of ~~\$50~~ \$100 in any one candidate's election race, notwithstanding the fact that such communications are not expenditures under section 1012, subsection 3, paragraph A. Reports required by this section must be filed with the commission on forms prescribed and prepared by the commission and according to a reporting schedule that the commission shall establish by rule.

**Sec. 15. 21-A MRSA §1019-B, sub-§1, ¶A,** as enacted by PL 2003, c. 448, §3, is amended to read:

A. Is any expenditure made by a person, party committee, ~~political committee~~ or political action committee, other than by contribution to a candi-

date or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and

**Sec. 16. 21-A MRSA §1019-B, sub-§2,** as enacted by PL 2003, c. 448, §3, is amended to read:

**2. Rebutting presumption.** A person presumed under this section to have made an independent expenditure may rebut the presumption by filing a signed written statement with the commission within 48 hours of ~~making the expenditure~~ disseminating the communication stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person chooses to submit. The commission may gather any additional evidence it deems relevant and material and ~~must~~ shall determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

**Sec. 17. 21-A MRSA §1019-B, sub-§4,** as amended by IB 2015, c. 1, §6 and PL 2015, c. 350, §6, is further amended to read:

**4. Report required; content; rules.** A person, party committee, ~~political committee~~ or political action committee that makes any independent expenditure in excess of \$250 during any one candidate's election shall file a report with the commission. In the case of a municipal election, the report must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. A report required by this subsection must contain an itemized account of each expenditure in excess of \$250 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The com-

mission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

**Sec. 18. 21-A MRSA §1020-A, sub-§1,** as enacted by PL 1995, c. 483, §15, is amended to read:

**1. Registration.** A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of ~~\$40~~ \$100. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

**Sec. 19. 21-A MRSA §1020-A, sub-§5-A,** as amended by IB 2015, c. 1, §8, is further amended to read:

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

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the dollar amount of the financial activity reported late that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount reported late of that financial activity;

A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the dollar amount of the financial activity reported late that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount reported late of that financial activity;

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the dollar amount of the financial activity reported late that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount reported late of that financial activity;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B.

**Sec. 20. 21-A MRSA §1051**, as amended by PL 2009, c. 190, Pt. A, §15, is further amended to read:

**§1051. Application**

This subchapter applies to the activities of political action committees and ballot question committees organized in and outside this State that accept contributions, incur obligations or make expenditures ~~for to~~ influence the nomination or election of a candidate to state, county or municipal officers, office or for the support or defeat of any to initiate or influence a campaign, as defined in this subchapter.

**Sec. 21. 21-A MRSA §1055-A, sub-§1**, as enacted by PL 2013, c. 334, §24, is amended to read:

**1. Communications to influence ballot question elections.** Whenever a person makes an expenditure exceeding \$500 expressly advocating through broadcasting stations, cable television systems, pre-recorded automated telephone calls or scripted live telephone calls, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, for or against an initiative or referendum that is on the ballot, the communication must clearly and conspicuously state the name and address of the person who made or financed the expenditure for the communication, except that telephone calls must clearly state only the name of the person who made or financed the expenditure for the communication. Telephone surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients are not required to include the disclosure.

**Sec. 22. 21-A MRSA §1055-A, sub-§3** is enacted to read:

**3. Enforcement.** A violation of this section may result in a penalty of no more than \$5,000. In assessing a penalty, the commission shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor and whether the communication conceals or misrepresents the identity of the person who financed it.

**Sec. 23. 21-A MRSA §1056-B, first ¶**, as amended by PL 2015, c. 408, §3, is further amended to read:

A person not defined as a political action committee that receives contributions or makes expenditures, ~~other than by contribution to a political action committee or a ballot question committee,~~ aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign ~~as defined by section 1052, subsection 4~~ shall register as a ballot question committee and file reports with the commission in accordance with this section. For the purposes of this section, "campaign" does not include activities to influence the nomination or election of a candidate. A person whose only payments of money for the purpose of influencing a campaign in this State are contributions to political action committees or ballot question committees registered with the commission or a municipality and who has not raised and accepted any contributions for the purpose of influencing a campaign in this State is not required to register and file campaign finance reports under this section. For the purposes of this section, expenditures include paid staff time spent for the purpose of initiating or influencing a campaign.

**Sec. 24. 21-A MRSA §1059**, as amended by PL 2013, c. 334, §§27 and 28, is further amended to read:

**§1059. Report; filing requirements**

~~Committees~~ A committee required to register under section 1052-A, 1053-B or 1056-B shall file an initial campaign finance report ~~at the time~~ within 7 days of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline.

**2. Reporting schedule.** ~~Committees~~ A committee shall file reports according to the following schedule.

A. ~~All committees~~ A committee shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th.

B. ~~General and primary election reports must be filed~~ During any year in which primary and general elections are held, a committee shall file pri-

mary and general election reports in addition to the reports required under paragraph A:

- (1) On the 11th day before the date on which the election is held ~~and, which~~ must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held ~~and, which~~ must be complete as of the 35th day after that date.

A committee shall file primary and general election reports even if the committee did not engage in financial activity to influence the primary or general election.

~~C. Preelection and post-election reports for special elections or ballot measure campaigns must be filed~~ In any election year other than a year described in paragraph B, if a committee has received contributions or made expenditures for the purpose of influencing a ballot question election, a special election or a municipal candidate or referendum election subject to Title 30-A, section 2502, the committee shall file preelection and post-election reports:

- (1) On the 11th day before the date on which the election is held ~~and, which~~ must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held ~~and, which~~ must be complete as of the 35th day after that date.

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C.

~~E. -A-~~ If a committee is required to file a report 11 days before an election pursuant to paragraph B or C, the committee shall report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

**5. Electronic filing.** ~~Committees~~ A committee shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this

electronic filing requirement if a committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

**Sec. 25. 21-A MRSA §1062-A, sub-§4,** as amended by IB 2015, c. 1, §10, is further amended to read:

**4. Maximum penalties.** The maximum penalty under this subchapter is \$10,000 for reports required under section 1056-B or section 1059, except that if the dollar amount of the financial activity reported late that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount reported late of that financial activity.

**Sec. 26. 21-A MRSA §1122, sub-§7, ¶A,** as amended by PL 2009, c. 286, §4, is further amended to read:

A. Of \$5 or more in the form of cash, a check or a money order payable to the fund and signed by the contributor in support of a candidate or a payment made over the Internet in support of a candidate according to the procedure established by the commission;

**Sec. 27. 21-A MRSA §1125, sub-§1,** as amended by PL 2011, c. 389, §51, is further amended to read:

**1. Declaration of intent.** A participating candidate ~~must~~ shall file a declaration of intent to seek certification as a Maine Clean Election Act candidate and to comply with the requirements of this chapter. The declaration of intent must be filed with the commission prior to or during the qualifying period, except as provided in subsection 11, according to forms and procedures developed by the commission. Qualifying contributions collected more than 5 business days before the declaration of intent has been filed will not be counted toward the eligibility ~~requirement~~ requirements in subsection 3 ~~or 3-A~~.

**Sec. 28. 21-A MRSA §1125, sub-§2-A, ¶A,** as enacted by PL 2007, c. 443, Pt. B, §6, is amended to read:

A. All goods and services received prior to certification must be paid for with seed money contributions, except for goods and services that are excluded from the definition of contribution in section 1012, subsection 2, paragraph B. It is a violation of this chapter for a participating certified candidate to use fund revenues received after certification to pay for goods and services received prior to certification.

**Sec. 29. 21-A MRSA §1125, sub-§3,** as amended by IB 2015, c. 1, §18, is repealed and the following enacted in its place:

**3. Qualifying contributions.** The collection of qualifying contributions is governed by this subsection.

D. To be eligible to receive funding from the fund, participating candidates must obtain qualifying contributions during the qualifying period as follows:

(1) For a gubernatorial candidate, at least 3,200 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

(2) For a candidate for the State Senate, at least 175 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or

(3) For a candidate for the State House of Representatives, at least 60 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate.

E. A contributor making a qualifying contribution by check or money order shall sign the check or money order. If the contributor has made a check or money order payable to a participating candidate in error, the candidate may remedy the error by endorsing the check or money order to the fund.

F. A contributor may make a qualifying contribution to a participating candidate in the form of cash, as long as the contributor signs a form prepared by the commission affirming that the contributor made the contribution with personal funds. A candidate receiving qualifying contributions in cash shall submit the contributions to the commission in the aggregate in the form of a cashier's check or money order payable to the fund. The candidate may not deposit qualifying contributions received in cash into the candidate's campaign account.

G. As an alternative to making a qualifying contribution under paragraph F, a contributor may make a qualifying contribution to a participating candidate in the form of cash, as long as the candidate submits a money order in the same amount to the commission. The money order must be signed by the contributor to be a valid qualifying contribution. The cash received from the contributor must be used to reimburse the person who provided the money order.

H. Any fees for a cashier's check or a money order paid with seed money must be reported as an

expenditure in campaign finance reports submitted to the commission. If a participating candidate uses personal funds to pay fees for the purchase of a cashier's check or money order, those fees are not a contribution to the candidate and are not required to be disclosed in campaign finance reports. The candidate shall report any cashier's check or money order fees paid by anyone other than the candidate as an in-kind contribution subject to seed money limitations.

I. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, a procedure for a qualifying contribution to be made by a credit or debit transaction and by electronic funds transfer over the Internet. Records containing information provided by individuals who have made qualifying contributions over the Internet are confidential, except for the name of the individual making the contribution, the date of the contribution, the individual's residential address and the name and office sought of the candidate in whose support the contribution was made.

J. A payment, gift or anything of value may not be given in exchange for a qualifying contribution. It is a violation of this chapter for a participating candidate or an agent of the participating candidate to misrepresent the purpose of soliciting qualifying contributions and obtaining the contributor's signed acknowledgment.

**Sec. 30. 21-A MRSA §1125, sub-§3-A,** as enacted by IB 2015, c. 1, §19, is amended to read:

**3-A. Additional qualifying contributions.** Participating or certified candidates may collect and submit to the commission additional qualifying contributions at the times specified in subsection 8-E. The commission shall credit a candidate with either one qualifying contribution or one additional qualifying contribution, but not both, from any one contributor during the same election cycle. If any candidate collects and submits to the commission qualifying contributions or additional qualifying contributions that cannot be credited pursuant to this subsection, those qualifying contributions or additional qualifying contributions may be refunded to the contributor or deposited into the Maine Clean Election Fund at the discretion of the candidate. The procedures and restrictions set out in subsection 3, paragraphs E to J apply to additional qualifying contributions.

**Sec. 31. 21-A MRSA §1125, sub-§3-B** is enacted to read:

**3-B. Receipt and acknowledgment forms.** The commission shall prepare forms for persons making qualifying contributions to acknowledge the contribution as provided in section 1122, subsection 7, paragraph D. A qualifying contribution is not valid if any-

one other than the contributor signed the contributor's name to the form, except that a qualifying contribution is valid if it is signed by the contributor's immediate family member or live-in caregiver when the contributor is unable to sign due to a physical impairment or disability.

**Sec. 32. 21-A MRSA §1125, sub-§6-C, ¶¶A and B,** as enacted by PL 2009, c. 302, §14, are amended to read:

A. The candidate may not use fund revenues to pay or compensate the candidate or the candidate's spouse or domestic partner, a sole proprietorship of the candidate or the candidate's spouse or domestic partner, a business entity in which the candidate or the candidate's spouse or domestic partner holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer for campaign-related goods or services.

B. A candidate may ~~not~~ make expenditures using fund revenues to pay a member of the candidate's immediate family or household; other than the candidate's spouse or domestic partner; a business entity in which ~~the candidate or~~ a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner holds a significant proprietary or financial interest; or a nonprofit entity in which ~~the candidate or~~ a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer, unless as long as the expenditure is made:

- (1) For a legitimate campaign-related purpose;
- (2) To an individual or business that provides the goods or services being purchased in the normal course of the individual's occupation or the business; and
- (3) In an amount that is reasonable taking into consideration current market value and other factors the commission may choose to consider.

For the purpose of this paragraph, "business entity" means a corporation, limited liability company, limited partnership, limited liability partnership and general partnership.

If a candidate uses fund revenues for an expenditure covered by this paragraph, the candidate shall submit evidence demonstrating that the expenditure complies with the requirements of this paragraph if requested by the commission.

**Sec. 33. 21-A MRSA §1125, sub-§8-E,** as enacted by IB 2015, c. 1, §25, is amended to read:

**8-E. Collection and submission of additional qualifying contributions.** Participating or certified candidates may collect and submit additional qualifying contributions in accordance with subsection 3-A to the commission as follows:

A. For gubernatorial candidates, no earlier than October 15th of the year before the year of the election and no later than 3 weeks before election day; and

B. For legislative candidates, no earlier than January 1st of the election year and no later than 3 weeks before election day.

Additional qualifying contributions may be submitted to the commission at any time in any amounts in accordance with the schedules in this subsection. The commission shall make supplemental distributions to candidates in the amounts and in accordance with the increments specified in subsections 8-B to 8-D. If a candidate submits additional qualifying contributions prior to a primary election in excess of the number of qualifying contributions for which a candidate may receive a distribution, the excess qualifying contributions must be counted as general election additional qualifying contributions if the candidate has a contested general election, but supplemental distributions based on these excess qualifying contributions may not be distributed until after the primary election.

**Sec. 34. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 21-A, chapter 13, subchapter 4, in the subchapter headnote, the words "reports by political action committees" are amended to read "reports by political action committees and ballot question committees" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

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## CHAPTER 324

### H.P. 1238 - L.D. 1740

#### An Act To Clarify Inland Fisheries and Wildlife Laws Regarding Boating and Hunting Licensing

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

**Sec. 1. 12 MRSA §11108-B,** as amended by PL 2015, c. 136, §7 and affected by §12 and amended by c. 301, §12, is further amended to read:

**§11108-B. Apprentice hunter license restrictions**

**1. Youth hunter supervisor required.** A holder of an apprentice hunter license may not hunt other than in the presence of ~~an adult~~ a youth hunter supervisor.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

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

~~A. "Adult supervisor" means a person who is 18 years of age or older and holds a valid adult hunting license under this subchapter.~~

B. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.

C. "Youth hunter supervisor" means a person who is 18 years of age or older and holds a valid adult hunting license under this subchapter.

**2. Youth hunter supervisor responsibility.** ~~An adult~~ A youth hunter supervisor must have held a valid hunting license for the prior 3 consecutive years to be qualified to supervise a holder of an apprentice hunter license. ~~An adult~~ A youth hunter supervisor shall ensure that the holder of an apprentice hunter license follows safe and ethical hunting protocol and adheres to the laws under this Part. ~~An adult~~ A youth hunter supervisor may not intentionally permit a person hunting under an apprentice hunter license with that ~~adult~~ youth hunter supervisor to violate subsection 1.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$500 must be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**3. Eligibility.** A resident or nonresident 16 years of age or older who has never held a valid adult hunting license in this State, or any other state, province or

country, is eligible to obtain an apprentice hunter license. Notwithstanding section 11105, a person is eligible to obtain an apprentice hunter license without having successfully completed a hunter safety course. A person may not obtain an apprentice hunter license more than 5 times. A person selected to receive a moose permit may not then purchase an apprentice hunter license to meet the licensing requirements for that permit.

**4. Expiration of apprentice hunter license.** An apprentice hunter license is valid for up to 12 calendar months and expires on December 31st.

**Sec. 2. 12 MRSA §11152, sub-§5-A,** as enacted by PL 2015, c. 219, §1, is amended to read:

**5-A. Permit transfer to junior hunter.** Notwithstanding subsection 5, a junior hunter may take an antlerless deer if another person who ~~is 18 years of age or older and~~ holds a valid antlerless deer permit transfers that permit to that junior hunter by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department at least 48 hours prior to the junior hunter's hunting antlerless deer. Upon transfer of the antlerless deer permit to a junior hunter, the transferor may not hunt an antlerless deer pursuant to the transferred permit but remains eligible, unless otherwise prohibited, to take a deer other than an antlerless deer in accordance with this Part.

The commissioner shall record a transfer under this subsection and return the permit to the transferee. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer.

**Sec. 3. 12 MRSA §13063,** as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §373 and affected by §422, is further amended to read:

**§13063. Requirements for operators who carry passengers for hire with motorboat**

**1. Prohibition.** A person may not operate a motorboat carrying passengers for hire without ~~an operator's license to carry passengers for hire as required in this section~~ having successfully completed a boater safety education course approved by a national association of state boating law administrators and approved by the commissioner. A person operating a motorboat carrying passengers for hire shall provide proof of having successfully completed a course under this subsection when requested by the commissioner or the commissioner's agent. For purposes of this section, "carrying passengers for hire" means receiving remuneration to carry passengers in a motorboat from one predetermined point to another predetermined point on inland waters.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**2. Requirement.** Every operator of a motorboat, other than a licensed Maine guide certified in watercraft safety, carrying passengers for hire, except those operators who have been issued and have or are required to have in their possession a current valid federal operator's license, shall ~~obtain an operator's license to carry passengers for hire from the commissioner as provided in this section before operating a motorboat carrying passengers for hire.~~ show proof of having successfully completed an approved boater safety education course in accordance with subsection 1 upon request of the commissioner or the commissioner's agent.

~~A. The operator shall make written application for the license to carry passengers for hire on forms provided by the commissioner.~~

~~B. The commissioner shall cause operators applying for a license to carry passengers for hire for the first time to be examined as to their qualifications.~~

**3. Issuance.** The commissioner shall issue the license to carry passengers for hire to applicants who have satisfactorily passed the examination.

**4. Fee.** The fee for an operator's license to carry passengers for hire is \$1.

**5. Renewal.** The commissioner may grant a renewal of license to carry passengers for hire upon written application and payment of the \$1 fee without examination.

**6. Expiration.** Every license to carry passengers for hire expires on December 31st of the year for which issued.

See title page for effective date.

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## CHAPTER 325

H.P. 1228 - L.D. 1717

### An Act To Clarify and Correct Maine's Fish and Wildlife Laws

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

**Sec. 1. 12 MRSA §10001, sub-§§11-A and 28-A** are enacted to read:

**11-A. Crossbow.** "Crossbow" means a device for propelling an arrow or bolt by means of traverse limbs and a string, mounted on a stock and having a working mechanical trigger safety device and a minimum draw weight of 100 pounds.

**28-A. Hand-held bow or bow.** "Hand-held bow" or "bow" means a device for propelling an arrow by means of limbs and a string that is hand held, hand drawn and held in a drawn position by hand or a hand-held mechanical release. "Hand-held bow" or "bow" includes a compound bow, a recurve bow and a long bow.

**Sec. 2. 12 MRSA §10851, sub-§1, ¶D,** as amended by PL 2017, c. 164, §2, is further amended to read:

D. For a resident 70 years of age or older. For a person who holds a valid senior lifetime license under this section at any time during the calendar year that person turns 70 years of age, that lifetime license includes all hunting permits and licenses authorized in this Part and may renew at no cost a guide license under section 12853. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 and section 11162 must have included in that person's license one antlerless deer permit and one either-sex permit. A person who is 70 years of age or older may purchase a senior lifetime license that entitles the holder to all the privileges described in this paragraph for a one-time \$8 fee.

**Sec. 3. 12 MRSA §10953, sub-§1-C,** as repealed and replaced by PL 2017, c. 475, Pt. A, §20, is amended to read:

**1-C. Hunting with a crossbow; 65 years of age or older.** A person 65 years of age or older who meets the eligibility requirements of sections 11106 and 11162 may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal subject to this Part.

**Sec. 4. 12 MRSA §11212-A,** as enacted by PL 2017, c. 176, §2, is amended to read:

**§11212-A. Having a loaded firearm or crossbow in a motor vehicle or hunting or shooting from a motor vehicle or motorboat**

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

A. "Loaded firearm or crossbow" means a firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed ignition device or mechanism or a cocked and armed crossbow.

B. "Vehicle" means a motor vehicle or a trailer or other type of vehicle being hauled by a motor vehicle.

**2. Prohibition; vehicles.** A person may not shoot while in or on a vehicle, have a loaded firearm or crossbow while in or on a vehicle or rest a loaded firearm or crossbow on a vehicle except as provided in subsection 3.

**3. Exceptions.** The following exceptions apply to subsection 2.

A. While hunting, a person who is not in or on a vehicle may rest a loaded firearm or crossbow that is under the person's control on the vehicle to shoot only when the vehicle is not in motion and the engine of the vehicle is not running.

B. While hunting, a person who is on but not within an enclosed area or passenger compartment of an all-terrain vehicle or snowmobile may shoot a firearm or crossbow or rest a loaded firearm or crossbow that is under the person's control on the all-terrain vehicle or snowmobile to shoot only when the all-terrain vehicle or snowmobile is not in motion and the engine of the all-terrain vehicle or snowmobile is not running.

C. While target shooting and not hunting, a person who is on but not within an enclosed area or passenger compartment of a vehicle may shoot a firearm or crossbow or rest a loaded firearm or crossbow that is under the person's control on the vehicle to shoot only when the vehicle is not in motion and the engine of the vehicle is not running.

D. Notwithstanding paragraph A, a paraplegic or single or double amputee of the legs may shoot from a vehicle that is not in motion.

E. A person who is 21 years of age or older and is not otherwise prohibited from possessing a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm may have in or on a vehicle a loaded pistol or revolver.

**4. Prohibition; motorboats.** A person may not shoot while in or on a motorboat, except that:

A. A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations; and

B. A person may shoot from a motorboat if that boat is not being propelled by its motor.

**5. Possession of wild animals or wild birds.** A person may not possess a wild animal or wild bird

taken in violation of ~~subsections~~ subsection 2 or 3, except as otherwise provided in this Part.

**6. Penalty.** A person who violates this section commits a Class E crime.

**Sec. 5. 12 MRSA §11403, sub-§2, ¶B,** as amended by PL 2017, c. 357, §2, is further amended to read:

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, ~~except that a person who holds a license that allows hunting with firearms may carry a handgun.~~ This paragraph may not be construed to prohibit a person from carrying a concealed weapon in accordance with Title 25, section 2001-A.

**Sec. 6. 12 MRSA §12201, sub-§2, ¶E,** as amended by PL 2017, c. 427, §17 and affected by §19, is further amended to read:

E. ~~A~~ If a nonresident who is not a citizen of the United States is eligible to, the nonresident may purchase only a nonresident trapping license for but may not trap any species other than beaver pursuant to section 12259, subsection 3.

**Sec. 7. 12 MRSA §12602, last ¶,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A person who violates this section commits a Class E crime. The court shall also impose a fine of \$20 for each fish unlawfully possessed, none of which may be suspended, except that, in the case of smelt limits, the court shall impose a fine of \$20 for each quart over the limit, none of which may be suspended.

**Sec. 8. 12 MRSA §12661, sub-§1, ¶A,** as amended by PL 2015, c. 301, §39, is further amended to read:

A. Must remove or cause to be removed the shack or structure on the ice of any inland waters ~~prior to the earlier of the date of ice out or 3 days after the close of the ice fishing season established pursuant to section 12454; or:~~

(1) In any area of the State in which there is a closed ice fishing season, by ice out or 3 days after the close of the ice fishing season established by the commissioner by rule pursuant to section 12454, whichever is earlier; and

(2) In any area of the State in which there is no close of the ice fishing season pursuant to section 12454, by ice out or March 31st, whichever is earlier; or

**Sec. 9. 12 MRSA §12661, sub-§3**, as amended by PL 2017, c. 164, §22, is further amended to read:

**3. Removal of abandoned ice-fishing shacks.** A person may not leave a structure on another person's land without permission from the landowner. Notwithstanding the provisions of Title 33, chapter 41 and Title 17, section 2263-A, a landowner on whose property an ice fishing abandoned ice-fishing shack as defined in Title 17, section 2263 is left in violation of this section may remove or destroy the shack. The landowner may recover any costs of removing or destroying the shack from the owner of the shack in a civil action.

**Sec. 10. 17 MRSA §2263, sub-§1-D**, as enacted by PL 1993, c. 144, §3, is amended to read:

**1-D. Abandoned ice-fishing shack.** "Abandoned ice-fishing shack" means a temporary structure used for ice fishing and left on property not owned by the person owning the structure without permission of the landowner ~~for more than 15 days after the inland waters on which the shack or structure was located are closed to ice fishing.~~

See title page for effective date.

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## CHAPTER 326

H.P. 1212 - L.D. 1697

### An Act Regarding the Timeliness of Payments to the State

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

**Sec. 1. 5 MRSA §131**, as amended by PL 1989, c. 501, Pt. P, §7; PL 1995, c. 502, Pt. E, §30; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is repealed and the following enacted in its place:

**§131. Departmental collections**

**1. Departmental collections; immediate payment to State Treasury.** A department or agency of the State collecting or receiving public money, or money from any source whatsoever, belonging to or for the use of the State, or for the use of any state department or agency, shall pay the money immediately into the State Treasury, without any deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or demands of any description whatsoever. The Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands may refund daily use and camping fees based on the bureau's standard refund policies. A department or agency may deposit such money to the credit of the State upon communicating with the Treasurer of State and receiv-

ing from the Treasurer of State instructions as to what state depository may be used for that purpose, and in every such case the depositor shall send to the Treasurer of State a statement of the deposits certified by the bank receiving it. This section does not apply to county or town officers.

**2. Certain payments not immediate.** Notwithstanding subsection 1, payments from a department or agency of the State made to the State Treasury through the use of automated procedures, electronic processes and computer-driven technology must be deposited in the State Treasury in accordance with the requirements established in rules adopted by the Treasurer of State and the State Controller. The Treasurer of State and the State Controller shall adopt rules to implement this subsection, including rules outlining procedures for the use of automated procedures, electronic processes and computer-driven technology for the collection of these payments pursuant to this subsection. Rules adopted pursuant to this subsection may not waive prohibitions against deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or demands of any description whatsoever. Rules adopted pursuant to this subsection are major substantive rules as defined by section 8071.

See title page for effective date.

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## CHAPTER 327

S.P. 490 - L.D. 1555

### An Act To Improve Highway Maintenance Safety

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

**Sec. 1. 29-A MRSA §2054, sub-§2, ¶C**, as amended by PL 2015, c. 31, §1 and c. 32, §2, is further amended to read:

C. The use of amber, white and green lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by emergency management and public safety agencies and a public service vehicle may be equipped with auxiliary lights that emit an amber light.

(1-A) A Department of Labor motor vehicle operated by a workplace safety inspector may be equipped with auxiliary lights that emit an amber light.

(1-B) A municipal public works vehicle or a vehicle operating under direction of the Department of Transportation or the Maine Turnpike Authority may be equipped with

auxiliary lights that are green, white or amber or any combination of green, white or amber. Lights under this subparagraph may be located on the front, rear or sides of the vehicle and may flash, oscillate, strobe or blink.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360-degree angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display an auxiliary light that provides visible light coverage over a 360-degree range. The light must emit an amber beam of light and be equipped with a blinking or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360-degree angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 50 candlepower and provides visible light coverage over a 360-degree range. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same

level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet in normal daylight.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with amber auxiliary lights.

(7) A Department of Public Safety vehicle operated by a motor carrier inspector or motor vehicle inspector may be equipped with auxiliary lights that emit an amber light.

(8) A vehicle used by an animal control officer appointed pursuant to Title 7, section 3947 may be equipped with auxiliary lights that emit a flashing amber light.

(9) A refuse, garbage or trash business vehicle used by an individual to transport refuse, garbage and trash may be equipped with auxiliary lights that emit a flashing amber light.

(10) A vehicle used by an individual to transport and deliver newspapers may be equipped with auxiliary lights that emit a flashing amber light.

**Sec. 2. 29-A MRSA §2069**, as amended by PL 2015, c. 159, §4, is further amended to read:

**§2069. Authority to remove an improperly parked vehicle; vehicles used in commission of a crime**

**1. Parked in violation.** A law enforcement officer ~~or~~ employees or agents of the Department of Transportation or employees or agents of the Maine Turnpike Authority may cause the removal of a vehicle or require the operator to move the vehicle from a location in violation of section 2068, subsection 1 or rules adopted by the Maine Turnpike Authority to a location where parking is permitted.

**2. Interfering with snow removal, normal traffic movement.** A law enforcement officer may cause the removal to a suitable parking place, at the expense of the registered owner, of a vehicle interfering with snow removal or the normal movement of traffic or parked within the limits of a right-of-way. The Department of Transportation or the Maine Turnpike Authority may take the same action, through use of their employees or agents, for a vehicle standing on property under ~~its jurisdiction~~ their respective jurisdictions.

**3. Vehicle used in connection with a crime or operating after suspension traffic infraction.** A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with:

- A. The arrest of the operator or owner of that vehicle;
- B. The issuance of a summons for a traffic infraction as described in section 2412-A, subsection 8;
- C. A suspended registration pursuant to Title 23, section 1980 or the suspension of the owner's right to operate the vehicle pursuant to section 2461 for failure to pay a toll; or
- D. The commission of a crime.

When a vehicle has been removed pursuant to paragraph C, the vehicle may be released only after the tolls, fees and penalties have been paid and the vehicle's registration has been reinstated or the owner's right to operate the vehicle has been restored.

**4. Liability for damages; charges.** The State, a political subdivision of the State ~~or, the Maine Turnpike Authority~~, a law enforcement officer or a 3rd-party agent acting on behalf of the State, a political subdivision of the State or the Maine Turnpike Authority is not liable for damage that may be caused by removal of a vehicle or for any towing or storage charges.

**5. Notification.** Upon removal of a vehicle in accordance with this section, the notification requirements and provisions for payment of towing and storage costs in chapter 15, subchapter 3 apply.

See title page for effective date.

**CHAPTER 328**

**S.P. 468 - L.D. 1519**

**An Act Concerning the Establishment of Benefit Corporations**

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

**Sec. 1. 13-C MRSA c. 18** is enacted to read:

**CHAPTER 18**

**BENEFIT CORPORATIONS**

**SUBCHAPTER 1**

**GENERAL PROVISIONS**

**§1801. Application and effect of chapter**

**1. Application of chapter.** This chapter applies to all benefit corporations.

**2. Application of corporation law generally.** This chapter does not create an implication that a contrary or different rule of law applies to a corporation that is not a benefit corporation. This chapter does not affect a statute or rule of law that applies to a corporation that is not a benefit corporation.

**3. Laws applicable.** Except as otherwise provided in this chapter, this Title is generally applicable to all benefit corporations. A benefit corporation may be subject simultaneously to this chapter and Title 13, chapter 22-A. This chapter supersedes other provisions of this Title and Title 13, chapter 22-A with regard to benefit corporations.

**4. Limit on articles and bylaws.** A provision of the articles of incorporation or bylaws of a benefit corporation may not limit, be inconsistent with or supersede a provision of this chapter.

**§1802. Definitions**

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

**1. Benefit corporation.** "Benefit corporation" means a corporation:

- A. That has elected to become subject to this chapter pursuant to section 1804; and
- B. The status of which as a benefit corporation has not been terminated.

**2. Benefit director.** "Benefit director" means the director designated as the benefit director of a benefit corporation under section 1822.

**3. Benefit enforcement proceeding.** "Benefit enforcement proceeding" means a claim or action or proceeding for:

- A. Failure of a benefit corporation to pursue or create general public benefit or a specific public benefit purpose set forth in its articles; or
- B. Violation of any obligation, duty or standard of conduct under this chapter.

**4. Benefit officer.** "Benefit officer" means the individual designated as the benefit officer of a benefit corporation under section 1824.

**5. General public benefit.** "General public benefit" means a material positive impact on society and the environment, taken as a whole, assessed against a 3rd-party standard, from the business and operations of a benefit corporation.

**6. Independent.** "Independent" means having no material relationship with a benefit corporation or a subsidiary of the benefit corporation, except that serving as benefit director or benefit officer does not make an individual not independent. A material relationship between an individual and a benefit corporation or any

of its subsidiaries is presumed to exist if any of the following applies:

A. The individual is, or has been within the last 3 years, an employee other than a benefit officer of the benefit corporation or a subsidiary;

B. An immediate family member of the individual is, or has been within the last 3 years, an executive officer other than a benefit officer of the benefit corporation or a subsidiary; and

C. There is beneficial or record ownership of 5% or more of the outstanding shares of the benefit corporation, calculated as if all outstanding rights to acquire equity interests in the benefit corporation had been exercised, by:

(1) The individual; or

(2) An entity:

(a) Of which the individual is a director, an officer or a manager; or

(b) In which the individual owns beneficially or of record 5% or more of the outstanding equity interests, calculated as if all outstanding rights to acquire equity interests in the entity had been exercised.

**7. Minimum status vote.** "Minimum status vote" means:

A. In the case of a corporation, in addition to any other required approval or vote, a vote to approve a corporate action:

(1) In which the shareholders of every class or series are entitled to vote as a separate voting group on the corporate action regardless of a limitation stated in the articles of incorporation or bylaws on the voting rights of any class or series; and

(2) That requires the affirmative vote of the shareholders of each class or series entitled to cast at least 2/3 of the votes that all shareholders of the class or series are entitled to cast on the action; and

B. In the case of a domestic entity other than a corporation, in addition to any other required approval, vote or consent, a vote to approve a corporate action:

(1) In which the holders of every class or series of equity interest in the entity that are entitled to receive a distribution of any kind from the entity are entitled to vote on or consent to the action regardless of any otherwise applicable limitation on the voting or consent rights of any class or series; and

(2) That requires the affirmative vote or consent of the holders described in subparagraph

(1) entitled to cast at least 2/3 of the votes or consents that all of those holders are entitled to cast on the action.

**8. Specific public benefit.** "Specific public benefit" means any particular benefit to society or the environment, including without limitation:

A. The provision of low-income or underserved individuals or communities with beneficial products or services;

B. The promotion of economic opportunity for individuals or communities beyond the creation of jobs in the normal course of business;

C. The protection or restoration of the environment;

D. The improvement of human health;

E. The promotion of the arts, sciences or advancement of knowledge; and

F. The increase of the flow of capital to entities that endeavor to benefit society or the environment.

**9. Subsidiary.** "Subsidiary" means, in relation to a person, an entity in which the person owns beneficially or of record 50% or more of the outstanding equity interests, calculated as if all outstanding rights to acquire equity interests in the entity had been exercised.

**10. Third-party standard.** "Third-party standard" means a recognized standard for defining, reporting and assessing corporate social and environmental performance that:

A. Assesses the effects of the business and its operations upon the interests listed in section 1821, subsection 1;

B. Is developed by an entity that:

(1) Is not controlled by the benefit corporation;

(2) Has access to necessary expertise to assess overall corporate social and environmental performance; and

(3) Uses a balanced, multi-stakeholder approach to develop the standard, including a reasonable public comment period; and

C. Provides for transparency by making the following information publicly available:

(1) The criteria considered when measuring the overall social and environmental performance of a business and the relative weightings, if any, of those criteria;

(2) The identity of the directors, officers, material owners and governing body of the enti-

ty that developed and controls revisions to the standard;

(3) The process by which revisions to the standard and changes to the membership of the governing body are made; and

(4) An accounting of the revenue and sources of financial support for the entity, with sufficient detail to disclose any relationships that could reasonably be considered to present a potential conflict of interest.

#### **§1803. Incorporation of benefit corporation**

A benefit corporation must be incorporated in accordance with chapter 2, and its articles of incorporation must state that it is a benefit corporation.

#### **§1804. Election of benefit corporation status**

1. Existing corporation. An existing corporation may become a benefit corporation under this chapter by amending its articles of incorporation so that they contain, in addition to the requirements of section 202, a statement that the corporation is a benefit corporation. In order to be effective, the amendment must be adopted by at least the minimum status vote.

2. Mergers, conversions and share exchanges. This subsection governs mergers, conversions and share exchanges when the resulting entity is a benefit corporation.

A. Except as provided in paragraph B, if a domestic entity that is not a benefit corporation is a party to a merger or conversion or the exchanging entity in a share exchange and the surviving, new or resulting entity in the merger, conversion or share exchange is to be a benefit corporation, the plan of merger, conversion or share exchange must be approved by the domestic entity by at least the minimum status vote.

B. Paragraph A does not apply in the case of a corporation that is a party to a merger if the shareholders of the corporation are not entitled to vote on the merger pursuant to section 1105.

#### **§1805. Termination of benefit corporation status**

1. Termination. A benefit corporation may terminate its status as such and cease to be subject to this chapter by amending its articles of incorporation to delete the provision required by section 1803 or 1804 to be stated in the articles of a benefit corporation. In order to be effective, the amendment must be adopted by at least the minimum status vote.

2. Mergers, conversions and share exchanges. This subsection governs mergers, conversions and share exchanges when the resulting entity is not a benefit corporation.

A. Except as provided in paragraph B, if a plan of merger, conversion or share exchange would have the effect of terminating the status of a corporation as a benefit corporation, the plan must be adopted by at least the minimum status vote in order to be effective.

B. Paragraph A does not apply in the case of a corporation that is a party to a merger if the shareholders of the corporation are not entitled to vote on the merger pursuant to section 1105.

C. Any sale, lease, exchange or other disposition of all or substantially all of the assets of a benefit corporation, unless the transaction is in the usual and regular course of business, is not effective unless the transaction is approved by at least the minimum status vote.

### **SUBCHAPTER 2**

#### **CORPORATE PURPOSES**

##### **§1811. Corporate purposes**

1. General public benefit purpose. A benefit corporation must have a purpose of creating general public benefit. This purpose is in addition to its purpose under section 301.

2. Optional specific public benefit purpose. The articles of incorporation of a benefit corporation may identify one or more specific public benefits that it is the purpose of the benefit corporation to create in addition to its purposes under section 301 and subsection 1. The identification of a specific public benefit under this subsection does not limit the purpose of a benefit corporation to create general public benefit under subsection 1.

3. Effect of purposes. The creation of general public benefit and a specific public benefit under subsections 1 and 2 is in the best interests of the benefit corporation.

4. Amendment. A benefit corporation may amend its articles of incorporation to add, amend or delete the identification of a specific public benefit that it is the purpose of the benefit corporation to create. In order to be effective, the amendment must be adopted by at least the minimum status vote.

5. Professional corporation. A professional corporation that is a benefit corporation does not violate Title 13, section 732 by having the purpose to create general public benefit or a specific public benefit.

### **SUBCHAPTER 3**

#### **ACCOUNTABILITY**

##### **§1821. Standard of conduct for directors**

1. Consideration of interests. In discharging the duties of their respective positions and in considering

the best interests of the benefit corporation, the board of directors, committees of the board and individual directors of a benefit corporation shall consider the effects of any action or inaction upon:

- A. The shareholders of the benefit corporation;
- B. The employees and workforce of the benefit corporation, its subsidiaries and its suppliers;
- C. The interests of customers as beneficiaries of general public benefit or specific public benefit purposes of the benefit corporation;
- D. Community and societal factors, including those of each community in which offices or facilities of the benefit corporation, its subsidiaries or its suppliers are located;
- E. The local and global environment;
- F. The short-term and long-term interests of the benefit corporation, including benefits that may accrue to the benefit corporation from its long-term plans and the possibility that these interests may be best served by the continued independence of the benefit corporation; and
- G. The ability of the benefit corporation to accomplish its general public benefit purpose and any specific public benefit purpose.

The board of directors, committees of the board and individual directors of a benefit corporation may also consider other pertinent factors or the interests of any other group that they consider appropriate and may give priority to an interest or factor according to the benefit corporation's articles of incorporation.

**2. Coordination with other provisions of law.**

The consideration of interests and factors in the manner provided by subsection 1 does not constitute a violation of section 832.

**3. Exoneration from personal liability.** Except as provided in the articles of incorporation, a director is not personally liable for monetary damages for:

- A. Any action or inaction in the course of performing the duties of a director under subsection 1 if the director performed the duties of office in compliance with section 832 and this section; or
- B. Failure of the benefit corporation to pursue or create general public benefit or a specific public benefit.

**4. Limitation on standing.** A director does not have a duty to a person that is a beneficiary of general public benefit purpose or a specific public benefit purpose of a benefit corporation arising from the status of the person as a beneficiary.

**5. Business judgments.** A director who makes a business judgment in good faith fulfills the duty under this section if the director:

- A. Is not interested in the subject of the business judgment;
- B. Is informed with respect to the subject of the business judgment to the extent the director reasonably believes to be appropriate under the circumstances; and
- C. Rationally believes that the business judgment is in the best interests of the benefit corporation.

**§1822. Benefit director**

**1. General rule.** The board of directors of a benefit corporation that is a public corporation shall, and the board of any other benefit corporation may, include a director, who:

- A. Is designated the benefit director; and
- B. Has, in addition to the powers, duties, rights and immunities of the other directors of the benefit corporation, the powers, duties, rights and immunities provided in this chapter for a benefit director.

**2. Election, removal and qualifications.** The benefit director must be elected, and may be removed, in the manner provided by chapter 8, subchapter 1. Except as provided in subsection 6, the benefit director must be an individual who is independent. The benefit director may also serve as the benefit officer. The articles of incorporation or bylaws of a benefit corporation may prescribe additional qualifications of the benefit director not inconsistent with this subsection.

**3. Annual compliance statement.** The benefit director shall prepare, and the benefit corporation shall include in the annual benefit report to shareholders required by section 1832, the opinion of the benefit director on the following:

- A. Whether the benefit corporation acted in accordance with its general public benefit purpose and any specific public benefit purpose in all material respects during the period covered by the report; and
- B. Whether the directors and officers complied with section 1821, subsection 1 and section 1823, subsection 1, respectively.

If, in the opinion of the benefit director, the benefit corporation or its directors or officers failed to act or comply in the manner described in paragraphs A and B, the benefit director must provide in the report a description of the ways in which the benefit corporation or its directors or officers failed to act or comply.

**4. Status of actions.** An act or inaction of an individual in the capacity of a benefit director constitutes for all purposes an act of that individual in the capacity of a director of the benefit corporation.

**5. Exoneration from personal liability.** Regardless of whether the articles of incorporation of a

benefit corporation include a provision eliminating or limiting the personal liability of directors authorized by section 202, subsection 2, paragraph D, a benefit director is not personally liable for an act or omission in the capacity of a benefit director unless the act or omission constitutes self-dealing, willful misconduct or a knowing violation of law.

**6. Professional corporation.** The benefit director of a professional corporation as defined in Title 13, section 723, subsection 4 does not need to be independent.

**§1823. Standard of conduct for officers**

**1. General rule.** An officer of a benefit corporation shall consider the interests and factors described in section 1821, subsection 1 in the manner provided in section 1821, subsection 1 if:

A. The officer has discretion to act with respect to a matter; and

B. It reasonably appears to the officer that the matter may have a material effect on the creation by the benefit corporation of general public benefit or a specific public benefit identified in the articles of incorporation of the benefit corporation.

**2. Coordination with other provisions of law.** The consideration of interests and factors in the manner provided in subsection 1 does not constitute a violation of section 843.

**3. Exoneration from personal liability.** Except as provided in the articles of incorporation, an officer is not personally liable for monetary damages for:

A. An action or inaction as an officer in the course of performing the duties of an officer under subsection 1 if the officer performed the duties of the position in compliance with section 843 and this section; or

B. Failure of the benefit corporation to pursue or create general public benefit or a specific public benefit.

**4. Limitation on standing.** An officer does not have a duty to a person that is a beneficiary of general public benefit purpose or a specific public benefit purpose of a benefit corporation arising from the status of the person as a beneficiary.

**5. Business judgments.** An officer who makes a business judgment in good faith fulfills the duty under this section if the officer:

A. Is not interested in the subject of the business judgment;

B. Is informed with respect to the subject of the business judgment to the extent the officer reasonably believes to be appropriate under the circumstances; and

C. Rationally believes that the business judgment is in the best interests of the benefit corporation.

**§1824. Benefit officer**

**1. Designation.** A benefit corporation may have an officer designated the benefit officer.

**2. Functions.** A benefit officer has:

A. The powers and duties relating to the purpose of the corporation to create general public benefit or a specific public benefit provided by the by-laws or, absent controlling provisions in the by-laws, by resolution or order of the board of directors; and

B. The duty to prepare the benefit report required by section 1831.

**§1825. Right of action**

**1. General rule.** Except in a benefit enforcement proceeding, a person may not bring an action or assert a claim against a benefit corporation or its directors or officers with respect to:

A. Failure to pursue or create general public benefit or a specific public benefit set forth in the articles of incorporation; or

B. Violation of an obligation, duty or standard of conduct under this chapter.

**2. Limitation on liability of corporation.** A benefit corporation is not liable for monetary damages under this chapter for any failure of the benefit corporation to pursue or create general public benefit or a specific public benefit.

**3. Standing.** A benefit enforcement proceeding may be commenced or maintained only:

A. Directly by the benefit corporation; or

B. Derivatively in accordance with chapter 7, subchapter 4 by:

(1) A person or group of persons that owned beneficially or of record at least 2% of the total number of shares of a class or series outstanding at the time of the act or omission complained of;

(2) A director;

(3) A person or group of persons that owned beneficially or of record 5% or more of the outstanding equity interests in an entity of which the benefit corporation is a subsidiary at the time of the act or omission complained of; or

(4) Other persons as specified in the articles of incorporation or bylaws of the benefit corporation.

**4. Beneficial ownership.** For purposes of this section, a person is the beneficial owner of shares or equity interests if the shares or equity interests are held in a voting trust or by a nominee on behalf of the beneficial owner.

**SUBCHAPTER 4**  
**TRANSPARENCY**

**§1831. Preparation of annual benefit report**

**1. Contents.** A benefit corporation shall prepare an annual benefit report including:

A. A narrative description of:

(1) The ways in which the benefit corporation pursued general public benefit during the year and the extent to which general public benefit was created;

(2) The ways in which the benefit corporation pursued a specific public benefit that the articles of incorporation state it is the purpose of the benefit corporation to create and the extent to which that specific public benefit was created;

(3) Any circumstances that have hindered the creation by the benefit corporation of general public benefit or a specific public benefit; and

(4) The process and rationale for selecting or changing the 3rd-party standard used to prepare the benefit report;

B. An assessment of the overall social and environmental performance of the benefit corporation against a 3rd-party standard:

(1) Applied consistently with any application of that standard in prior benefit reports; or

(2) Accompanied by an explanation of the reasons for any inconsistent application or the change to that standard from the one used in the immediately prior report;

C. The name of the benefit director and the benefit officer, if any, and the address to which correspondence to each of them may be directed;

D. The compensation paid by the benefit corporation during the year to each director in the capacity of a director;

E. The statement of the benefit director described in section 1822, subsection 3; and

F. A statement of any connection between the organization that established the 3rd-party standard, or its directors, officers or any holder of 5% or more of the governance interests in the organization, and the benefit corporation, or its directors, officers or any holder of 5% or more of the outstanding shares of the benefit corporation, includ-

ing any financial or governance relationship that might materially affect the credibility of the use of the 3rd-party standard.

**2. Change of benefit director.** If, during the year covered by a benefit report, a benefit director resigned from or refused to stand for reelection to the position of benefit director, or was removed from the position of benefit director, and the benefit director furnished the benefit corporation with any written correspondence concerning the circumstances surrounding the resignation, refusal or removal, the benefit report must include that correspondence as an exhibit.

**3. Audit not required.** Neither the benefit report nor the assessment of the performance of the benefit corporation in the benefit report required by subsection 1, paragraph B needs to be audited or certified by a 3rd party.

**§1832. Availability of annual benefit report**

**1. Timing of report.** A benefit corporation shall send its annual benefit report to each shareholder on the earlier of:

A. One hundred and twenty days following the end of the fiscal year of the benefit corporation; and

B. At the same time the benefit corporation delivers any other annual report to its shareholders.

**2. Website posting.** A benefit corporation shall post all of its annual benefit reports on the public portion of its website. The compensation paid to directors and financial or proprietary information included in the benefit reports may be omitted from the annual benefit reports as posted.

**3. Availability of copies.** If a benefit corporation does not have a website, the benefit corporation shall provide a copy of its most recent annual benefit report, without charge, to any person that requests a copy, but the compensation paid to directors and financial or proprietary information included in the annual benefit report may be omitted from the copy of the annual benefit report provided.

See title page for effective date.

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**CHAPTER 329**

**H.P. 660 - L.D. 886**

**An Act To Protect Search and  
Rescue Volunteers Certified by  
the Maine Association for  
Search and Rescue from  
Adverse Employment Actions**

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

Sec. 1. 26 MRSA c. 7, sub-c. 4-D is enacted to read:

**SUBCHAPTER 4-D**

**SEARCH AND RESCUE VOLUNTEERS;  
ABSENCE FROM WORK**

**§810. Absence for emergency response**

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

A. "Employer" means any private or public employer, including the State and political subdivisions of the State.

B. "Recognized organization" means a nonprofit search and rescue organization recognized by the Department of Inland Fisheries and Wildlife, Bureau of Warden Service.

C. "Search and rescue" means a search, rescue or search and rescue.

D. "Search and rescue volunteer" means a person who is certified in search and rescue practices and procedures by a recognized organization.

**2. Prohibition against discharge or disciplinary action.** An employer may not discharge or take any other disciplinary action against or otherwise discriminate against an employee because of the employee's failure to report for work at the beginning of the employee's regular working hours or the employee's absence during the employee's regular working hours if the employee's failure to report or absence was because the employee was responding to a search and rescue operation requested by a law enforcement agency in the employee's capacity as a search and rescue volunteer and the employee reported for work as soon as reasonably possible after being released from the search and rescue operation. An employer may charge the lost time against the employee's regular pay or against the employee's available leave time. This subsection does not apply to the absence of an employee if the employee has been designated as essential by the employer pursuant to subsection 6.

**3. Notification; verification.** An employee responding as a search and rescue volunteer to a search and rescue operation, the employee's designee or the search and rescue operation supervisor shall make every effort to immediately notify the employer that the employee may be late arriving to work or absent from work as a result of responding to a search and rescue operation requested by a law enforcement agency prior to or during the employee's regular working hours. At the request of an employer, an employee losing work time as provided in subsection 2 shall provide the employer with a statement from the official in charge of the recognized organization, the official's designee or a law enforcement official responsi-

ble for the search and rescue operation verifying that the employee was responding to a search and rescue operation and specifying the date and time of release from the operation.

**4. Enforcement; penalty for violation.** If an employer has violated subsection 2, the employee may bring an action in Superior Court in the county in which the employee resides or in the county in which the employer's place of business is located. The action must be brought within one year of the date of the alleged violation. If the court finds that the employer violated subsection 2 and if the employee so requests, the court shall order the employer to reinstate the employee in the employee's former position without reduction of pay, seniority or other benefits. The court also shall order any other appropriate remedy necessary to return the employee to the position the employee would have been in had the employer not violated subsection 2, including payment of back pay and reinstatement of any other benefits lost during the period in which the discharge or disciplinary action was in effect.

**5. Individual agreements.** This section does not apply if the employer and the employee have entered into a written agreement, signed by the employer and the employee, that governs procedures to be followed when the employee is called to respond to a search and rescue operation as a search and rescue volunteer.

**6. Designation as essential.** Upon receiving notice of an employee's search and rescue volunteer status, an employer may designate the employee essential to the employer's operations if the absence of the employee would cause significant disruption of the employer's business. This designation must be made in writing and signed by both the employee and the employer.

**7. Information to be filed by the employee with the employer.** This section applies only if:

A. The recognized organization in charge of calling out search and rescue volunteers has a written policy that:

(1) Specifies the circumstances under which search and rescue volunteers will be ordered to remain at a search and rescue operation; and

(2) Affirms that search and rescue volunteers will be released as soon as practicable; and

B. The employee presents a copy of the policy described in paragraph A to the employer upon notifying the employer of the employee's status as a search and rescue volunteer, within 30 days of employment or within 180 days of the effective date of this subsection.

An employee shall notify the employer of any change to the employee's status as a search and rescue volun-

teer, including termination of that status within 30 days of the change.

See title page for effective date.

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**CHAPTER 330**  
**H.P. 921 - L.D. 1260**

**An Act Regarding Short-term,  
Limited-duration Health Plans**

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

**Sec. 1. 24-A MRSA §2736-C, sub-§1, ¶C,** as amended by PL 2011, c. 238, Pt. D, §1, is further amended to read:

C. "Individual health plan" means any hospital and medical expense-incurred policy or health, hospital or medical service corporation plan contract. It includes both individual contracts and certificates issued under group contracts specified in section 2701, subsection 2, paragraph C. "Individual health plan" does not include the following types of insurance:

- (1) Accident;
- (2) Credit;
- (3) Disability;
- (4) Long-term care or nursing home care;
- (5) Medicare supplement;
- (6) Specified disease;
- (7) Dental or vision;
- (8) Coverage issued as a supplement to liability insurance;
- (9) Workers' compensation;
- (10) Automobile medical payment;
- (11) Insurance under which benefits are payable with or without regard to fault and that is required statutorily to be contained in any liability insurance policy or equivalent self-insurance; or
- (12) Short-term, limited-duration policies, as described in section 2849-B, subsection 1.

**Sec. 2. 24-A MRSA §2849-B, sub-§1,** as amended by PL 2011, c. 90, Pt. G, §1, is further amended to read:

**1. Policies subject to this section.** This section applies to all individual, group and blanket medical insurance policies except hospital indemnity, specified accident, specified disease, long-term care and short-term, limited-duration policies issued by insurers or

health maintenance organizations. For purposes of this section, a short-term, limited-duration policy is an individual, nonrenewable policy issued for a term that ~~is less than 12 months~~ does not extend beyond December 31st of the calendar year in which the policy is issued. This section does not apply to Medicare supplement policies as defined in section 5001, subsection 4.

**Sec. 3. 24-A MRSA §2849-B, sub-§2,** as amended by PL 2007, c. 199, Pt. D, §4, is further amended to read:

**2. Persons provided continuity of coverage.** Except as provided in subsection 3, this section provides continuity of coverage for a person who seeks coverage under an individual, group or blanket insurance policy or health maintenance organization policy if:

A. That person was covered under an individual, group or blanket contract or policy issued by a nonprofit hospital or medical service organization, insurer; or health maintenance organization or was covered under an uninsured employee benefit plan that provides payment for health services received by employees and their dependents or a governmental program, including, but not limited to, those listed in section 2848, subsection 1-B, paragraph A, subparagraphs (3) to (10). For purposes of this section, the individual, group or blanket policy under which the person is seeking coverage is the "succeeding policy." The group, blanket or individual contract or policy, uninsured employee benefit plan or governmental program that previously covered the person is the "prior contract or policy"; and

B. Coverage under the prior contract or policy terminated:

(1) Within 180 days before the date the person enrolls or is eligible to enroll in the succeeding contract if:

(a) Coverage was terminated due to unemployment, as defined in Title 26, section 1043;

(b) The person was eligible for and received unemployment compensation benefits for the period of unemployment, as provided under Title 26, chapter 13; and

(c) The person is employed at the time replacement coverage is sought under this provision; or

(2) Within 90 days before the date the person enrolls or is eligible to enroll in the succeeding contract.

A period of ineligibility for a health plan imposed by terms of employment may not be considered in determining whether the coverage ended within a time period specified under this section.

This section does not apply to replacements of group or blanket coverage within the scope of section 2849 or if the succeeding policy is an individual policy and the prior contract or policy was a short-term, limited-duration policy.

**Sec. 4. 24-A MRSA §2849-B, sub-§8**, as amended by PL 2011, c. 90, Pt. G, §2, is further amended to read:

**8. Short-term, limited-duration insurance.** A person eligible for continuity of coverage under subsection 2 may be allowed to purchase coverage under an individual, nonrenewable, short-term, limited-duration policy. The issuance of a short-term, limited-duration policy is subject to the following conditions.

A. Upon offering an individual short-term, limited-duration policy for purchase, an insurer or the insurer's agent or broker ~~must~~ shall provide written disclosure ~~of the terms and benefits of the policy as required in this paragraph in at least 14-point type. Specific disclosure that the short-term policy is not subject to any limitation on preexisting condition exclusions or the provisions of guaranteed renewal and continuity of coverage is required.~~ An insurer or the insurer's agent or broker shall specifically disclose:

(1) A summary of plan benefits, limits and exclusions in a standardized format similar to the format required for a qualified health plan under the federal Affordable Care Act that is specific to the exact policy being offered for purchase in this State, including, but not limited to, information about the circumstances in which covered benefits may be subject to balance billing and examples of how charges may be applied toward any cost sharing under the policy and billed to the individual policyholder; and

(2) A comparison of the short-term, limited-duration policy to a qualified health plan in the terms, benefits and conditions of the policy, any exclusions, medical loss ratio requirements or the provisions of guaranteed renewal and continuity of coverage.

B. An insurer or the insurer's agent or broker may ~~not~~ issue a short-term, limited-duration policy that replaces a prior short-term, limited-duration policy if as long as the combined term of the new policy and all prior successive policies does not exceed 24 months and the individual has not been covered under any prior short-term, limited-duration policy for at least 12 months. All individuals making an application for coverage under

a short-term, limited-duration policy must disclose any prior coverage under a short-term, limited-duration policy and the policy duration.

C. An insurer or the insurer's agent or broker may not issue a short-term, limited-duration policy unless it has been sold through an in-person encounter.

D. An insurer or the insurer's agent or broker may not actively market or sell any short-term, limited-duration policy during any open enrollment period, except for a short-term, limited-duration policy that terminates coverage on December 31st of the calendar year in which it is sold.

E. Upon offering an individual short-term, limited-duration policy for purchase, an insurer or the insurer's agent or broker shall assess an individual making an application for eligibility for an advanced premium tax credit or cost-sharing reduction for coverage under a qualified health plan purchased on the exchange pursuant to the federal Affordable Care Act, as defined in section 2188, subsection 1, paragraph A, and shall provide an estimate of the cost for coverage under a qualified health plan after applying any advanced premium tax credit or cost-sharing reduction.

F. An insurer or the insurer's agent or broker shall make the documents and information required to be disclosed under paragraph A upon offering an individual short-term, limited-duration policy for purchase available through the insurer's publicly accessible website.

G. An insurer or the insurer's agent or broker shall provide, upon the purchase of a short-term, limited-duration policy; upon the expiration of the policy; and, if the policy is in effect during an open enrollment period, on November 1st of the calendar year in which the policy was sold, written notice of the following:

(1) Disclosure that a short-term, limited-duration policy is not considered minimum essential coverage under the federal Affordable Care Act and that termination of a policy is not a qualifying event for a special enrollment period; and

(2) The dates for the next open enrollment period, the website address for the publicly accessible website of the exchange, as defined in section 2188, subsection 1, paragraph A, and the toll-free telephone number for the exchange.

**Sec. 5. Bureau of Insurance bulletin.** No later than 30 days following the effective date of this Act, the Department of Professional and Financial Regulation, Bureau of Insurance shall issue a bulletin related to short-term, limited-duration health insurance

policies describing the statutory requirements for the policies, including the requirements enacted in this Act and the required mandated benefits applicable to all short-term, limited-duration policies.

**Sec. 6. Application.** The requirements of this Act apply to all short-term, limited-duration health insurance policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

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## CHAPTER 331

### H.P. 1097 - L.D. 1505

#### An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws

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

**Sec. 1. 22 MRSA §2422, sub-§§4-D to 4-I,** as enacted by PL 2017, c. 447, §1 and c. 452, §3, are repealed.

**Sec. 2. 22 MRSA §2422, sub-§§4-N to 4-S** are enacted to read:

**4-N. Immature marijuana plant.** "Immature marijuana plant" means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

**4-O. Inherently hazardous substance.** "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

**4-P. Long-term care facility.** "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with section 2423-A, subsection 1, paragraph F-1, subparagraph (2).

**4-Q. Manufacture or manufacturing.** "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, in-

cluding, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

**4-R. Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

**4-S. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.

**Sec. 3. 22 MRSA §2422, sub-§6,** as amended by PL 2017, c. 452, §3, is further amended to read:

**6. Registered dispensary or dispensary.** "Registered dispensary" or "dispensary" means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

**Sec. 4. 22 MRSA §2422, sub-§14-A,** as amended by PL 2017, c. 447, §3 and c. 452, §3, is repealed and the following enacted in its place:

**14-A. Sample.** "Sample" means a marijuana plant or harvested marijuana that is provided for testing or research purposes to a marijuana testing facility.

**Sec. 5. 22 MRSA §2423-A, sub-§1, ¶G,** as amended by PL 2015, c. 475, §6, is further amended to read:

G. Be in the presence or vicinity of the medical use of marijuana and assist any qualifying patient with using or administering harvested marijuana;

**Sec. 6. 22 MRSA §2423-A, sub-§1, ¶H,** as amended by PL 2017, c. 447, §4 and c. 452, §4, is repealed and the following enacted in its place:

H. Accept marijuana plants or harvested marijuana from a qualifying patient, caregiver or registered dispensary if no remuneration is provided to the patient, caregiver or dispensary;

**Sec. 7. 22 MRSA §2423-A, sub-§1, ¶J,** as enacted by PL 2017, c. 447, §6 and c. 452, §4, is repealed and the following enacted in its place:

J. Manufacture marijuana products and marijuana concentrate for medical use, except that a qualifying patient may not manufacture food, as defined in section 2152, subsection 4, unless the qualifying patient is licensed pursuant to section 2167 and except that a qualifying patient may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;

**Sec. 8. 22 MRSA §2423-A, sub-§1, ¶K**, as enacted by PL 2017, c. 447, §6 and c. 452, §4, is repealed and the following enacted in its place:

K. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the qualifying patient provided to the manufacturing facility;

**Sec. 9. 22 MRSA §2423-A, sub-§2, ¶G**, as repealed and replaced by PL 2017, c. 447, §7 and amended by c. 452, §4, is repealed and the following enacted in its place:

G. Manufacture marijuana products and marijuana concentrate for medical use, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that a caregiver may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;

**Sec. 10. 22 MRSA §2423-A, sub-§2, ¶L**, as amended by PL 2017, c. 447, §8 and c. 452, §4, is repealed and the following enacted in its place:

L. Provide samples to a marijuana testing facility for testing and research purposes;

**Sec. 11. 22 MRSA §2423-A, sub-§2, ¶M**, as amended by PL 2017, c. 447, §8 and c. 452, §4, is repealed and the following enacted in its place:

M. Conduct marijuana testing at the request of anyone authorized to possess marijuana under this chapter for research and development purposes only;

**Sec. 12. 22 MRSA §2423-A, sub-§2, ¶N**, as enacted by PL 2017, c. 447, §9 and c. 452, §4, is repealed and the following enacted in its place:

N. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the caregiver provided to the manufacturing facility;

**Sec. 13. 22 MRSA §2423-A, sub-§10**, as amended by PL 2017, c. 447, §10 and c. 452, §4, is repealed and the following enacted in its place:

**10. Marijuana testing facility.** The following provisions apply to a marijuana testing facility.

A. A marijuana testing facility that meets the requirements of this subsection and any rules adopted under paragraph D may receive and possess samples from qualifying patients, caregivers, dispensaries and manufacturing facilities to provide

testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant regulators and illegal pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning as in Title 7, section 604, subsection 26.

B. An assistant of a marijuana testing facility may have access to cultivation areas pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph I.

C. A marijuana testing facility shall:

(1) Dispose of samples in a manner that prevents diversion of samples to persons not authorized to possess the samples tested by the facility;

(2) House and store samples in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss;

(3) Label samples being transported to and from the facility with the following statement: "For Testing Purposes Only";

(4) Maintain testing results as part of the facility's business books and records; and

(5) Operate in accordance with any rules adopted by the department.

D. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing marijuana testing facilities, including but not limited to:

(1) Marijuana testing facility officer or director qualification requirements;

(2) Required security for marijuana testing facilities; and

(3) Requirements for the licensing, certifying or other approval of marijuana testing facilities.

The failure of the department to adopt rules under this paragraph does not prevent a marijuana testing facility from engaging in activities in compliance with this chapter.

E. A marijuana testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body. The department may inspect a marijuana testing facility during regular business hours and hours of apparent activity for compliance with this chapter.

**Sec. 14. 22 MRSA §2423-A, sub-§11**, as amended by PL 2017, c. 447, §11 and repealed by c. 452, §4, is repealed.

**Sec. 15. 22 MRSA §2423-A, sub-§12**, as amended by PL 2017, c. 447, §12 and c. 452, §4, is repealed and the following enacted in its place:

**12. Interest.** A caregiver or an officer or director of a registered dispensary, registered caregiver or manufacturing facility may not have a financial or other interest in a marijuana testing facility providing services associated with product labeling for that dispensary, caregiver or manufacturing facility.

**Sec. 16. 22 MRSA §2423-A, sub-§14**, as enacted by PL 2017, c. 447, §14, is repealed.

**Sec. 17. 22 MRSA §2423-F**, as enacted by PL 2017, c. 447, §15 and c. 452, §9, is repealed and the following enacted in its place:

**§2423-F. Marijuana manufacturing facilities**

A person may not manufacture marijuana products or marijuana concentrate or engage in marijuana extraction except as provided in this chapter.

**1. Tier 1 manufacturing facility.** A tier 1 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 40 pounds of harvested marijuana.

**2. Tier 2 manufacturing facility.** A tier 2 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 200 pounds of harvested marijuana.

**3. Authorization for extraction using inherently hazardous substances.** This subsection governs the authority of a person to engage in marijuana extraction using inherently hazardous substances in accordance with subsection 5.

A. A qualifying patient, caregiver, registered dispensary or manufacturing facility may engage in marijuana extraction using inherently hazardous substances if the person can produce, upon demand of the department:

(1) Certification from a professional engineer licensed in this State of the safety of the equipment used for marijuana extraction and the location of the equipment and the professional engineer's approval of the standard operating procedures for the marijuana extraction;

(2) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that

the equipment used for marijuana extraction and the location of the equipment comply with state law and all applicable local and state building codes, electrical codes and fire codes, including the chapters of the most recent National Fire Protection Association Fire Code relating to marijuana extraction facilities;

(3) Documentation from the manufacturer of the marijuana extraction system or a professional engineer licensed in this State showing that a professional grade, closed-loop extraction system that is capable of recovering the solvents used to produce marijuana concentrate is used by the person; and

(4) Evidence that the person has provided notice to the department of the person's intent to engage in marijuana extraction using inherently hazardous substances and the location where the marijuana extraction will occur prior to engaging in marijuana extraction using inherently hazardous substances.

A person that intends to engage in marijuana extraction using inherently hazardous substances shall notify the department of that intention prior to engaging in marijuana extraction using inherently hazardous substances. The department may deny an application of a person authorized under this paragraph to register pursuant to rules adopted under subsection 10 if the person did not notify the department in accordance with this paragraph.

B. A person that is not a qualifying patient, caregiver or dispensary and that meets the requirements of a person authorized under paragraph A, pays the fee required by section 2425-A, subsection 10 and meets the requirements of rules adopted under subsection 10 is authorized to engage in marijuana extraction using inherently hazardous substances and may possess up to 40 pounds of harvested marijuana in accordance with subsection 5.

**4. Authorized conduct; manufacturing facilities.** A registered manufacturing facility:

A. May manufacture marijuana products and marijuana concentrate for medical use using any method that does not involve an inherently hazardous substance, except that a registered manufacturing facility may manufacture marijuana concentrate using inherently hazardous substances if authorized under subsection 3;

B. May obtain harvested marijuana from a qualifying patient, a caregiver or a registered dispensary and may transfer marijuana products and marijuana concentrate to the person that provided the harvested marijuana used to manufacture the marijuana product or marijuana concentrate;

C. May transfer samples to a marijuana testing facility for testing;

D. May conduct testing of marijuana products or marijuana concentrate manufactured by the facility for research and development purposes;

E. May receive reasonable compensation for manufacturing marijuana products or marijuana concentrate;

F. Shall dispose of harvested marijuana used in the manufacturing process in a manner that prevents its diversion to persons not authorized to possess harvested marijuana possessed by the facility and in accordance with rules adopted by the department; and

G. May hire any number of assistants to assist in performing the duties of the manufacturing facility.

**5. Authorized conduct; extraction using inherently hazardous substances.** A person that is authorized to engage in marijuana extraction using inherently hazardous substances pursuant to subsection 3:

A. May engage in marijuana extraction to produce marijuana concentrate for medical use;

B. May obtain harvested marijuana from a qualifying patient, a caregiver or a dispensary and may transfer marijuana concentrate to the person that provided the harvested marijuana used to produce the marijuana concentrate;

C. May transfer samples to a marijuana testing facility for testing;

D. May conduct testing of marijuana concentrate produced by the person for research and development purposes;

E. May receive reasonable compensation for producing marijuana concentrate;

F. Shall dispose of harvested marijuana used in the extraction process in a manner that prevents its diversion to persons not authorized to possess harvested marijuana possessed by the person and in accordance with rules adopted by the department; and

G. May hire any number of assistants to assist in performing the activities authorized under this subsection, except that a qualifying patient authorized under subsection 3 may not hire an assistant.

Notwithstanding the authorizations established in this subsection, a person that is authorized to engage in marijuana extraction using inherently hazardous substances pursuant to subsection 3 shall comply with any rules adopted pursuant to subsection 10.

**6. Retail sale prohibited.** A registered manufacturing facility or a person authorized to engage in

marijuana extraction using inherently hazardous substances under subsection 3 may not engage in retail sales of marijuana products or marijuana concentrate unless the person is authorized to engage in retail sales under this chapter.

**7. Food establishment license required to manufacture food products.** A registered manufacturing facility or a person authorized to produce marijuana concentrate using inherently hazardous substances may not manufacture edible marijuana products or marijuana tinctures unless licensed pursuant to section 2167.

**8. Registration requirements.** This subsection governs registration requirements of a manufacturing facility or a person authorized to engage in marijuana extraction using inherently hazardous substances under subsection 3 and the officer or director or assistant of the facility or person.

A. In accordance with rules adopted under subsection 10, the department shall register and issue a registration certificate with a registry identification number to a manufacturing facility or a person authorized to engage in marijuana extraction within 30 days to the facility or person if the facility or person provides:

(1) The annual fee required pursuant to section 2425-A, subsection 10;

(2) The legal name of the facility or person and, if incorporated, evidence of incorporation and evidence that the corporation is in good standing with the Secretary of State;

(3) The physical address of the facility or person or the physical address where an applicant who is an individual will engage in the activities authorized under this section. If the facility or person changes its physical location, or if a person registered under this subsection changes the location at which the person engages in activities authorized under this section, the facility or person shall notify the department of the new location; and

(4) The name, address and date of birth of each officer or director of the facility or person.

B. In accordance with rules adopted under subsection 10, the department shall issue registry identification cards to the officer or director or assistant of a registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances within 5 business days of approving an application or renewal under this subsection. A registry identification card is required to be issued to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in marijuana

na extraction using inherently hazardous substances. A registry identification card expires one year after the date of issuance. A registry identification card issued under this paragraph must contain:

- (1) The name of the cardholder;
- (2) The date of issuance and expiration date of the registry identification card; and
- (3) A random identification number that is unique to the cardholder.

The department may not issue a registry identification card to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each person, officer or director or assistant subject to this subsection on an annual basis.

If the department determines not to issue a registry identification card for a person, officer or director or assistant, the department shall notify the registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances in writing of the reason for denying the registry identification card.

**9. Packaging and labeling requirements.** A manufacturing facility shall package and label its marijuana products and marijuana concentrate prior to transfer from the manufacturing facility in a form intended for use or consumption by a qualifying patient in tamper-evident packaging and with a label that includes the following information:

- A. The registry identification number of the manufacturing facility;
- B. Information that allows the provider of the marijuana to the manufacturing facility to confirm that the marijuana provided was used to manufacture the marijuana product or marijuana concentrate transferred back to that provider;
- C. Ingredients other than material derived from marijuana plants contained in the marijuana product or marijuana concentrate; and
- D. Any chemicals, solvents or other substances used to manufacture the marijuana product or marijuana concentrate.

**10. Rulemaking.** The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing manufacturing facilities, including but not limited to:

- A. Requirements for the registration of a manufacturing facility and an officer or director or assistant of a registered manufacturing facility;

B. Requirements for engaging in marijuana extraction using inherently hazardous substances;

C. Manufacturing facility officer or director qualification requirements;

D. Required security for manufacturing facilities;

E. Requirements of a disposal plan for harvested marijuana used in the manufacturing process; and

F. Minimum record-keeping requirements, including an annual audit requirement.

The failure of the department to adopt rules under this subsection does not prevent a person authorized pursuant to subsection 3, paragraph A from engaging in conduct authorized under this section.

**11. Multiple authorizations.** A manufacturing facility or person registered pursuant to subsection 8 may also be a qualifying patient, a caregiver or a registered dispensary. A manufacturing facility or person authorized to possess marijuana under this chapter may possess the amount allowed for that manufacturing facility or person in addition to the possession amount allowed under this section if the manufacturing facility or person is registered pursuant to this section. The marijuana possessed must be distinguishable with respect to the purposes for which it is authorized to be possessed.

**12. Record keeping.** A registered manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances under subsection 3 shall maintain records of all transactions in accordance with section 2430-G.

**13. Colocation of facilities.** A manufacturing facility that is also licensed as an adult use marijuana products manufacturing facility under Title 28-B, chapter 1 may manufacture marijuana products and marijuana concentrate for adult use within the same facility in which the licensee also manufactures marijuana products or marijuana concentrate for medical use pursuant to this chapter. The following items or areas within the shared facility may be shared for both manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1:

A. Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1;

B. Manufacturing-related and nonmanufacturing-related supplies or products not containing harvested marijuana and the storage areas for those supplies or products; and

C. General office space, bathrooms, entryways and walkways.

**Sec. 18. 22 MRSA §2425**, as amended by PL 2017, c. 447, §§16 to 18 and repealed by c. 452, §11, is repealed.

**Sec. 19. 22 MRSA §2425-A, sub-§3-A, ¶¶E and F**, as enacted by PL 2017, c. 452, §12, are amended to read:

E. State and federal criminal history record information may be used by the department for the purpose of screening a ~~child care provider or child care staff member~~ person in accordance with this chapter.

F. Information obtained pursuant to this subsection is confidential. The results of criminal history record checks received by the department are for official use only and may not be disseminated to any other person ~~or entity~~.

**Sec. 20. 22 MRSA §2425-A, sub-§8, ¶D**, as enacted by PL 2017, c. 452, §12, is amended to read:

D. The physical address of the certificate holder and, if the certificate holder is a dispensary, the physical address of one additional location, if any, where marijuana plants will be cultivated; and

**Sec. 21. 22 MRSA §2426, sub-§1, ¶E**, as amended by PL 2017, c. 452, §13, is further amended to read:

E. Use or possess marijuana plants or harvested marijuana if that person is not a qualifying patient, caregiver, registered dispensary or other person authorized to use or possess marijuana under this chapter.

**Sec. 22. 22 MRSA §2428, sub-§1-A, ¶D**, as amended by PL 2017, c. 447, §19 and c. 452, §16, is repealed and the following enacted in its place:

D. Assist the qualifying patient with the medical use or administration of harvested marijuana;

**Sec. 23. 22 MRSA §2428, sub-§1-A, ¶E**, as amended by PL 2017, c. 447, §20 and c. 452, §16, is repealed and the following enacted in its place:

E. Obtain harvested marijuana from a caregiver under section 2423-A, subsection 2, paragraph K;

**Sec. 24. 22 MRSA §2428, sub-§1-A, ¶F**, as enacted by PL 2017, c. 447, §21 and c. 452, §16, is repealed and the following enacted in its place:

F. Except as provided in section 2426:

(1) Transfer marijuana plants and harvested marijuana to a qualifying patient and to a caregiver on behalf of a qualifying patient in a retail sale for reasonable compensation;

(2) Transfer marijuana plants and harvested marijuana to a qualifying patient, caregiver or dispensary for no remuneration;

(3) Acquire marijuana plants and harvested marijuana from another dispensary for no remuneration;

(4) Transfer to and accept from a registered caregiver or another dispensary marijuana plants and harvested marijuana in a wholesale transaction in accordance with this paragraph. A dispensary may transfer in wholesale transactions for reasonable compensation or for no remuneration up to 30% of the mature marijuana plants grown by the dispensary over the course of a calendar year, including any marijuana products or marijuana concentrate manufactured from that 30% of the mature marijuana plants grown by the dispensary. A dispensary may transfer to or accept from registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature marijuana plants and seedlings. A dispensary that acquires mature marijuana plants, marijuana products or marijuana concentrate in a wholesale transaction under this subparagraph may not resell the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying patient or to a caregiver or dispensary to assist a qualifying patient;

(5) Transfer harvested marijuana to a manufacturing facility and accept marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the dispensary provided to the manufacturing facility; and

(6) Provide samples to a marijuana testing facility for testing and research purposes;

**Sec. 25. 22 MRSA §2428, sub-§1-A, ¶G**, as enacted by PL 2017, c. 447, §21 and c. 452, §16, is repealed and the following enacted in its place:

G. Conduct marijuana testing at the request of anyone authorized to possess marijuana plants or harvested marijuana under this chapter for research and development purposes only;

**Sec. 26. 22 MRSA §2428, sub-§6, ¶E**, as amended by PL 2017, c. 452, §16, is further amended to read:

E. A dispensary shall implement appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana plants and harvested marijuana and the theft of marijuana plants and harvested marijuana at the dispensary and the one permitted additional location at which the dispensary cultivates marijuana plants for medical use by qualifying patients.

**Sec. 27. 22 MRSA §2428, sub-§9, ¶B**, as amended by PL 2017, c. 452, §16, is further amended to read:

B. A dispensary may not dispense, deliver or otherwise transfer marijuana plants or harvested marijuana except as provided in this chapter.

**Sec. 28. 22 MRSA §2429-A, sub-§4**, as enacted by PL 2017, c. 452, §18, is amended to read:

**4. Educational materials.** A person that provides harvested marijuana to a qualifying patient must make educational materials about ~~medical~~ the use of harvested marijuana available to the qualifying patient at the time of the transaction. The department shall develop the minimum content of the educational materials provided under this subsection and make that content available publicly.

**Sec. 29. 22 MRSA §2429-B, sub-§1, ¶E**, as enacted by PL 2017, c. 452, §18, is amended to read:

E. Market to any person authorized to possess marijuana plants or harvested marijuana under this chapter and specifically to any adult use or recreational marijuana market within the same sign, advertisement or marketing material.

**Sec. 30. 22 MRSA §2429-C, sub-§5**, as enacted by PL 2017, c. 452, §18, is amended to read:

**5. Addition to trademarked food or drink.** May not involve the addition of harvested marijuana to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible marijuana product and the edible marijuana product is not advertised or described for sale as containing the trademarked product.

**Sec. 31. 22 MRSA §2430, sub-§5**, as enacted by PL 2017, c. 452, §22, is amended to read:

**5. Medical marijuana research grant program established.** The medical marijuana research grant program, referred to in this subsection as "the program," is established within the department to provide grant money to support objective scientific research, including observational and clinical trials and existing research, on the efficacy of harvested marijuana as part of medical treatment and the health effects of harvested marijuana used as part of medical treatment. The program must be funded from the fund. The department shall adopt rules necessary to implement the program, including, but not limited to, required qualifications of persons conducting the research; determining the scientific merit and objectivity of a research proposal; criteria for determining the amount of program funds distributed; criteria for determining the duration of the research; procedures for soliciting research participants, including outreach to patients, and for obtaining the informed consent of participants; and reporting requirements for the results of the research and evaluation of the research results. Rules adopted

pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 32. 22 MRSA §2430-G, sub-§1, ¶B**, as enacted by PL 2017, c. 452, §24, is amended to read:

B. The department shall develop and implement a statewide electronic portal through which registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities may submit to the department the records required under paragraph A and in accordance with rules adopted by the department. A registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility shall pay all costs and fees associated with the use of this electronic portal and all other fees associated with the keeping of records required in this section in accordance with rules adopted by the department. The department shall adopt rules regarding the process and content of records to be submitted, the frequency with which the records must be submitted, the costs and fees associated with using the electronic portal and any other requirements necessary to implement this paragraph.

See title page for effective date.

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## CHAPTER 332 H.P. 1231 - L.D. 1729

### An Act To Create a Carrier License for Pelagic and Anadromous Fish

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

**Sec. 1. 12 MRSA §6041, sub-§2**, as enacted by PL 2009, c. 527, §1, is amended to read:

**2. Sources of revenue.** The fund is capitalized by surcharges assessed under section 6502-A, subsection 7 and fees collected pursuant to section 6502-B, subsection 4. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

**Sec. 2. 12 MRSA §6502-B** is enacted to read:  
**§6502-B. Carrier license**

**1. License required.** A person may not engage in the activities authorized under this section without a current carrier license.

**2. Licensed activity.** If rules adopted pursuant to subsection 5 allow vessels to possess or transport fish, the holder of a carrier license may possess or transport on the vessel listed on the carrier license Atlantic herring or Atlantic menhaden that the holder has not taken.

**3. Eligibility.** A carrier license may be issued only to an individual.

**4. Fees.** The fee for a carrier license is \$98. The commissioner shall deposit the fee in the Pelagic and Anadromous Fisheries Fund established under section 6041.

**5. Rules.** The commissioner may adopt rules regarding the operations of vessels possessing or transporting fish pursuant to a carrier license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**6. Violation.** A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**Sec. 3. Effective date.** This Act takes effect on January 1, 2020.

Effective January 1, 2020.

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## CHAPTER 333

### H.P. 1242 - L.D. 1743

#### An Act To Reclassify Certain Waters of the State

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

**Sec. 1. 38 MRSA §467, sub-§1, ¶D,** as amended by PL 2009, c. 163, §2, is further amended to read:

D. Androscoggin River, minor tributaries - Class B unless otherwise specified.

- (1) All tributaries of the Androscoggin River that enter between the Maine-New Hampshire boundary in Gilead and its confluence with, and including, the Ellis River and that are not otherwise classified - Class A.
- (2) Bear River - Class AA.
- (3) Sabattus River from Sabattus Lake to limits of the Lisbon urban area - Class C.
- (4) Webb River - Class A.
- (5) Swift River, and its tributaries, above the Mexico-Rumford boundary - Class A.
- (6) Nezinscot River, east and west branches above their confluence in Buckfield - Class A.
- (7) Wild River in Gilead, Batchelders Grant - Class AA.
- (8) Aunt Hannah Brook and its tributaries in Dixfield - Class A.

(9) Tributaries to Webb Lake - Class A.

**Sec. 2. 38 MRSA §467, sub-§4, ¶I,** as amended by PL 2009, c. 163, §4, is further amended to read:

I. Kennebec River, minor tributaries - Class B unless otherwise specified.

- (1) All minor tributaries entering above Wyman Dam that are not otherwise classified - Class A.
- (2) All tidal portions of tributaries entering between the Sidney-Vassalboro-Augusta town line and a line drawn across the tidal estuary of the Kennebec River due east of Abagadasset Point - Class B, unless otherwise specified.

(a) Eastern River from head of tide to its confluence with the Kennebec River - Class C.

(3) Cold Stream, West Forks Plantation - Class AA.

(4) Moxie Stream, Moxie Gore, below a point located 1,000 feet downstream of the Moxie Pond dam - Class AA.

(5) Austin Stream and its tributaries above the highway bridge of Route 201 in the Town of Bingham - Class A.

(6) East Branch Wesserunsett Stream above the downstream Route 150, Harmony Road, crossing in Athens - Class A.

(7) Tributaries to East Branch Wesserunsett Stream - Class A.

**Sec. 3. 38 MRSA §467, sub-§7, ¶A,** as amended by PL 2003, c. 317, §12, is further amended to read:

A. Penobscot River, main stem.

- (1) From the confluence of the East Branch and the West Branch to the confluence of the Mattawamkeag River, including all impoundments - Class ~~B~~.
- (2) From the confluence of the Mattawamkeag River to the confluence of Cambolasse Stream - Class B.
- (3) From the confluence of Cambolasse Stream to the West Enfield Dam - Class B.
- (5) From the West Enfield Dam, ~~including the Stillwater Branch,~~ to the ~~Veazie Milford~~ Dam, including all impoundments, ~~and the Stillwater Branch~~ - Class B.
- (6) From the ~~Veazie Milford~~ Dam, but not including the ~~Veazie Milford~~ Dam, to the Maine Central Railroad bridge in Bangor-

Brewer - Class B. Further, the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained.

(7) From the Maine Central Railroad bridge in Bangor to a line extended in an east-west direction from a point 1.25 miles upstream of the confluence of Reeds Brook in Hampden - Class B. Further, the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained.

**Sec. 4. 38 MRSA §467, sub-§7, ¶B**, as repealed and replaced by PL 1989, c. 764, §7, is amended to read:

B. Penobscot River, East Branch Drainage.

(1) East Branch of the Penobscot River, main stem.

(a) Above its confluence with Grand Lake Mattagamon - Class A.

(b) From the dam at the outlet of Grand Lake Mattagamon to a point located 1,000 feet downstream from the dam - Class A.

(c) From a point located 1,000 feet downstream from the dam at the outlet of Grand Lake Mattagamon to its confluence with the West Branch Mattaceunk impoundment as it existed on July 14, 1990 - Class AA.

(d) From its confluence with the Mattaceunk impoundment as it existed on July 14, 1990 to its confluence with the West Branch - Class B. Further, there may be no new direct discharges to this segment after January 1, 2019.

(2) East Branch of the Penobscot River, tributaries - Class A unless otherwise specified.

(a) All tributaries, any portion of which is located within the boundaries of Baxter State Park - Class AA.

(b) Sawtelle Brook, from a point located 1,000 feet downstream from the dam at the outlet of Sawtelle Deadwater to its confluence with the Seboeis River - Class AA.

(c) Seboeis River, from the outlet of Snowshoe Lake to its confluence with the East Branch - Class AA.

(d) Wassataquoik Stream, from the boundary of Baxter State Park to its confluence with the East Branch - Class AA.

(e) Webster Brook, from a point located 1,000 feet downstream from the dam at the outlet of Telos Lake to its confluence with Webster Lake - Class AA.

**Sec. 5. 38 MRSA §467, sub-§7, ¶C**, as amended by PL 2005, c. 159, §3, is further amended to read:

C. Penobscot River, West Branch Drainage.

(1) West Branch of the Penobscot River, main stem.

(a) From the dam at the outlet of Seboomook Lake to a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake - Class B.

(b) From a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake to its confluence with Chesuncook Lake - Class A.

(b-1) From its confluence with Chesuncook Lake to Ripogenus Dam - Class GPA as modified by section 464, subsection 9-A.

(c) From Ripogenus Dam through Ripogenus Gorge to the McKay powerhouse - Class B.

(d) From the McKay powerhouse to its confluence with Ambajejus Lake - Class A.

(e) From the outlet of Elbow Lake to the outlet of Ferguson and Quakish Lakes - Class B.

(f) From the outlet of Ferguson and Quakish Lakes to its confluence with ~~the East Branch of the Penobscot River, including all impoundments~~ Millinocket Stream - Class C.

(g) From the confluence with Millinocket Stream to its confluence with the East Branch of the Penobscot River, including all impoundments - Class B.

(2) West Branch of the Penobscot River, tributaries - Class A unless otherwise specified.

(a) Those segments of any tributary that are within the boundaries of Baxter State Park - Class AA.

(b) Those tributaries above the confluence with the Debsconeag Deadwater, any portion of which is located within the boundaries of Baxter State Park - Class AA.

(c) Millinocket Stream, from the railroad bridge near the Millinocket-T.3 Indian Purchase boundary to its confluence with the West Branch Canal - Class B.

(d) Millinocket Stream from the confluence of the West Branch Canal to its confluence with the West Branch of the Penobscot River - Class B.

**Sec. 6. 38 MRSA §467, sub-§7, ¶D**, as amended by PL 1999, c. 277, §11, is further amended to read:

D. Mattawamkeag River Drainage.

(1) Mattawamkeag River, main stem.

(a) From the confluence of the East Branch and the West Branch to the Kingman-Mattawamkeag boundary - Class A.

(b) From the Kingman-Mattawamkeag boundary to its confluence with the Penobscot River - Class AA.

(2) Mattawamkeag River, tributaries - Class A unless otherwise specified.

(a) East Branch Mattawamkeag River above Red Bridge - Class B.

~~(b) West Branch Mattawamkeag River from Interstate 95 to its confluence with Mattawamkeag Lake - Class B.~~

~~(c) Fish Stream - Class B.~~

**Sec. 7. 38 MRSA §467, sub-§12, ¶B**, as amended by PL 2009, c. 163, §8, is further amended to read:

B. Saco River, tributaries, those waters lying within the State - Class B unless otherwise specified.

(1) All tributaries entering above the confluence of the Ossipee River lying within the State and not otherwise classified - Class A.

(2) Wards Brook (Fryeburg) - Class C.

(3) Buff Brook (Waterboro) - Class A.

(4) Ossipee River Drainage, those waters lying within the State - Class B unless otherwise specified.

(a) Emerson Brook in Parsonsfield - Class A.

(b) South River and its tributaries (Parsonsfield), those waters lying within the State - Class A.

(5) Back Brook and its tributaries (Limington) - Class A.

**Sec. 8. 38 MRSA §467, sub-§15, ¶C**, as amended by PL 2017, c. 137, Pt. B, §9, is further amended to read:

C. Aroostook River Drainage.

(1) Aroostook River, main stem.

(a) From the confluence of Millinocket Stream and Munsungan Stream to the Route 11 bridge - Class AA.

(b) From the Route 11 bridge to the Sheridan Dam - Class B.

(c) From the Sheridan Dam to its confluence with Presque Isle Stream, including all impoundments - Class B.

(d) From its confluence with Presque Isle Stream to a point located 3.0 miles upstream of the intake of the Caribou water supply, including all impoundments - Class C.

(e) From a point located 3.0 miles upstream of the intake of the Caribou water supply to a point located 100 yards downstream of the intake of the Caribou water supply, including all impoundments - Class B.

(f) From a point located 100 yards downstream of the intake of the Caribou water supply to the international boundary, including all impoundments - Class C.

(2) Aroostook River, tributaries, those waters lying within the State - Class A unless otherwise specified.

(a) All tributaries of the Aroostook River entering below the confluence of the Machias River that are not otherwise classified - Class B.

(b) Little Machias River and its tributaries - Class A.

(c) Little Madawaska River and its tributaries, including Madawaska Lake tributaries above the Caribou-Connor Township line - Class A.

(d) Machias River, from the outlet of Big Machias Lake to the Aroostook River - Class AA.

(e) Millinocket Stream, from the outlet of Millinocket Lake to its confluence with Munsungan Stream - Class AA.

(f) Munsungan Stream, from the outlet of Little Munsungan Lake to its confluence with Millinocket Stream - Class AA.

(g) Presque Isle Stream and its tributaries above the Mapleton-Presque Isle town line - Class A.

(h) St. Croix Stream from its confluence with Hall Brook in T.9, R.5, W.E.L.S. to its confluence with the Aroostook River - Class AA.

(j) Scopan Stream from the outlet of Scopan Lake to its confluence with the Aroostook River - Class C.

(k) Limestone Stream from the Long Road bridge to the Canadian border - Class C.

(l) Beaver Brook and its tributaries (T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill) - Class A.

(m) Gardner Brook and its tributaries (T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Wade) - Class A.

(n) Salmon Brook and its tributaries (Perham, Westmanland) above Route 228 crossing on main stem in Perham - Class A.

(o) West Branch Salmon Brook and its tributaries (Wade, Perham, T.14 R.5 W.E.L.S.) above the Washburn-Wade town line - Class A.

**Sec. 9. 38 MRSA §468, sub-§2, ¶N**, as amended by PL 2003, c. 317, §20, is amended to read:

N. Township 7 Southern Division.

(1) Whitten Parritt Stream - Class A.

(2) Tributaries to Tunk Stream - Class A.

**Sec. 10. 38 MRSA §468, sub-§2, ¶¶O and P** are enacted to read:

O. Sullivan.

(1) Tributaries to Tunk Stream - Class A.

P. Township 10 Southern Division.

(1) Tunk Stream and its tributaries - Class A.

**Sec. 11. 38 MRSA §468, sub-§8, ¶P** is enacted to read:

P. Cherryfield.

(1) Tunk Stream and its tributaries - Class A.

See title page for effective date.

**CHAPTER 334  
H.P. 1244 - L.D. 1745**

**An Act Regarding the Tagging  
and Sale of Shellfish**

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

**Sec. 1. 12 MRSA §6625, sub-§1**, as amended by PL 2005, c. 434, §5, is further amended to read:

**1. Tagging required.** The holder of a ~~commercial shellfishing~~ license issued under section 6601, 6731, 6732, 6745 ~~or~~, 6746 ~~or~~ 6810-B shall identify shellstock the license holder has taken by means of a harvester's tag. The tag must be consistent with the format required by the department under rules adopted to meet this requirement. Each container of shellstock must be tagged in accordance with department rules. The tag must accompany the harvested product while the product is in wholesale or retail commerce within the State.

**Sec. 2. 12 MRSA §6810-B, sub-§4**, as enacted by PL 2017, c. 296, §9, is amended to read:

**4. Licensed activities; shellfish.** The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell to a wholesale seafood license holder certified under section 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A cultured shellfish the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured shellfish the holder has cultured pursuant to a license issued under section 6072-C or under Title 7, section 1501. Such a holder of an aquaculture license may also sell such shellstock from that license holder's home in the retail trade. A holder of an aquaculture license who is also the holder of a lease issued under section 6072 or 6072-A or that holder's authorized representative may sell such shellstock from the holder's lease site in the retail trade. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 12 MRSA §6856, sub-§1**, as amended by PL 2017, c. 224, §2, is further amended to read:

**1. Shellfish sanitation certificate.** A person may not undertake the processing, buying, selling, shipping, transporting or shucking of shellfish or whole scallops without a shellfish sanitation certificate issued by the department or a valid, current certificate issued by the relevant regulatory authority recognized by the United States Department of Health and Human

Services, Food and Drug Administration and posted on the administration's interstate certified shellfish shippers list, unless authorized under section 6701 or 6702. A person may engage in activities only to the extent authorized by the certificate held by the person. The commissioner may issue a shellfish sanitation certificate to a wholesale seafood license holder or a shellfish transportation license holder that authorizes the holder to undertake the activities expressly authorized therein, which may include buying and selling, shipping, transporting, shucking or other processing of shellfish or whole scallops. A wholesale seafood license or shellfish transportation license is also necessary to undertake the activities authorized under those licenses. A shellfish sanitation certificate does not authorize a person to undertake any of the activities for which a permit is required pursuant to subsection 2-A. Beginning June 1, 2018, the fee for a shellfish sanitation certificate is \$50.

Sec. 4. 12 MRSA §6856, sub-§2-A, ¶D, as enacted by PL 2017, c. 224, §2, is amended to read:

D. A person may not use a vehicle to transport soft-shelled clam shell stock shellstock purchased at a location other than the establishment or vehicle authorized under the license without a shellfish buying station permit. Beginning June 1, 2018, the fee for a shellfish buying station permit is \$100.

See title page for effective date.

CHAPTER 335

H.P. 1256 - L.D. 1769

An Act To Make Various Changes to the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §101, sub-§27-B is enacted to read:

27-B. Heavy duty recovery vehicle. "Heavy duty recovery vehicle" means a wrecker that:

- A. Is designed for the specific purpose of recovering vehicles that have a gross, combined or actual weight of more than 80,000 pounds;
B. Has either 4 or 5 axles;
C. Has a manufacturer's gross vehicle weight rating of 70,000 pounds or more;
D. Is equipped with a recovery boom that is rated for 70,000 pounds or more;
E. Is equipped with an air brake system capable of providing compressed air to the braking or sus-

pension system of a vehicle being towed by the heavy duty recovery vehicle; and

F. Is capable of towing a combination vehicle with a gross weight of more than 99,000 pounds.

Sec. 2. 29-A MRSA §1920, sub-§1, ¶¶C and D, as amended by PL 2013, c. 30, §2, are further amended to read:

C. For a vehicle of 4,501 pounds to 7,500 pounds, 27 28 inches in the front and 29 30 inches in the rear;

D. For a vehicle of 7,501 pounds to 10,000 pounds, 28 30 inches in the front and 30 32 inches in the rear; and

Sec. 3. 29-A MRSA §1920, sub-§1, ¶E, as enacted by PL 2013, c. 30, §2, is amended to read:

E. For a vehicle of 10,001 pounds to 11,500 pounds, 29 31 inches in the front and 31 33 inches in the rear; and

Sec. 4. 29-A MRSA §1920, sub-§1, ¶F is enacted to read:

F. For a vehicle of 11,501 pounds to 13,000 pounds, 32 inches in the front and 34 inches in the rear.

Sec. 5. 29-A MRSA §2054, sub-§2, ¶D, as amended by PL 2017, c. 21, §1, is further amended to read:

D. Except as provided in this paragraph, a vehicle may not be equipped with or display a blue light.

(1) Emergency lights used on the following vehicles must emit a blue light or a combination of blue and white light: a police vehicle, except that a police vehicle may also use red emergency lights under paragraph F; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief of police, a sheriff or a deputy sheriff; and a vehicle operated by a qualified deputy sheriff or other qualified individual performing court security-related functions and services.

(2) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle or a hazardous material response vehicle may include one blue light mounted facing toward the rear of the vehicle so that the light is primarily visible to approaching traffic from the rear only.

(3) The taillight of a vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 457, may contain a blue or purple insert of not more than one inch in diameter.

(4) Blue interior auxiliary lighting or dash lighting may be used on any vehicle if no portion of the beam of light is visible at a height of 42 inches above a surface parallel with the level surface on which the vehicle stands at a distance of 20 feet from any part of the vehicle.

(5) A vehicle owned by the Department of Public Safety may be equipped with blue emergency lighting and a siren, but neither the lighting nor the siren may be displayed or used except when the vehicle is being operated by a law enforcement officer.

**Sec. 6. 29-A MRSA §2113, sub-§1-A** is enacted to read:

**1-A. Rolling coal prohibited.** A person may not operate, or cause to have operated, a diesel-powered motor vehicle with a manufacturer's gross vehicle weight rating under 18,000 pounds that emits visible smoke on a public way or parking area because of a permanent or temporary alteration to the air pollution control system of the motor vehicle. For the purposes of this subsection, "air pollution control system" has the same meaning as in section 2111, subsection 1.

**Sec. 7. 29-A MRSA §2380, sub-§8, ¶¶B and C**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. Construction equipment used on way and bridge construction projects; ~~and~~

C. A load of loose hay, pea vines, cornstalks or other loosely mounded loads that can not damage structures or threaten public safety; ~~and~~

**Sec. 8. 29-A MRSA §2380, sub-§8, ¶D** is enacted to read:

D. Snowplows and equipment mounted on a vehicle traveling from one work location to another work location during a snow event, or traveling from the point of purchase to a storage location, as long as the vehicle does not exceed 108 inches in total width. For the purposes of this paragraph, "snow event" means the period beginning 48 hours before a snowstorm and ending 48 hours after the snowstorm.

**Sec. 9. 29-A MRSA §2382, sub-§5**, as amended by PL 2011, c. 556, §22, is further amended to read:

**5. Long-term permits.** The Secretary of State may grant permits for up to one year for trucks, truck tractors, semitrailers, heavy duty recovery vehicles and Class A special mobile equipment. Notwithstanding Title 5, section 8071, subsection 2, paragraph A, the Secretary of State, in consultation with the Commissioner of Transportation, shall establish the fee schedule by rule. Rules adopted pursuant to this subsection

are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 336**

**H.P. 1260 - L.D. 1773**

**An Act To Clarify Bonding Authority for School Management and Leadership Centers**

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

**Sec. 1. 20-A MRSA §3802, sub-§12**, as enacted by PL 2017, c. 284, Pt. VVVVV, §6, is amended to read:

**12. Bonding authority; debt limitation; allocation and payment of approved debt.** A school management and leadership center may issue bonds and notes for school construction purposes. For purposes of this section, "school construction purposes" includes minor capital costs relating to maintenance of a school's physical plant. The school management and leadership center board shall decide whether the issuance of bonds or notes by the school management and leadership center for school construction purposes is necessary. The board shall determine whether the issuance of bonds or notes is authorized, and, if so, the board shall issue the bonds or notes and administer the proceeds of, and the payment of principal of and interest on, those bonds or notes after issuance. A school management and leadership center may issue bonds and notes for school construction purposes only under the provisions of the interlocal agreement under section 3801, subsection 3. Upon receiving authorization to issue bonds or notes under the election procedures of the interlocal agreement, the board shall follow the requirements of section 1490 for issuing bonds or notes of the school management and leadership center.

A. Indebtedness of a school management and leadership center for school construction purposes may not exceed 4% of the total state valuation of the participating municipalities. For purposes of this section, "participating municipalities" of a school management and leadership center includes all municipal school units that are members of the school management and leadership center and the municipalities constituting the other members of the school management and leadership center. The debt limitation is determined as of the date the state board issues a project concept approval or in the case of a nonstate funded project the date the commissioner approves the project under section 15905-A. Debt of a school management and leadership center is outside the

debt limitations of its members and of municipalities constituting its members.

B. For purposes of determining a debt limitation under this subsection, debt approved for state subsidy is excluded. However, in cases in which one or more participating municipalities receive an adjustment for the minimum state allocation pursuant to section 15689, subsection 1, each outstanding state-subsidized debt allocable to a participating municipality that does not receive an adjustment for the minimum state allocation pursuant to section 15689, subsection 1 is excluded from the debt limitation, but only the state reimbursable portion of each outstanding state-subsidized debt allocable to a participating municipality that receives an adjustment for the minimum state allocation pursuant to section 15689, subsection 1 is excluded.

C. For purposes of determining the debt limitation exclusion under paragraph B, when at least one participating municipality receives an adjustment for the minimum state allocation pursuant to section 15689, subsection 1, each issue of debt approved for purposes of state subsidy is allocated in proportion to the fiscal capacities of the school management and leadership center members. In the case of each school management and leadership center member that is a regional school unit, school administrative district or community school district, the amount of each fiscal capacity allocation under this subsection is allocated to the municipalities constituting the member in proportion to the municipalities' pupil counts in accordance with section 15688, subsection 2. For each participating municipality that receives an adjustment for the minimum state allocation pursuant to section 15689, subsection 1, the state reimbursable portion of an outstanding state-subsidized debt allocable to that participating municipality is the product of the amount of that school management and leadership center's debt allocated to the participating municipality under this section and the member's state share percentage, as defined in section 15672, subsection 31.

D. For purposes of determining a debt limitation under this subsection, a certificate from the commissioner that a project qualifies for state school construction aid, as to the amount of debt that qualifies for that aid, as to the allocation of the debt to the members of the school management and leadership center, as to the allocation of debt to any participating municipality and as to the state share percentage for any participating municipality that receives an adjustment for the minimum state allocation pursuant to section 15689, subsection 1 is conclusive evidence of the facts stated in the certificate.

E. The commissioner shall determine the state allocation for debt service costs by allocating the principal and interest payments for each debt approved for purposes of state subsidy among the members of the school management and leadership center in proportion to the members' fiscal capacities. The adjustment for debt service under section 15689, subsection 2 applies to the debt service allocated to participating municipalities under this subsection. Each member's state allocation for debt service costs must be paid by the commissioner as provided by section 15907. The principal and interest payments on debt approved for purposes of state subsidy must be shared by the members of the school management and leadership center in accordance with the commissioner's allocation under this paragraph notwithstanding the cost-sharing formula of the school management and leadership center.

**Sec. 2. 20-A MRSA §3802, sub-§12-A** is enacted to read:

**12-A. General obligation debt; assessment and collection; withdrawal.** In the case of a school management and leadership center authorized to issue bonds or notes under the terms of an interlocal agreement, the following provisions apply.

A. Bonds and notes issued by a school management and leadership center are general obligations of the school management and leadership center. The provisions of sections 15695 and 15695-A apply, including provisions for the assessment and collection of taxes, the levy of ad valorem taxes without limit as to rate or amount upon all taxable property within the school management and leadership center and the rights and protection of bondholders.

B. A school management and leadership center board shall include in each budget an amount sufficient to pay debt service on approved bonds or notes. The cost-sharing, assessment and payment process under section 3801, subsection 3, paragraph A, subparagraph (4) must include determining debt service amounts, except that the principal and interest payments on debt approved for purposes of state subsidy are shared by the members of the school management and leadership center in accordance with the commissioner's allocation under subsection 12. The school budget of each member must include an amount that is its share of the school management and leadership center costs, including debt service costs. Each member shall raise and assess a sufficient amount for its share of annual debt service not paid from other sources and may collect those amounts in the manner provided by law for school taxes. If the treasurer of a member fails to timely pay any installment by the date required, the school man-

agement and leadership center has the same rights and remedies of enforcement, including interest, court costs and attorney's fees, and the court has the same powers, as is provided for enforcement of regional school unit installments under section 1489, subsection 6.

C. Whenever a member withdraws from a school management and leadership center having outstanding indebtedness, including bonds, notes and lease-purchase agreements, the school management and leadership center remains intact for purposes of securing and retiring the indebtedness. A withdrawal agreement may provide for alternate means for retiring outstanding indebtedness.

See title page for effective date.

**CHAPTER 337**

**H.P. 1267 - L.D. 1782**

**An Act To Amend the  
Motorcycle Rider Education  
and Driver Education Laws**

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

**Sec. 1. 29-A MRSA §1352, sub-§2, ¶¶F to H** are enacted to read:

F. A person who successfully completes a motorcycle rider education course, approved by the Secretary of State, on a 2-wheel motorcycle may be licensed to operate a 2-wheel or 3-wheel motorcycle.

G. A person who successfully completes a motorcycle rider education course, approved by the Secretary of State, on a 3-wheel motorcycle is restricted to the operation of a 3-wheel motorcycle.

H. A person who holds a motorcycle learner's permit and who successfully completes the motorcycle road test, administered by the Secretary of State, on a 3-wheel motorcycle is restricted to the operation of a 3-wheel motorcycle.

**Sec. 2. 29-A MRSA §1352, sub-§§2-A and 2-B** are enacted to read:

**2-A. Motorcycle rider education schools.** A person may not conduct a motorcycle rider education course unless the person is licensed as a motorcycle rider education school and employs instructors licensed by the Secretary of State.

A. A licensed motorcycle rider education school shall:

- (1) Provide a classroom, including a motorcycle riding range, in a permanent or tempo-

rary location approved by the Secretary of State;

(2) Display a business sign at the licensed place of business;

(3) Provide confirmation to the Secretary of State of liability insurance coverage for motorcycle riders operating on the motorcycle rider education school's motorcycle riding range;

(4) Maintain a surety bond in the amount of \$10,000;

(5) Ensure that each instructor employed by the motorcycle rider education school holds a valid motorcycle rider education instructor license;

(6) Ensure that each motorcycle owned, rented, leased or borrowed and used for any hands-on training course at the motorcycle rider education school is approved by the Secretary of State;

(7) Submit and retain copies of course forms provided by the Secretary of State. All records under this subparagraph must be retained by the motorcycle rider education school for 5 years; and

(8) Immediately notify the Secretary of State, in writing, whenever the location or mailing address of the motorcycle rider education school changes.

B. The Secretary of State shall upon initial review or renewal of an application, and may at any other reasonable time, conduct an on-site inspection of a motorcycle rider education school's records, facilities and equipment to determine compliance with this subsection.

**2-B. Penalty.** Operating a motorcycle rider education school without a license is a Class E crime. A licensed motorcycle rider education school that fails to comply with the requirements of subsection 2-A, paragraph A commits a traffic infraction.

**Sec. 3. 29-A MRSA §1352, sub-§3, ¶¶D and E** are enacted to read:

D. The Secretary of State may, at any reasonable time, monitor and evaluate an instructor's performance to determine compliance with this section.

E. The instructor shall immediately notify the Secretary of State, in writing, whenever the instructor's mailing address or name changes.

**Sec. 4. 29-A MRSA §1352, sub-§3-A** is enacted to read:

**3-A. Penalty.** Providing motorcycle rider education instruction without a license is a Class E crime. A

licensed motorcycle rider education instructor that fails to comply with the requirements of subsection 3, paragraph E or qualification standards and requirements established by the Secretary of State under subsection 3, paragraph B, subparagraph (2) commits a traffic infraction.

**Sec. 5. 29-A MRSA §1352, sub-§7**, as amended by PL 2017, c. 229, §23, is further amended to read:

**7. Suspension and revocation of license; hearings.** The Secretary of State may suspend, revoke or refuse to issue or renew a motorcycle rider education school or instructor license, or deny a certificate of completion ~~or an instructor's license~~, for just cause or for noncompliance with statutory and regulatory requirements in accordance with the Maine Administrative Procedure Act. A person refused a license, or denied a certificate of completion, or whose license is suspended or revoked may request a hearing with the Secretary of State. A requested hearing must be conducted pursuant to chapter 23, subchapter 3, article 3.

**Sec. 6. 29-A MRSA §1354, sub-§6, ¶A**, as amended by PL 2011, c. 556, §16, is further amended to read:

A. The Secretary of State shall establish the Technical Review Panel that includes representatives from the Department of Education, the Department of Public Safety, law enforcement agencies, the insurance industry and the motor carrier industry and 2 instructors licensed in the curriculum and training being reviewed. The Technical Review Panel shall assist the Secretary of State in developing curriculum and instructor training and certification.

**Sec. 7. 29-A MRSA §1354, sub-§7**, as amended by PL 2011, c. 556, §19, is further amended to read:

**7. Penalties.** A person who conducts driver education, operates a driver education school or acts as an instructor without a license is guilty of a Class E crime. ~~The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.~~

See title page for effective date.

## CHAPTER 338 S.P. 608 - L.D. 1795

### An Act To Clarify Requirements for Assisted Living Programs Regarding Fire Safety Inspections

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

**Sec. 1. 22 MRSA §7856, sub-§3**, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by Pt. B, §25, is amended to read:

**3. Requirements.** All assisted living programs must be inspected using the chapter pertaining to ~~new apartment buildings~~ the applicable building type of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal and must be protected throughout by a supervised, automatic sprinkler system approved by the Commissioner of Public Safety.

See title page for effective date.

## CHAPTER 339 H.P. 1281 - L.D. 1800

### An Act To Modernize the E-9-1-1 Laws To Include Text Messaging and Other Methods of Contacting E-9-1-1

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

**Sec. 1. 25 MRSA §1533**, as amended by PL 2013, c. 19, §4, is further amended to read:

#### §1533. Bureau of Consolidated Emergency Communications

The Bureau of Consolidated Emergency Communications, referred to in this chapter as "the bureau," is established within the department for the provision of emergency dispatch and ~~E-9-1-1~~ 9-1-1 call-taking services to municipal, county and state government entities.

As used in this section, "9-1-1 call" has the same meaning as in Title 25, section 2921, subsection 17.

**1. Coordination with the Public Utilities Commission.** In accordance with a designation made by the Public Utilities Commission, the department shall provide ~~E-9-1-1~~ 9-1-1 call-taking services.

**2. Director; duties.** The Commissioner of Public Safety shall hire a Director of the Bureau of Consolidated Emergency Communications, referred to in this chapter as "the director." The director shall estab-

lish and carry out policies and procedures. The director shall administer the bureau to safeguard the public safety by the provision of 24-hour per day ~~E-9-1-1~~ 9-1-1 call-taking and dispatching services to first responders.

**Sec. 2. 25 MRSA §1535**, as amended by PL 2013, c. 19, §5, is further amended by adding after the first paragraph a new paragraph to read:

As used in this section, "9-1-1 call" has the same meaning as in Title 25, section 2921, subsection 17.

**Sec. 3. 25 MRSA §1535, sub-§2**, as amended by PL 2013, c. 19, §5, is further amended to read:

**2. Base funding level.** In order to determine incremental costs under subsection 1, the bureau shall first establish a base funding level, consistent with the department's legislatively approved budget for public safety answering point services and dispatch services, required to provide public safety answering point services and dispatch services to State Government entities. The base funding level must be based on services provided by the department prior to the provision of emergency dispatch and ~~E-9-1-1~~ 9-1-1 call-taking services to municipal and county governments as a result of actions taken by the bureau under section 1533. The base funding level must be excluded by the bureau from its determination of incremental costs under subsection 1.

**Sec. 4. 25 MRSA §2921, sub-§17** is enacted to read:

**17. 9-1-1 call.** "9-1-1 call" means any use of enhanced 9-1-1 services initiated by any means or medium, including, but not limited to, voice calls and text messaging.

**Sec. 5. 25 MRSA §2926, sub-§2, ¶B**, as amended by PL 2001, c. 439, Pt. EEEE, §3, is further amended to read:

B. Development of minimum public safety answering point requirements including 24-hour operation; emergency backup power; secured communication areas; separate administrative phone lines for nonemergency calls; call recording and playback equipment; TDD equipment, as defined in Title 35-A, section 8702, subsection 6; maximum call handling times; and minimum mandatory staff training requirements for ~~E-9-1-1~~ 9-1-1 call answering and dispatching;

**Sec. 6. 25 MRSA §2929, sub-§2, ¶B**, as amended by PL 2015, c. 153, §2, is further amended to read:

B. A public safety answering point may disclose confidential information to a criminal justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the administration of criminal justice, as defined in Title 16, section

803, subsection 2, and the administration of juvenile justice, as defined in Title 15, section 3308-A, subsection 1, paragraph A, related to ~~an E-9-1-1~~ a 9-1-1 call;

**Sec. 7. 25 MRSA §2929, sub-§4**, as amended by PL 2019, c. 84, §1, is further amended to read:

**4. Audio recordings of 9-1-1 calls; confidential.** Audio recordings of ~~emergency 9-1-1 calls made to the E-9-1-1 system~~ emergency 9-1-1 calls are confidential and may not be disclosed except as provided in this subsection. Except as provided in subsection 2, information contained in the audio recordings is public information and must be disclosed in transcript form in accordance with subsection 3. Subject to all the requirements of subsection 2, the bureau or a public safety answering point may disclose audio recordings of ~~emergency 9-1-1 calls made to the E-9-1-1 system~~ emergency 9-1-1 calls in the following circumstances:

A. To persons within the E-9-1-1 system to the extent necessary to implement and manage the E-9-1-1 system;

B. To a criminal justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the administration of criminal justice, as defined in Title 16, section 803, subsection 2, and the administration of juvenile justice, as defined in Title 15, section 3308-A, subsection 1, paragraph A, related to ~~an E-9-1-1~~ a 9-1-1 call;

B-1. Directly to the clerk's office of a court presiding over a protection from abuse or protection from harassment action if a party in the action made one or more ~~E-9-1-1~~ 9-1-1 calls relevant to the action and that party, or that party's attorney, contacts the custodian of the audio recordings of the call or calls and requests that the recordings be forwarded to that clerk's office for use in a hearing on the complaint for protection from abuse or complaint for protection from harassment. At its discretion, the court presiding over the action may permit the parties to the action, and their attorneys if the parties are represented, to access the recordings and, on a finding of good cause, may permit copies of the recordings to be provided to the parties and their attorneys if the parties are represented. In making a request for recordings pursuant to this paragraph, the party making the request, or that party's attorney, shall provide to the custodian of the audio recordings the names of the parties to the protection from abuse or protection from harassment action, the name of the court presiding over the action and the docket number of the action. The request must be made in writing, including, but not limited to, by electronic mail, and must be made so as to provide a reasonable amount of time for the custodian to search for, retrieve and send the recordings to the clerk's office of the presiding court. The recordings must be

sent in a format used by the custodian of the recordings and the courts;

C. To designees of the bureau director for the purpose of system maintenance and quality control;

C-1. To a person accused of a crime or that person's agent or attorney for trial and sentencing purposes if authorized by:

- (1) The responsible prosecutorial office or prosecutor; or
- (2) A rule or order of a court of competent jurisdiction.

As used in this paragraph, "agent" means a licensed professional investigator or an expert witness, or a parent, foster parent or guardian if the accused person has not attained 18 years of age; and

D. In accordance with an order issued on a finding of good cause by a court of competent jurisdiction.

**Sec. 8. 25 MRSA §2929, sub-§6**, as amended by PL 2007, c. 209, §6, is further amended to read:

**6. Penalty for disseminating information.** Knowingly disclosing confidential information in violation of subsection 2 or knowingly disclosing audio recordings of ~~emergency calls to the E-9-1-1 system~~ 9-1-1 calls in violation of subsection 4 is a Class E crime.

**Sec. 9. 25 MRSA §2931, sub-§1, ¶¶A and B**, as amended by PL 2003, c. 452, Pt. N, §7 and affected by Pt. X, §2, are further amended to read:

A. Makes repeated ~~telephone 9-1-1 calls to a public safety answering point by dialing 9-1-1~~ to make nonemergency reports or inquiries;

B. Causes ~~telephone 9-1-1 calls to be made to a public safety answering point~~ using an alarm or other alerting device that automatically ~~dials contacts~~ 9-1-1 and transmits a prerecorded signal or message; or

**Sec. 10. 25 MRSA §2934, sub-§1**, as amended by PL 2017, c. 48, §1, is further amended to read:

**1. Requirements.** The bureau may by rule establish requirements for locating ~~emergency 9-1-1~~ calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems and voice over Internet protocol systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. Rules adopted pursuant to this section:

A. May not require any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues;

B. Apply only to multiline telephone systems installed, introduced, established or replaced after the effective date of the rules;

C. Must provide for appropriate standards, exemptions and waivers that balance the benefits of improved methods of locating ~~emergency 9-1-1~~ calls, and initiating emergency responses to such calls, made from within multiline telephone systems and the cost of achieving those improvements. The rules must allow, in appropriate circumstances, for methods that do not utilize automatic location identification and automatic number identification standards used in processing ~~enhanced~~ 9-1-1 calls; and

D. May establish appropriate technical, procedural or any other standards relating to multiline telephone systems, telecommunications carrier interconnectivity, databases, dialing instructions, signaling or other matters necessary or appropriate to carry out the purposes of this section.

**Sec. 11. 32 MRSA §85-A, sub-§1, ¶B**, as enacted by PL 2005, c. 303, §3, is amended to read:

B. "Emergency Medical Dispatch Priority Reference System" means a system approved by the bureau and the board that includes:

- (1) A protocol for emergency medical dispatcher response to ~~9-1-1~~ calls;
- (2) A continuous quality improvement program that measures compliance with the protocol through ongoing random case review of each emergency medical dispatcher; and
- (3) A training curriculum and testing process consistent with the protocol.

**Sec. 12. 32 MRSA §85-A, sub-§1, ¶C**, as amended by PL 2007, c. 42, §1, is further amended to read:

C. "Emergency medical dispatch services" means any of the following services provided in the context of ~~an emergency a 9-1-1 call made to the E-9-1-1 system:~~

- (1) Reception, evaluation or processing of calls;
- (2) Provision of dispatch life support;
- (3) Management of requests for emergency medical assistance; and
- (4) Evaluation or improvement of the emergency medical dispatch process, including identifying the nature of an emergency request, prioritizing the urgency of a request,

dispatching necessary resources, providing medical aid and safety instructions to the caller and coordinating the responding resources as needed.

**Sec. 13. 32 MRSA §85-A, sub-§1, ¶G** is enacted to read:

G. "9-1-1 call" has the same meaning as in Title 25, section 2921, subsection 17.

**Sec. 14. 32 MRSA §85-A, sub-§2-A**, as amended by PL 2011, c. 271, §11, is further amended to read:

**2-A. Requirement to provide emergency medical dispatch services.** A public safety answering point or other licensed emergency medical dispatch center must provide emergency medical dispatch services on all medical ~~E-9-1-1~~ 9-1-1 calls directly or by transferring the call to another licensed emergency medical dispatch center.

See title page for effective date.

## CHAPTER 340

### H.P. 1284 - L.D. 1803

#### An Act To Update the Laws Regarding Death and Marriage Records

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

**Sec. 1. 19-A MRSA §650, first ¶**, as enacted by PL 1997, c. 65, §2, is amended to read:

All municipal clerks, the State Registrar of Vital Statistics and courts of this State ~~shall~~ have a duty and ~~shall be~~ are legally required to construe the provisions of Maine's marriage laws in accordance with the following findings and purposes:

**Sec. 2. 19-A MRSA §650, sub-§1, ¶A**, as enacted by PL 1997, c. 65, §2, is amended to read:

A. The union of ~~one man and one woman~~ 2 people joined in ~~traditional~~ a monogamous marriage is of inestimable value to society; the State has a compelling interest to nurture and promote the unique institution of ~~traditional~~ monogamous marriage in the support of harmonious families and the physical and mental health of children; and ~~that~~ the State has the compelling interest in promoting the moral values inherent in ~~traditional~~ a monogamous marriage.

**Sec. 3. 19-A MRSA §650, sub-§2, ¶¶A to C**, as enacted by PL 1997, c. 65, §2, are amended to read:

A. To encourage ~~the traditional~~ a monogamous family unit as the basic building block of our society, the foundation of harmonious and enriching family life;

B. To nurture, sustain and protect ~~the traditional~~ a monogamous family unit in Maine society, its moral imperatives, its economic function and its unique contribution to the rearing of healthy children; and

C. To support and strengthen ~~traditional~~ monogamous Maine families against improper interference from out-of-state influences or edicts.

**Sec. 4. 19-A MRSA §651, sub-§1**, as amended by PL 2001, c. 574, §2, is further amended to read:

**1. Place of recording.** Residents of the State intending to be joined in marriage shall record notice of their intentions in the office of the clerk of the municipality in which at least one of them resides or with the State Registrar of Vital Statistics. If only one of the parties resides in the State, the parties shall record notice of their intentions in the office of the clerk of the municipality in which the resident party resides or with the State Registrar of Vital Statistics. If there is no clerk in the place of their residence, the notice must be filed with the clerk of an adjoining municipality or with the State Registrar of Vital Statistics. If both parties to a marriage reside outside the State, they must file intentions in any municipal office or with the State Registrar of Vital Statistics. Once the intentions are filed and the license is issued, the parties are free to marry anywhere within the State.

**Sec. 5. 19-A MRSA §651, sub-§2**, as repealed and replaced by PL 2013, c. 424, Pt. B, §5, is amended to read:

**2. Application.** The parties wishing to record notice of their intentions of marriage shall submit an application for recording notice of their intentions of marriage. The application may be issued to any 2 persons otherwise qualified under this chapter regardless of the sex of each person if the clerk or State Registrar of Vital Statistics is satisfied as to the identity of the applicants. The application must include a signed certification that the information recorded on the application is correct and that the applicant is free to marry according to the laws of this State. The applicant's signature must be acknowledged before an official authorized to take oaths. An application recording notice of intention to marry is not open for public inspection for 50 years from the date of the application except that:

A. The names of the parties for whom intentions to marry are filed and the intended date of marriage are public records and open for public inspection; and

B. A person with a researcher identification card under Title 22, section 2706, subsection 8 is permitted to inspect records and may be issued a noncertified copy of an application.

**Sec. 6. 19-A MRSA §651, sub-§§3 and 4**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

**3. Related parties.** If the parties recording notice of their intentions to marry are related as described in section 701, subsection 2, the parties shall submit to the clerk or the State Registrar of Vital Statistics, at the time of recording their intentions to marry, a certificate from a physician stating that the parties have received genetic counseling from the physician. The physician making the certification required by this subsection shall sign the certificate.

**4. Prior marriages.** Persons recording notice of intention to marry, either of whom has been previously married, shall submit with the application a certificate or certified copy of the divorce decree or annulment of the last marriage or the death record of the last spouse. If both have been previously married, both shall submit the certificates or certified copies. The clerk or State Registrar of Vital Statistics shall make a notation on the ~~reverse side of the~~ application under subsection 2 showing the title and location of the courts, the names of the parties to the proceeding for the divorces or annulments and the date when the decrees became absolute. In the case of a death of a former spouse, the clerk or State Registrar of Vital Statistics shall show the name of the deceased along with the date and place of death.

**Sec. 7. 19-A MRSA §651, sub-§6**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**6. Resident defined.** For the purposes of this chapter, "resident" means a person whose habitation is fixed in a place within this State and to which that person, whenever temporarily absent, has the intention to return. A person is a resident of a municipality if the place of habitation is within that particular municipality. The clerk of a municipality or the State Registrar of Vital Statistics shall consider a person who qualifies as a resident under Title 21-A, section 112 for voting purposes a resident for the purposes of this chapter.

**Sec. 8. 19-A MRSA §652, sub-§1**, as amended by PL 2001, c. 574, §3, is further amended to read:

**1. Marriage license issued.** After the filing of notice of intentions of marriage, except as otherwise provided, the clerk or the State Registrar of Vital Statistics shall deliver to the parties a marriage license specifying the time when the intentions were recorded.

**Sec. 9. 19-A MRSA §652, sub-§3**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**3. Void after 90 days.** The license is void if not used within 90 days from the day the intentions were filed in ~~the offices of the municipal clerks as specified in~~ accordance with section 651.

**Sec. 10. 19-A MRSA §652, sub-§§6 and 7**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

**6. Related parties.** A marriage license may not be issued to parties related as described in section 701, subsection 2, unless the clerk or State Registrar of Vital Statistics has received from the parties the physician's certificate of genetic counseling required by section 651.

**7. Parties under 18 years of age.** A marriage license may not be issued to persons under 18 years of age without the written consent of their parents, guardians or persons to whom a court has given custody. In the absence of persons qualified to give consent, the judge of probate in the county where each minor resides may grant consent after notice and opportunity for hearing. ~~When 2 licenses are required and when either or both applicants for a marriage license are under the ages specified in this section, the written consent must be given for the issuance of both licenses in the presence of the clerk issuing the licenses or by acknowledgment under seal filed with that clerk.~~

**Sec. 11. 19-A MRSA §652, sub-§8**, as amended by PL 1997, c. 683, Pt. E, §5 and affected by §6, is further amended to read:

**8. Parties under 16 years of age.** The clerk or State Registrar of Vital Statistics may not issue a marriage license to a person under 16 years of age without:

A. The written consent of that minor's parents, guardians or persons to whom a court has given custody;

B. Notifying the judge of probate in the county in which the minor resides of the filing of this intention; and

C. Receipt of that judge of probate's written consent to issue the license. The judge of probate shall base a decision on whether to issue consent on the best interest of the parties under 16 years of age and shall consider the age of both parties and any criminal record of a party who is 18 years of age or older. The judge of probate, in the interest of public welfare, may order, after notice and opportunity for hearing, that a license not be issued. The judge of probate shall issue a decision within 30 days of receiving the notification under paragraph B.

**Sec. 12. 19-A MRSA §653, sub-§§1 and 2,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

**1. Filing; enter notice.** A person who believes that parties are about to contract marriage when either of them can not lawfully do so may file a caution and the reasons for the caution in the office of the clerk where notice of their intentions is required to be filed or with the State Registrar of Vital Statistics. If either party applies to enter notice of their intentions, the clerk or State Registrar of Vital Statistics shall withhold the license until the judge of probate from the county involved approves the marriage.

**2. Procedure.** Before the judge of probate may approve a marriage, the court must give due notice and an opportunity to be heard to all concerned parties. The judge of probate shall determine whether the parties may lawfully contract marriage within 7 days unless the judge of probate certifies that further time is necessary for that purpose. In that case, a license must be withheld until the expiration of the certified time. The clerk or State Registrar of Vital Statistics shall deliver or withhold the license in accordance with the final decision of the judge of probate.

**Sec. 13. 19-A MRSA §654, sub-§§2 and 4,** as amended by PL 2011, c. 111, §1, are further amended to read:

**2. Return of marriage license.** The person who solemnized the marriage shall return the marriage license to the State Registrar of Vital Statistics or the clerk who issued the license within 7 working days following the date on which the marriage is solemnized by that person. The clerk and the State Registrar of Vital Statistics each shall retain a copy of the license.

**4. Recorded by clerk or State Registrar of Vital Statistics.** The clerk or State Registrar of Vital Statistics shall record all marriage licenses returned under this section.

**Sec. 14. 19-A MRSA §701, sub-§4,** as repealed and replaced by PL 2007, c. 695, Pt. C, §4, is amended to read:

**4. Polygamy.** A marriage contracted while either party has a living ~~wife or husband~~ spouse from whom the party is not divorced is void.

**Sec. 15. 19-A MRSA §701, sub-§6** is enacted to read:

**6. Marriage void.** A marriage contracted when either party has failed to submit a certificate or certified copy of the divorce decree or annulment of the last marriage or the death record of the last spouse or when either party has intentionally lied about the number of previous marriages is void.

**Sec. 16. 22 MRSA §2842, sub-§5** is enacted to read:

**5. Correction of certificate of death.** A certificate of death filed in accordance with this section may be completed or amended at any time by means described in rules adopted by the department. The health care provider who certified the death in accordance with subsection 2-A may sign the forms, submit an electronic amendment or file a certificate using the electronic death registration system in accordance with section 2847. A health care provider may amend a certificate of death with respect to the time, date, place and circumstances of death. Forms or electronic amendments may be filed at any time after death.

See title page for effective date.

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## CHAPTER 341

### H.P. 1287 - L.D. 1807

#### An Act To Amend Certain Laws Related to Members of the Military and the Maine National Guard

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

**Sec. 1. 19-A MRSA §1653-A** is enacted to read:

**§1653-A. Parental rights and responsibilities;  
parent on active duty**

**1. Departure under military orders.** A court may not consider departure from the family residence or absence from the child or children as an adverse factor in determining parental rights and responsibilities with respect to a minor child when the departing parent is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days and whose absence is due to compliance with military orders.

**2. Change of residence of child prohibited when parent under military orders.** A court may not order a change of the primary physical residence of a child when one of the child's parents is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days and whose absence from the State is due to compliance with military orders unless the change is in the best interest of the child.

**3. Application.** This section applies only if the service of the member referred to in subsection 1 or subsection 2 is in support of:

A. An operational mission for which members of the reserve components have been ordered to active duty; or

B. Forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.

**Sec. 2. 26 MRSA §813**, as repealed and replaced by PL 2001, c. 662, §12, is amended to read:

**§813. Remedies**

**1. Action authorized.** If any employer fails to comply with any of the provisions of sections 811 and 812, the Attorney General, ~~Judge Advocates of the Maine National Guard~~ or employee may bring a civil action for damages for such noncompliance or apply to the courts for such equitable relief as may be just and proper under the circumstances.

**2. Award of fees; costs.** In any civil action under section 811 or 812, the court in its discretion may award reasonable attorney's fees and costs to any prevailing member of the National Guard or the Reserves of the United States Armed Forces.

**Sec. 3. 37-B MRSA §108**, as amended by PL 1991, c. 376, §64, is further amended to read:

**§108. Designation of Deputy Adjutant General**

~~The assistant adjutant general for the Maine Army National Guard or the assistant adjutant general for the Maine Air National Guard~~ Any federally recognized general officer currently serving in the Maine National Guard may be appointed as Deputy Adjutant General. The Deputy Adjutant General has all the military related powers, responsibilities and duties of the Adjutant General if the Adjutant General is unable to act, or in case of a vacancy in the office of the Adjutant General until the vacancy is filled by the Governor, as provided by law. The Deputy Adjutant General may also perform other military duties of the Adjutant General as assigned by the Adjutant General or the Governor.

**Sec. 4. 37-B MRSA §112**, as amended by PL 2013, c. 251, §3, is further amended to read:

**§112. Joint Force Headquarters**

The Adjutant General shall organize a staff to be called the Joint Force Headquarters. It shall command, control and supervise Army and Air National Guard units employed in support of civil authorities in the protection of life, property and preservation of peace, order and public safety under competent orders of state authorities. In the event of mobilization of some or all Army and Air National Guard units by the President of the United States, it shall assist the State in organizing and training a militia, if required, perform command and control functions in support of civil authorities, as directed, and prepare to reconstitute the Army National Guard and Air National Guard

when units are relieved from federal service. ~~It must be commanded by a federally recognized officer who may be the Adjutant General or an Assistant Adjutant General.~~

**Sec. 5. 37-B MRSA §113** is enacted to read:

**§113. Security at National Guard military facilities and real property of the department**

This section governs the provision of security at National Guard military facilities and real property of the department.

**1. Appointment of a provost marshal.** The Adjutant General may appoint a provost marshal to oversee security at National Guard military facilities and real property of the department consistent with federal regulations governing similar federally owned facilities located in the State. The provost marshal is an authorized recipient of confidential criminal history records for the purpose of carrying out the position's duties under state law.

**2. Designation of military facilities.** For purposes of this section, the Adjutant General may designate all or portions of department facilities or real property as military facilities.

**3. Funding.** Modifications of National Guard military facilities or real property of the department or changes to protocols or procedures or actions to provide security in a manner consistent with federal regulations governing similar federally owned facilities in the State are limited to those that are without cost or are federally funded either directly or indirectly through a cooperative agreement.

**4. Authority to protect certain assets.** In compliance with federal law, and subject to conditions and limitations as promulgated by the United States Department of Defense or its military departments, the National Guard is authorized to use all means necessary to protect its assets that are inherently dangerous or vital to national security.

**Sec. 6. 37-B MRSA §143**, as repealed and replaced by PL 1997, c. 455, §13, is amended to read:

**§143. Pay and allowances**

**1. Pay and allowances.** Members Subject to subsection 2 and section 150, members of the Maine National Guard ordered to active state service under this Title, except under section 150, section 181-A, subsections 1 to 5 are entitled to receive at least the same pay and allowance allowances as would be payable to those persons from the United States Armed Forces. The member's Such pay, except for that pay of those members serving under section 150, must include a minimum may not be less than pay based upon at least 12 hours a day at the state minimum wage.

**2. Cooperative agreement pay and allowances.** Members and retired members of the Maine National

Guard called to active state service under section 181-A, subsection 5 in support of a cooperative agreement with the Federal Government are entitled to receive the same pay and allowances as would be payable to those persons from the United States Armed Forces, but not more than the pay and allowances payable in accordance with the terms of the cooperative agreement. Pay may not be less than pay based upon 12 hours a day at the state minimum wage.

**Sec. 7. 37-B MRSA §147**, as amended by PL 2003, c. 583, §5, is repealed.

**Sec. 8. 37-B MRSA §150**, as amended by PL 1995, c. 196, Pt. A, §2, is further amended to read:

**§150. Unauthorized voluntary service without pay prohibited**

A unit of the state military forces may not perform any voluntary active state service without pay, unless authorized by express order of the Governor.

An officer, warrant officer or enlisted person or any retired officer, retired warrant officer or retired enlisted person of the state military forces may not perform any voluntary active state service without pay, unless authorized by express order of the Governor, the Adjutant General or the Deputy Adjutant General.

**Sec. 9. 37-B MRSA §181-A, sub-§5**, as enacted by PL 1995, c. 600, §2, is amended to read:

**5. Military duty by consent.** The Governor, ~~or the Governor's designee, Adjutant General or Deputy Adjutant General~~ may ~~order call~~ a member or retired member of the Maine National Guard, with that member's consent, to perform active state service of any nature.

**Sec. 10. 37-B MRSA §190**, as enacted by PL 2017, c. 108, §5, is repealed.

**Sec. 11. 37-B MRSA §264, sub-§3, ¶Q**, as amended by PL 2015, c. 37, §2, is further amended to read:

Q. The Gardiner Armory, located on Brunswick Avenue, Gardiner, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory; ~~and~~

**Sec. 12. 37-B MRSA §264, sub-§3, ¶R**, as enacted by PL 2015, c. 37, §3, is amended to read:

R. The Belfast Armory, located on U.S. Route 1, Belfast, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory; ~~and~~

**Sec. 13. 37-B MRSA §264, sub-§3, ¶S** is enacted to read:

S. The South Portland Air National Guard Station, located on Western Avenue, South Portland, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the station.

**Sec. 14. 37-B MRSA §343**, as enacted by PL 2005, c. 353, §4, is repealed.

**Sec. 15. 37-B MRSA §462** is enacted to read:

**§462. Operating under the influence**

**1. Prohibition; operating under the influence.** Any person subject to this Code who commits an offense prohibited under Title 29-A, section 2411 is guilty of that offense under this Code.

**2. Punishment.** Any person subject to this Code who is found guilty of an offense prohibited under Title 29-A, section 2411 may be punished as a court-martial may direct.

See title page for effective date.

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**CHAPTER 342**

**H.P. 1293 - L.D. 1816**

**An Act To Ensure the Safety  
and Well-being of Infants  
Affected by Substance  
Exposure**

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

**Sec. 1. 22 MRSA §4002, sub-§5-B**, as enacted by PL 2013, c. 192, §1, is amended to read:

**5-B. Fetal alcohol spectrum disorder.** "Fetal alcohol spectrum disorders" ~~disorder~~ means ~~conditions~~ a condition whose effects include having facial characteristics, growth restriction, central nervous system abnormalities or other characteristics consistent with prenatal alcohol exposure identified in a child from birth to 12 months of age.

**Sec. 2. 22 MRSA §4004-B**, as amended by PL 2017, c. 407, Pt. A, §83, is further amended to read:

**§4004-B. Infants born affected by substance use disorder or after prenatal exposure to drugs or with a fetal alcohol spectrum disorder**

The department shall act to protect infants born identified as being affected by ~~illegal~~ substance use; ~~demonstrating~~ or withdrawal symptoms resulting from

prenatal drug exposure, whether the prenatal exposure was to legal or illegal drugs, or having a fetal alcohol spectrum ~~disorders~~ disorder, regardless of whether the infant is abused or neglected. The department shall:

**1. Receive notifications.** Receive notifications of infants who may be affected by ~~illegal~~ substance use or ~~demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure or who have a fetal alcohol spectrum ~~disorders~~ disorder;

**2. Investigate.** Promptly investigate notifications received of infants born who may be affected by ~~illegal~~ substance use or ~~demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure or who have a fetal alcohol spectrum ~~disorders~~ disorder as determined to be necessary by the department to protect the infant;

**3. Determine if infant is affected.** Determine whether each infant for whom the department conducts an investigation is affected by ~~illegal~~ substance use, ~~demonstrates~~ or withdrawal symptoms resulting from prenatal drug exposure or has a fetal alcohol spectrum ~~disorders~~ disorder;

**4. Determine if infant is abused or neglected.** Determine whether the infant for whom the department conducts an investigation is abused or neglected and, if so, determine the degree of harm or threatened harm in each case;

**5. Develop plan for safe care.** For each infant ~~whom~~ who the department determines to be affected by ~~illegal~~ substance use, ~~to be demonstrating~~ or withdrawal symptoms resulting from prenatal drug exposure or ~~to have~~ who has a fetal alcohol spectrum ~~disorders~~ disorder, develop, with the assistance of any health care provider involved in the ~~mother's~~ caregiver's or the child's medical or mental health care, a plan for the safe care of the infant and, in appropriate cases, refer the child or ~~mother~~ caregiver or both to a social service agency, a health care provider or a voluntary substance use disorder prevention service; ~~and~~. For purposes of this subsection, "health care provider" means a person described in section 4011-A, subsection 1, paragraph A, subparagraphs (1) to (10), (15), (17) to (20) or (22); and

**6. Comply with section 4004.** For each infant ~~whom~~ who the department determines to be abused or neglected, comply with section 4004, subsection 2, paragraphs E and F.

**Sec. 3. 22 MRSA §4011-B**, as amended by PL 2017, c. 407, Pt. A, §84, is further amended to read:

**§4011-B. Notification of prenatal exposure to drugs or having a fetal alcohol spectrum disorder**

**1. Notification of prenatal exposure to drugs or having a fetal alcohol spectrum disorder.** A health care provider involved in the delivery or care of

an infant who the provider knows or has reasonable cause to suspect has been born affected by ~~illegal~~ substance use, ~~is demonstrating~~ has withdrawal symptoms that require medical monitoring or care beyond standard newborn care when those symptoms have resulted from or have likely resulted from prenatal drug exposure, whether the prenatal exposure was to legal or illegal drugs, or has a fetal alcohol spectrum ~~disorders~~ disorder shall notify the department of that condition in the infant. The notification required by this subsection must be made in the same manner as reports of abuse or neglect required by this subchapter.

A. This section, and any notification made pursuant to this section, may not be construed to establish a definition of "abuse" or "neglect."

B. This section, and any notification made pursuant to this section, may not be construed to require prosecution for any illegal action, including, but not limited to, the act of exposing a fetus to drugs or other substances.

**2. Definition.** For purposes of this section, "health care provider" means a person described in section 4011-A, subsection 1, paragraph A, subparagraphs (1) to (10), (15), (17) to (20) or (22) or any person who assists in the delivery or birth of a child for compensation, including, but not limited to, a midwife.

See title page for effective date.

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**CHAPTER 343**

**H.P. 743 - L.D. 1001**

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021**

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

**Whereas**, the 90-day period may not terminate until after the beginning of the next fiscal year; and

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

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Accident - Sickness - Health Insurance 0455**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$24,966	\$24,905
All Other	(\$273,623)	(\$273,623)

<b>GENERAL FUND TOTAL</b>	<b>(\$248,657)</b>	<b>(\$248,718)</b>
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<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$31,578)	(\$31,578)

<b>HIGHWAY FUND TOTAL</b>	<b>(\$31,578)</b>	<b>(\$31,578)</b>
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<b>RETIREE HEALTH INSURANCE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$82,400,235	\$82,400,235

<b>RETIREE HEALTH INSURANCE FUND TOTAL</b>	<b>\$82,400,235</b>	<b>\$82,400,235</b>
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<b>ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,007,450	\$1,020,828

All Other	\$895,354	\$895,354
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<b>ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL</b>	<b>\$1,902,804</b>	<b>\$1,916,182</b>
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**FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND**

	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$72,651	\$73,089
All Other	\$51,707	\$51,707

<b>FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND TOTAL</b>	<b>\$124,358</b>	<b>\$124,796</b>
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**Accident - Sickness - Health Insurance 0455**

Initiative: Provides funding for the approved reclassification of 4 Human Resources Assistant positions to Public Service Coordinator I positions.

**ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND**

	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$22,104	\$20,721

<b>ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL</b>	<b>\$22,104</b>	<b>\$20,721</b>
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**FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND**

	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$7,368	\$6,907

<b>FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND TOTAL</b>	<b>\$7,368</b>	<b>\$6,907</b>
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**Accident - Sickness - Health Insurance 0455**

Initiative: Provides funding for increased retiree health program premiums and membership increases.

<b>RETIREE HEALTH INSURANCE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$32,748,396	\$34,551,060
RETIREE HEALTH INSURANCE FUND TOTAL	\$32,748,396	\$34,551,060

**Accident - Sickness - Health Insurance 0455**

Initiative: Provides funding for increased expenses plus additional program services for employee health and benefits.

<b>ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$675,999	\$696,029
ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL	\$675,999	\$696,029

**ACCIDENT - SICKNESS - HEALTH INSURANCE 0455**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$24,966	\$24,905
All Other	(\$273,623)	(\$273,623)
GENERAL FUND TOTAL	(\$248,657)	(\$248,718)

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$31,578)	(\$31,578)
HIGHWAY FUND TOTAL	(\$31,578)	(\$31,578)

<b>RETIREE HEALTH INSURANCE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$115,148,631	\$116,951,295
RETIREE HEALTH INSURANCE FUND TOTAL	\$115,148,631	\$116,951,295

<b>ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,029,554	\$1,041,549
All Other	\$1,571,353	\$1,591,383

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL	\$2,600,907	\$2,632,932
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**FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND**

POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$80,019	\$79,996
All Other	\$51,707	\$51,707

FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND TOTAL	\$131,726	\$131,703
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**Administration - Human Resources 0038**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
Personal Services	\$2,431,272	\$2,467,564
All Other	\$362,601	\$362,601

GENERAL FUND TOTAL	\$2,793,873	\$2,830,165
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,000	\$5,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,000	\$5,000
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**ADMINISTRATION - HUMAN RESOURCES 0038**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
Personal Services	\$2,431,272	\$2,467,564

All Other	\$362,601	\$362,601
<b>GENERAL FUND TOTAL</b>	<b>\$2,793,873</b>	<b>\$2,830,165</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,000	\$5,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$5,000</b>	<b>\$5,000</b>

**Adult Use Marijuana Public Health and Safety Fund Z263**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$358,416	\$358,416
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$358,416</b>	<b>\$358,416</b>

**ADULT USE MARIJUANA PUBLIC HEALTH AND SAFETY FUND Z263**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$358,416	\$358,416
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$358,416</b>	<b>\$358,416</b>

**Adult Use Marijuana Regulatory Coordination Fund Z264**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	32,000	32,000
Personal Services	\$2,796,208	\$2,925,442
<b>GENERAL FUND TOTAL</b>	<b>\$2,796,208</b>	<b>\$2,925,442</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$288,448	\$302,069
All Other	\$550,000	\$550,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$838,448	\$852,069
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**ADULT USE MARIJUANA REGULATORY COORDINATION FUND Z264**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	32,000	32,000
Personal Services	\$2,796,208	\$2,925,442
<b>GENERAL FUND TOTAL</b>	<b>\$2,796,208</b>	<b>\$2,925,442</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$288,448	\$302,069
All Other	\$550,000	\$550,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$838,448</b>	<b>\$852,069</b>

**Alcoholic Beverages - General Operation 0015**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	13,000	13,000
Personal Services	\$930,411	\$943,253
All Other	\$683,002	\$683,002
<b>GENERAL FUND TOTAL</b>	<b>\$1,613,413</b>	<b>\$1,626,255</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$19,190	\$19,190
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$19,190</b>	<b>\$19,190</b>

<b>STATE ALCOHOLIC BEVERAGE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$288,686	\$295,967

All Other	\$147,396,563	\$147,396,563
STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$147,685,249	\$147,692,530

POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,478,227	\$1,492,831
All Other	\$62,683	\$62,683

**ALCOHOLIC BEVERAGES - GENERAL OPERATION 0015**

GENERAL FUND TOTAL	\$1,540,910	\$1,555,514
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**PROGRAM SUMMARY**

**Buildings and Grounds Operations 0080**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	13.000	13.000
Personal Services	\$930,411	\$943,253
All Other	\$683,002	\$683,002
GENERAL FUND TOTAL	\$1,613,413	\$1,626,255

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	92.000	92.000
Personal Services	\$5,916,412	\$6,034,190
All Other	\$7,316,050	\$7,316,050

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$19,190	\$19,190
OTHER SPECIAL REVENUE FUNDS TOTAL	\$19,190	\$19,190

GENERAL FUND TOTAL	\$13,232,462	\$13,350,240
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$711,277	\$711,277

<b>STATE ALCOHOLIC BEVERAGE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$288,686	\$295,967
All Other	\$147,396,563	\$147,396,563
STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$147,685,249	\$147,692,530

OTHER SPECIAL REVENUE FUNDS TOTAL	\$711,277	\$711,277
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<b>REAL PROPERTY LEASE INTERNAL SERVICE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$311,896	\$315,725
All Other	\$25,590,339	\$25,590,339

**Budget - Bureau of the 0055**

REAL PROPERTY LEASE INTERNAL SERVICE FUND TOTAL	\$25,902,235	\$25,906,064
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Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,478,227	\$1,492,831
All Other	\$62,683	\$62,683
GENERAL FUND TOTAL	\$1,540,910	\$1,555,514

**Buildings and Grounds Operations 0080**

Initiative: Transfers one Secretary Associate position from the Buildings and Grounds Operations program to the Purchases - Division of program within the same fund to align funding with duties.

**BUDGET - BUREAU OF THE 0055**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$73,163)	(\$73,856)

**PROGRAM SUMMARY**

GENERAL FUND TOTAL	(\$73,163)	(\$73,856)
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<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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**Buildings and Grounds Operations 0080**

Initiative: Eliminates one vacant Laborer I position.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$51,514)	(\$53,816)
<b>GENERAL FUND TOTAL</b>	<b>(\$51,514)</b>	<b>(\$53,816)</b>

**Buildings and Grounds Operations 0080**

Initiative: Reorganizes one Public Service Manager II position from range 31 to range 32 and transfers All Other to Personal Services to fund the approved reorganization.

REAL PROPERTY LEASE INTERNAL SERVICE FUND	2019-20	2020-21
Personal Services	\$4,473	\$4,462
All Other	(\$4,473)	(\$4,462)
<b>REAL PROPERTY LEASE INTERNAL SERVICE FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**BUILDINGS AND GROUNDS OPERATIONS 0080**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	90,000	90,000
Personal Services	\$5,791,735	\$5,906,518
All Other	\$7,316,050	\$7,316,050
<b>GENERAL FUND TOTAL</b>	<b>\$13,107,785</b>	<b>\$13,222,568</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$711,277	\$711,277
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$711,277</b>	<b>\$711,277</b>

REAL PROPERTY LEASE INTERNAL SERVICE FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$316,369	\$320,187

All Other	\$25,585,866	\$25,585,877
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REAL PROPERTY LEASE INTERNAL SERVICE FUND TOTAL	\$25,902,235	\$25,906,064
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**Bureau of General Services - Capital Construction and Improvement Reserve Fund 0883**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$310,587	\$310,587
<b>GENERAL FUND TOTAL</b>	<b>\$310,587</b>	<b>\$310,587</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$645,000	\$645,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$645,000</b>	<b>\$645,000</b>

**BUREAU OF GENERAL SERVICES - CAPITAL CONSTRUCTION AND IMPROVEMENT RESERVE FUND 0883**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$310,587	\$310,587
<b>GENERAL FUND TOTAL</b>	<b>\$310,587</b>	<b>\$310,587</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$645,000	\$645,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$645,000</b>	<b>\$645,000</b>

**Bureau of Revenue Services Fund 0885**

Initiative: BASELINE BUDGET

BUREAU OF REVENUE SERVICES FUND	2019-20	2020-21
All Other	\$151,720	\$151,720
<b>BUREAU OF REVENUE SERVICES FUND TOTAL</b>	<b>\$151,720</b>	<b>\$151,720</b>

**BUREAU OF REVENUE SERVICES FUND 0885**

**PROGRAM SUMMARY**

BUREAU OF REVENUE SERVICES FUND	2019-20	2020-21
All Other	\$151,720	\$151,720
<b>BUREAU OF REVENUE SERVICES FUND TOTAL</b>	<b>\$151,720</b>	<b>\$151,720</b>

**Capital Construction/Repairs/Improvements - Administration 0059**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$92,909	\$92,909
<b>GENERAL FUND TOTAL</b>	<b>\$92,909</b>	<b>\$92,909</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$948,359	\$948,359
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$948,359</b>	<b>\$948,359</b>

**CAPITAL CONSTRUCTION/REPAIRS/IMPROVEMENTS - ADMINISTRATION 0059**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$92,909	\$92,909
<b>GENERAL FUND TOTAL</b>	<b>\$92,909</b>	<b>\$92,909</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$948,359	\$948,359
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$948,359</b>	<b>\$948,359</b>

**Central Administrative Applications Z234**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$13,799,293	\$13,799,293
<b>GENERAL FUND TOTAL</b>	<b>\$13,799,293</b>	<b>\$13,799,293</b>

**CENTRAL ADMINISTRATIVE APPLICATIONS Z234**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$13,799,293	\$13,799,293
<b>GENERAL FUND TOTAL</b>	<b>\$13,799,293</b>	<b>\$13,799,293</b>

**Central Fleet Management 0703**

Initiative: BASELINE BUDGET

CENTRAL MOTOR POOL	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16.000	16.000
Personal Services	\$1,113,728	\$1,139,126
All Other	\$8,065,968	\$8,065,968

<b>CENTRAL MOTOR POOL TOTAL</b>	<b>\$9,179,696</b>	<b>\$9,205,094</b>
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**Central Fleet Management 0703**

Initiative: Provides funding to increase the hours of one Office Associate II position from 60 hours to 80 hours biweekly and transfers All Other to Personal Services to fund the increase.

CENTRAL MOTOR POOL	2019-20	2020-21
Personal Services	\$15,964	\$16,766
All Other	(\$15,964)	(\$16,766)

<b>CENTRAL MOTOR POOL TOTAL</b>	<b>\$0</b>	<b>\$0</b>
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**CENTRAL FLEET MANAGEMENT 0703**

**PROGRAM SUMMARY**

CENTRAL MOTOR POOL	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16.000	16.000
Personal Services	\$1,129,692	\$1,155,892
All Other	\$8,050,004	\$8,049,202

<b>CENTRAL MOTOR POOL TOTAL</b>	<b>\$9,179,696</b>	<b>\$9,205,094</b>
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**Central Services - Purchases 0004**

Initiative: BASELINE BUDGET

POSTAL, PRINTING AND SUPPLY FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	32,000	32,000
Personal Services	\$2,281,505	\$2,327,467
All Other	\$1,542,220	\$1,542,220
POSTAL, PRINTING AND SUPPLY FUND TOTAL	\$3,823,725	\$3,869,687

**CENTRAL SERVICES - PURCHASES 0004**  
**PROGRAM SUMMARY**

<b>POSTAL, PRINTING AND SUPPLY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	32,000	32,000
Personal Services	\$2,281,505	\$2,327,467
All Other	\$1,542,220	\$1,542,220
POSTAL, PRINTING AND SUPPLY FUND TOTAL	\$3,823,725	\$3,869,687

**County Tax Reimbursement 0263**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,440,000	\$1,440,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,440,000	\$1,440,000

**COUNTY TAX REIMBURSEMENT 0263**  
**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,440,000	\$1,440,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,440,000	\$1,440,000

**Debt Service - Government Facilities Authority 0893**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$19,955,674	\$19,955,674
GENERAL FUND TOTAL	\$19,955,674	\$19,955,674

**Debt Service - Government Facilities Authority 0893**

Initiative: Provides funding for annual principal and interest payments on funds borrowed in support of capital construction and renovation of state facilities.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,000,000	\$2,000,000
GENERAL FUND TOTAL	\$2,000,000	\$2,000,000

**DEBT SERVICE - GOVERNMENT FACILITIES AUTHORITY 0893**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$21,955,674	\$21,955,674
GENERAL FUND TOTAL	\$21,955,674	\$21,955,674

**Elderly Tax Deferral Program 0650**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

**Elderly Tax Deferral Program 0650**

Initiative: Eliminates funding for the Elderly Tax Deferral Program.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$500)	(\$500)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$500)	(\$500)

**ELDERLY TAX DEFERRAL PROGRAM 0650**  
**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**Financial and Personnel Services - Division of 0713**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$30,000	\$30,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$30,000</b>	<b>\$30,000</b>

FINANCIAL AND PERSONNEL SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	276.500	276.500
Personal Services	\$23,702,462	\$24,194,496
All Other	\$1,721,800	\$1,721,800
<b>FINANCIAL AND PERSONNEL SERVICES FUND TOTAL</b>	<b>\$25,424,262</b>	<b>\$25,916,296</b>

**Financial and Personnel Services - Division of 0713**

Initiative: Transfers one Public Service Coordinator I position from the Financial and Personnel Services - Division of program, Financial and Personnel Services Fund to the Public Improvements - Planning/Construction - Administration program, General Fund and transfers All Other to Personal Services to fund the position in the General Fund.

FINANCIAL AND PERSONNEL SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$112,066)	(\$113,026)
<b>FINANCIAL AND PERSONNEL SERVICES FUND TOTAL</b>	<b>(\$112,066)</b>	<b>(\$113,026)</b>

**Financial and Personnel Services - Division of 0713**

Initiative: Provides funding to increase the hours of one Accounting Support Specialist position from 20 hours biweekly to 60 hours biweekly.

FINANCIAL AND PERSONNEL SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.500	0.500

Personal Services	\$35,778	\$37,565
<b>FINANCIAL AND PERSONNEL SERVICES FUND TOTAL</b>	<b>\$35,778</b>	<b>\$37,565</b>

**Financial and Personnel Services - Division of 0713**

Initiative: Transfers and reallocates one Management Analyst I position from the Department of Health and Human Services, Office of MaineCare Services program, 50% General Fund and 50% Federal Expenditures Fund to the Department of Administrative and Financial Services, Financial and Personnel Services - Division of program, 100% Financial and Personnel Services Fund.

FINANCIAL AND PERSONNEL SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$81,335	\$82,006
<b>FINANCIAL AND PERSONNEL SERVICES FUND TOTAL</b>	<b>\$81,335</b>	<b>\$82,006</b>

**Financial and Personnel Services - Division of 0713**

Initiative: Transfers one part-time Office Assistant II position, one part-time Mental Health/Disability Determination Caseworker position and one Human Services Caseworker position from the Department of Health and Human Services, Developmental Services - Community program, General Fund to the Department of Administrative and Financial Services, Financial and Personnel Services - Division of program, Financial and Personnel Services Fund.

FINANCIAL AND PERSONNEL SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.500	2.500
Personal Services	\$141,123	\$148,052
<b>FINANCIAL AND PERSONNEL SERVICES FUND TOTAL</b>	<b>\$141,123</b>	<b>\$148,052</b>

**Financial and Personnel Services - Division of 0713**

Initiative: Transfers the cost of one Social Service Program Specialist II position and one part-time Behavioral Health Program Coordinator position from the Department of Health and Human Services, Mental

Health Services - Community program, General Fund to the Department of Administrative and Financial Services, Financial and Personnel Services - Division of program, Financial and Personnel Services Fund.

FINANCIAL AND PERSONNEL SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$148,512	\$155,420
<b>FINANCIAL AND PERSONNEL SERVICES FUND TOTAL</b>	<b>\$148,512</b>	<b>\$155,420</b>

**FINANCIAL AND PERSONNEL SERVICES - DIVISION OF 0713**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$30,000	\$30,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$30,000</b>	<b>\$30,000</b>

FINANCIAL AND PERSONNEL SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	281,500	281,500
Personal Services	\$23,997,144	\$24,504,513
All Other	\$1,721,800	\$1,721,800
<b>FINANCIAL AND PERSONNEL SERVICES FUND TOTAL</b>	<b>\$25,718,944</b>	<b>\$26,226,313</b>

**Homestead Property Tax Exemption Reimbursement 0886**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$68,859,000	\$68,859,000
<b>GENERAL FUND TOTAL</b>	<b>\$68,859,000</b>	<b>\$68,859,000</b>

**Homestead Property Tax Exemption Reimbursement 0886**

Initiative: Adjusts funding to reflect projected costs to the State resulting from rate changes to the Maine resident homestead property tax exemption.

GENERAL FUND	2019-20	2020-21
All Other	(\$359,000)	\$141,000
<b>GENERAL FUND TOTAL</b>	<b>(\$359,000)</b>	<b>\$141,000</b>

**Homestead Property Tax Exemption Reimbursement 0886**

Initiative: Provides funding to increase the homestead property tax exemption from \$20,000 to \$25,000 and to increase the reimbursement to municipalities from 62.5% to 70% for property tax years beginning April 1, 2020.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$20,580,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$20,580,000</b>

**HOMESTEAD PROPERTY TAX EXEMPTION REIMBURSEMENT 0886**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$68,500,000	\$89,580,000
<b>GENERAL FUND TOTAL</b>	<b>\$68,500,000</b>	<b>\$89,580,000</b>

**Information Services 0155**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$4,700,000	\$4,700,000
<b>GENERAL FUND TOTAL</b>	<b>\$4,700,000</b>	<b>\$4,700,000</b>

**FEDERAL EXPENDITURES FUND**

	2019-20	2020-21
All Other	\$500	\$500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**OTHER SPECIAL REVENUE FUNDS**

All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

All Other	(\$10,600)	(\$10,600)
OFFICE OF INFORMATION SERVICES FUND TOTAL	(\$284,614)	(\$288,170)

OFFICE OF INFORMATION SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	438.000	438.000
Personal Services	\$46,813,170	\$47,673,631
All Other	\$7,465,142	\$7,465,142
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$54,278,312	\$55,138,773

**Information Services 0155**

Initiative: Transfers 3 Contract/Grant Specialist positions, one Public Service Coordinator I position, one Public Service Coordinator II position, one Public Service Manager III position and related All Other costs from the Information Services program, Office of Information Services Fund to the Purchases - Division of program, General Fund.

OFFICE OF INFORMATION SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(6.000)	(6.000)
Personal Services	(\$664,301)	(\$668,561)
All Other	(\$37,660)	(\$37,660)
OFFICE OF INFORMATION SERVICES FUND TOTAL	(\$701,961)	(\$706,221)

**Information Services 0155**

Initiative: Transfers one Public Service Executive II position and one Public Service Manager I position from the Department of Administrative and Financial Services, Information Services program, Office of Information Services Fund to the Department of Economic and Community Development, Office of Broadband Development program, Other Special Revenue Funds to administer the ConnectME Authority and reduces related All Other costs.

OFFICE OF INFORMATION SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(2.000)	(2.000)
Personal Services	(\$274,014)	(\$277,570)

**Information Services 0155**

Initiative: Transfers and reallocates one Communications Technician position from 65% General Fund and 35% Highway Fund in the Department of Public Safety, State Police program and one Communications Technician position from 50% Highway Fund and 50% Federal Expenditures Fund in the Department of Public Safety, Traffic Safety - Commercial Vehicle Enforcement program to 100% Office of Information Services Fund in the Department of Administrative and Financial Services, Information Services program.

OFFICE OF INFORMATION SERVICES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$144,362	\$151,478
All Other	\$10,600	\$10,600
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$154,962	\$162,078

**INFORMATION SERVICES 0155 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$4,700,000	\$4,700,000
GENERAL FUND TOTAL	\$4,700,000	\$4,700,000

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

<b>OFFICE OF INFORMATION SERVICES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	432.000	432.000
Personal Services	\$46,019,217	\$46,878,978
All Other	\$7,427,482	\$7,427,482
<b>OFFICE OF INFORMATION SERVICES FUND TOTAL</b>	<b>\$53,446,699</b>	<b>\$54,306,460</b>

**Leased Space Reserve Fund Program Z145**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**LEASED SPACE RESERVE FUND PROGRAM Z145**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Lottery Operations 0023**

Initiative: BASELINE BUDGET

<b>STATE LOTTERY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
Personal Services	\$1,649,274	\$1,674,619
All Other	\$2,704,163	\$2,704,163
<b>STATE LOTTERY FUND TOTAL</b>	<b>\$4,353,437</b>	<b>\$4,378,782</b>

**Lottery Operations 0023**

Initiative: Provides funding for the approved reorganization of one Public Service Manager II position to a Public Service Manager III position and transfers All Other to Personal Services to fund the reorganization. Retroactive payment is effective July 31, 2018.

<b>STATE LOTTERY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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Personal Services	\$33,736	\$19,782
All Other	(\$33,736)	(\$19,782)
<b>STATE LOTTERY FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**LOTTERY OPERATIONS 0023**

**PROGRAM SUMMARY**

<b>STATE LOTTERY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
Personal Services	\$1,683,010	\$1,694,401
All Other	\$2,670,427	\$2,684,381
<b>STATE LOTTERY FUND TOTAL</b>	<b>\$4,353,437</b>	<b>\$4,378,782</b>

**Maine Board of Tax Appeals Z146**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$312,191	\$313,382
All Other	\$62,948	\$62,948
<b>GENERAL FUND TOTAL</b>	<b>\$375,139</b>	<b>\$376,330</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$45,000	\$45,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$45,000</b>	<b>\$45,000</b>

**Maine Board of Tax Appeals Z146**

Initiative: Provides funding for per diem payments for Maine Board of Tax Appeals members.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$3,600	\$3,600
<b>GENERAL FUND TOTAL</b>	<b>\$3,600</b>	<b>\$3,600</b>

**MAINE BOARD OF TAX APPEALS Z146**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$315,791	\$316,982
All Other	\$62,948	\$62,948
<b>GENERAL FUND TOTAL</b>	<b>\$378,739</b>	<b>\$379,930</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$45,000	\$45,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$45,000</b>	<b>\$45,000</b>

**Maine Developmental Disabilities Council Z185**  
Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$160,155	\$160,155
<b>GENERAL FUND TOTAL</b>	<b>\$160,155</b>	<b>\$160,155</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$480,465	\$480,465
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$480,465</b>	<b>\$480,465</b>

**MAINE DEVELOPMENTAL DISABILITIES COUNCIL Z185**  
**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$160,155	\$160,155
<b>GENERAL FUND TOTAL</b>	<b>\$160,155</b>	<b>\$160,155</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$480,465	\$480,465
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$480,465</b>	<b>\$480,465</b>

**Mandate BETE - Reimburse Municipalities Z065**  
Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$19,097	\$19,097

<b>GENERAL FUND TOTAL</b>	<b>\$19,097</b>	<b>\$19,097</b>
<b>MANDATE BETE - REIMBURSE MUNICIPALITIES Z065</b>		
<b>PROGRAM SUMMARY</b>		
<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$19,097	\$19,097
<b>GENERAL FUND TOTAL</b>	<b>\$19,097</b>	<b>\$19,097</b>

**Medical Use of Marijuana Fund Z265**  
Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	8,000	8,000
Personal Services	\$609,767	\$624,754
All Other	\$670,255	\$670,255
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,280,022</b>	<b>\$1,295,009</b>

**MEDICAL USE OF MARIJUANA FUND Z265**  
**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	8,000	8,000
Personal Services	\$609,767	\$624,754
All Other	\$670,255	\$670,255
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,280,022</b>	<b>\$1,295,009</b>

**Office of the Commissioner - Administrative and Financial Services 0718**  
Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	8,000	8,000
Personal Services	\$1,158,873	\$1,175,909
All Other	\$123,188	\$123,188
<b>GENERAL FUND TOTAL</b>	<b>\$1,282,061</b>	<b>\$1,299,097</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$5,000	\$5,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$5,000</b>	<b>\$5,000</b>

**Office of the Commissioner - Administrative and Financial Services 0718**

Initiative: Reorganizes one Office Specialist II position to a Public Service Coordinator I position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$5,162	\$5,149
<b>GENERAL FUND TOTAL</b>	<b>\$5,162</b>	<b>\$5,149</b>

**OFFICE OF THE COMMISSIONER - ADMINISTRATIVE AND FINANCIAL SERVICES 0718**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$1,164,035	\$1,181,058
All Other	\$123,188	\$123,188
<b>GENERAL FUND TOTAL</b>	<b>\$1,287,223</b>	<b>\$1,304,246</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$5,000	\$5,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$5,000</b>	<b>\$5,000</b>

**Public Improvements - Planning/Construction - Administration 0057**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$1,232,848	\$1,241,704
All Other	\$1,127,977	\$1,127,977
<b>GENERAL FUND TOTAL</b>	<b>\$2,360,825</b>	<b>\$2,369,681</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$31,000	\$31,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$31,000</b>	<b>\$31,000</b>

**Public Improvements - Planning/Construction - Administration 0057**

Initiative: Transfers one Public Service Executive II position from the Public Improvements - Planning/Construction - Administration program to the Purchases - Division of program within the same fund to align funding with duties.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$175,519)	(\$176,280)
<b>GENERAL FUND TOTAL</b>	<b>(\$175,519)</b>	<b>(\$176,280)</b>

**Public Improvements - Planning/Construction - Administration 0057**

Initiative: Transfers one Public Service Coordinator I position from the Financial and Personnel Services - Division of program, Financial and Personnel Services Fund to the Public Improvements - Planning/Construction - Administration program, General Fund and transfers All Other to Personal Services to fund the position in the General Fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$112,066	\$113,026
All Other	(\$112,066)	(\$113,026)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**PUBLIC IMPROVEMENTS - PLANNING/CONSTRUCTION - ADMINISTRATION 0057**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$1,169,395	\$1,178,450
All Other	\$1,015,911	\$1,014,951
<b>GENERAL FUND TOTAL</b>	<b>\$2,185,306</b>	<b>\$2,193,401</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$31,000	\$31,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$31,000</b>	<b>\$31,000</b>

**Purchases - Division of 0007**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.500	5.500
Personal Services	\$582,869	\$598,270
All Other	\$381,592	\$381,592
<b>GENERAL FUND TOTAL</b>	<b>\$964,461</b>	<b>\$979,862</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$4,000	\$4,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,000</b>	<b>\$4,000</b>

**Purchases - Division of 0007**

Initiative: Transfers 3 Contract/Grant Specialist positions, one Public Service Coordinator I position, one Public Service Coordinator II position, one Public Service Manager III position and related All Other costs from the Information Services program, Office of Information Services Fund to the Purchases - Division of program, General Fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$664,301	\$668,561
All Other	\$37,660	\$37,660
<b>GENERAL FUND TOTAL</b>	<b>\$701,961</b>	<b>\$706,221</b>

**Purchases - Division of 0007**

Initiative: Transfers one Secretary Associate position from the Buildings and Grounds Operations program to the Purchases - Division of program within the same fund to align funding with duties.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000

Personal Services	\$73,163	\$73,856
<b>GENERAL FUND TOTAL</b>	<b>\$73,163</b>	<b>\$73,856</b>

**Purchases - Division of 0007**

Initiative: Transfers one Public Service Executive II position from the Public Improvements - Planning/Construction - Administration program to the Purchases - Division of program within the same fund to align funding with duties.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$175,519	\$176,280
<b>GENERAL FUND TOTAL</b>	<b>\$175,519</b>	<b>\$176,280</b>

**PURCHASES - DIVISION OF 0007 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	13.500	13.500
Personal Services	\$1,495,852	\$1,516,967
All Other	\$419,252	\$419,252
<b>GENERAL FUND TOTAL</b>	<b>\$1,915,104</b>	<b>\$1,936,219</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$4,000	\$4,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,000</b>	<b>\$4,000</b>

**Revenue Services, Bureau of 0002**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	285.000	285.000
Personal Services	\$24,575,313	\$24,912,131
All Other	\$16,685,133	\$16,685,133
<b>GENERAL FUND TOTAL</b>	<b>\$41,260,446</b>	<b>\$41,597,264</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$5,000	\$5,000

FEDERAL EXPENDITURES	\$5,000	\$5,000
FUND TOTAL		
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$11,463,348	\$11,463,348
OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,463,348	\$11,463,348

**Revenue Services, Bureau of 0002**

Initiative: Establishes one limited-period Tax Examiner position through June 12, 2021 to support sales tax reimbursements and provides funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$68,256	\$71,377
All Other	\$5,986	\$5,986
GENERAL FUND TOTAL	\$74,242	\$77,363

**Revenue Services, Bureau of 0002**

Initiative: Reallocates the costs of one Tax Examiner position from 25% General Fund and 75% Highway Fund to 100% General Fund within the same program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$54,475	\$54,996
GENERAL FUND TOTAL	\$54,475	\$54,996

**Revenue Services, Bureau of 0002**

Initiative: Provides funding for the approved reorganization of one Tax Examiner position to a Management Analyst I position. Retroactive payment is effective July 16, 2018.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$5,868	\$5,415
GENERAL FUND TOTAL	\$5,868	\$5,415

**Revenue Services, Bureau of 0002**

Initiative: Establishes one Principal Revenue Agent position and one Tax Section Manager position beginning July 1, 2019 to administer recently enacted laws associated with the taxation of multinational businesses and transfers All Other to Personal Services to fund the positions.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$223,028	\$224,934
All Other	(\$223,028)	(\$224,934)
GENERAL FUND TOTAL	\$0	\$0

**Revenue Services, Bureau of 0002**

Initiative: Establishes one Senior Revenue Agent position and provides funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$87,613	\$91,756
All Other	\$5,201	\$5,201
GENERAL FUND TOTAL	\$92,814	\$96,957

**REVENUE SERVICES, BUREAU OF 0002 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	288.000	288.000
Personal Services	\$25,014,553	\$25,360,609
All Other	\$16,473,292	\$16,471,386
GENERAL FUND TOTAL	\$41,487,845	\$41,831,995

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,000	\$5,000
FEDERAL EXPENDITURES FUND TOTAL	\$5,000	\$5,000

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$11,463,348	\$11,463,348
OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,463,348	\$11,463,348

**Risk Management - Claims 0008**

Initiative: BASELINE BUDGET

<b>RISK MANAGEMENT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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POSITIONS - LEGISLATIVE COUNT	5,000	5,000
Personal Services	\$464,126	\$471,362
All Other	\$3,527,742	\$3,527,742
<b>RISK MANAGEMENT FUND TOTAL</b>	<b>\$3,991,868</b>	<b>\$3,999,104</b>

<b>STATE-ADMINISTERED FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,042,515	\$2,042,515
<b>STATE-ADMINISTERED FUND TOTAL</b>	<b>\$2,042,515</b>	<b>\$2,042,515</b>

**Risk Management - Claims 0008**

Initiative: Provides funding for the approved reorganization of one Office Associate II position to one Assistant Risk Assessor position and transfers All Other to Personal Services to fund the reorganization.

<b>RISK MANAGEMENT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$7,697	\$8,042
All Other	(\$7,697)	(\$8,042)
<b>RISK MANAGEMENT FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**RISK MANAGEMENT - CLAIMS 0008**

**PROGRAM SUMMARY**

<b>RISK MANAGEMENT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	5,000	5,000
Personal Services	\$471,823	\$479,404
All Other	\$3,520,045	\$3,519,700
<b>RISK MANAGEMENT FUND TOTAL</b>	<b>\$3,991,868</b>	<b>\$3,999,104</b>

<b>STATE-ADMINISTERED FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,042,515	\$2,042,515
<b>STATE-ADMINISTERED FUND TOTAL</b>	<b>\$2,042,515</b>	<b>\$2,042,515</b>

**Snow Grooming Property Tax Exemption Reimbursement Z024**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$30,000	\$30,000
<b>GENERAL FUND TOTAL</b>	<b>\$30,000</b>	<b>\$30,000</b>

**SNOW GROOMING PROPERTY TAX EXEMPTION REIMBURSEMENT Z024 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$30,000	\$30,000
<b>GENERAL FUND TOTAL</b>	<b>\$30,000</b>	<b>\$30,000</b>

**Solid Waste Management Fund 0659**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$816,851	\$816,851
<b>GENERAL FUND TOTAL</b>	<b>\$816,851</b>	<b>\$816,851</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$172,500	\$172,500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$172,500</b>	<b>\$172,500</b>

**SOLID WASTE MANAGEMENT FUND 0659**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$816,851	\$816,851
<b>GENERAL FUND TOTAL</b>	<b>\$816,851</b>	<b>\$816,851</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$172,500	\$172,500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$172,500</b>	<b>\$172,500</b>

**State Controller - Office of the 0056**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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POSITIONS - LEGISLATIVE COUNT	28,000	28,000
Personal Services	\$2,946,495	\$2,987,932
All Other	\$164,581	\$164,581

GENERAL FUND TOTAL	\$3,111,076	\$3,152,513
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**OTHER SPECIAL REVENUE FUNDS**

	<b>2019-20</b>	<b>2020-21</b>
All Other	\$11,000	\$11,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,000	\$11,000
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**STATE CONTROLLER - OFFICE OF THE 0056 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	28,000	28,000
Personal Services	\$2,946,495	\$2,987,932
All Other	\$164,581	\$164,581

GENERAL FUND TOTAL	\$3,111,076	\$3,152,513
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**OTHER SPECIAL REVENUE FUNDS**

	<b>2019-20</b>	<b>2020-21</b>
All Other	\$11,000	\$11,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,000	\$11,000
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**Statewide Radio Network System 0112**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$6,699,151	\$6,699,151

GENERAL FUND TOTAL	\$6,699,151	\$6,699,151
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**Statewide Radio Network System 0112**

Initiative: Establishes baseline allocation, expenditures and dedicated revenue for the Statewide Radio and Network System Reserve Fund.

<b>STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500

STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND TOTAL	\$500	\$500
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**Statewide Radio Network System 0112**

Initiative: Reduces funding based on anticipated debt service payments.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$1,500,000)	(\$2,500,000)

GENERAL FUND TOTAL	(\$1,500,000)	(\$2,500,000)
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**STATEWIDE RADIO NETWORK SYSTEM 0112 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,199,151	\$4,199,151

GENERAL FUND TOTAL	\$5,199,151	\$4,199,151
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**STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND**

	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500

STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND TOTAL	\$500	\$500
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**Trade Adjustment Assistance Health Insurance Z001**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$8,385	\$8,385

FEDERAL EXPENDITURES FUND TOTAL	\$8,385	\$8,385
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$75,000	\$75,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$75,000	\$75,000
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**TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE Z001**

**PROGRAM SUMMARY**

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
All Other	\$8,385	\$8,385
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	\$8,385	\$8,385

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$75,000	\$75,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	\$75,000	\$75,000

**Tree Growth Tax Reimbursement 0261**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$7,600,000	\$7,600,000
<b>GENERAL FUND TOTAL</b>	\$7,600,000	\$7,600,000

**TREE GROWTH TAX REIMBURSEMENT 0261**

**PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$7,600,000	\$7,600,000
<b>GENERAL FUND TOTAL</b>	\$7,600,000	\$7,600,000

**Unorganized Territory Education and Services Fund - Finance 0573**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$20,591,788	\$20,591,788
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	\$20,591,788	\$20,591,788

**UNORGANIZED TERRITORY EDUCATION AND SERVICES FUND - FINANCE 0573**

**PROGRAM SUMMARY**

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$20,591,788	\$20,591,788

OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,591,788	\$20,591,788
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**Veterans' Organizations Tax Reimbursement Z062**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$29,106	\$29,106
<b>GENERAL FUND TOTAL</b>	\$29,106	\$29,106

**Veterans' Organizations Tax Reimbursement Z062**

Initiative: Provides funding to bring appropriations in line with projected expenditures.

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$20,894	\$20,894
<b>GENERAL FUND TOTAL</b>	\$20,894	\$20,894

**VETERANS' ORGANIZATIONS TAX REIMBURSEMENT Z062**

**PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$50,000	\$50,000
<b>GENERAL FUND TOTAL</b>	\$50,000	\$50,000

**Veterans Tax Reimbursement 0407**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$1,228,330	\$1,228,330
<b>GENERAL FUND TOTAL</b>	\$1,228,330	\$1,228,330

**VETERANS TAX REIMBURSEMENT 0407**

**PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$1,228,330	\$1,228,330
<b>GENERAL FUND TOTAL</b>	\$1,228,330	\$1,228,330

**Waste Facility Tax Reimbursement 0907**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$12,188	\$12,188

GENERAL FUND TOTAL	\$12,188	\$12,188
<b>WASTE FACILITY TAX REIMBURSEMENT 0907</b>		
<b>PROGRAM SUMMARY</b>		
<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$12,188	\$12,188
GENERAL FUND TOTAL	\$12,188	\$12,188

<b>Workers' Compensation Management Fund Program 0802</b>		
Initiative: BASELINE BUDGET		
<b>WORKERS' COMPENSATION MANAGEMENT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,690,851	\$1,711,434
All Other	\$18,154,362	\$18,154,362
WORKERS' COMPENSATION MANAGEMENT FUND TOTAL	\$19,845,213	\$19,865,796

<b>WORKERS' COMPENSATION MANAGEMENT FUND PROGRAM 0802</b>		
<b>PROGRAM SUMMARY</b>		
<b>WORKERS' COMPENSATION MANAGEMENT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,690,851	\$1,711,434
All Other	\$18,154,362	\$18,154,362
WORKERS' COMPENSATION MANAGEMENT FUND TOTAL	\$19,845,213	\$19,865,796

<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	\$196,443,060	\$217,263,765

HIGHWAY FUND	(\$31,578)	(\$31,578)
FEDERAL EXPENDITURES FUND	\$494,350	\$494,350
OTHER SPECIAL REVENUE FUNDS	\$38,675,348	\$38,703,956
FINANCIAL AND PERSONNEL SERVICES FUND	\$25,718,944	\$26,226,313
POSTAL, PRINTING AND SUPPLY FUND	\$3,823,725	\$3,869,687
OFFICE OF INFORMATION SERVICES FUND	\$53,446,699	\$54,306,460
RISK MANAGEMENT FUND	\$3,991,868	\$3,999,104
WORKERS' COMPENSATION MANAGEMENT FUND	\$19,845,213	\$19,865,796
CENTRAL MOTOR POOL	\$9,179,696	\$9,205,094
REAL PROPERTY LEASE INTERNAL SERVICE FUND	\$25,902,235	\$25,906,064
BUREAU OF REVENUE SERVICES FUND	\$151,720	\$151,720
RETIREE HEALTH INSURANCE FUND	\$115,148,631	\$116,951,295
ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND	\$2,600,907	\$2,632,932
STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND	\$500	\$500
STATE ALCOHOLIC BEVERAGE FUND	\$147,685,249	\$147,692,530
STATE-ADMINISTERED FUND	\$2,042,515	\$2,042,515
STATE LOTTERY FUND	\$4,353,437	\$4,378,782
FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND	\$131,726	\$131,703
DEPARTMENT TOTAL - ALL FUNDS	\$649,604,245	\$673,790,988

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

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Animal Welfare Fund 0946**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$901,829	\$921,581
All Other	\$770,239	\$770,239
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,672,068	\$1,691,820

**Animal Welfare Fund 0946**

Initiative: Reallocates the cost of one Veterinarian position from 85% in the Harness Racing Commission program and 15% in the Animal Welfare Fund program to 100% in the Harness Racing Commission program to align position funding with functions.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$16,652)	(\$16,785)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$16,652)	(\$16,785)

**Animal Welfare Fund 0946**

Initiative: Provides funding for the hosting and maintenance fees associated with the new Animal Welfare Fund program database.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$102,088	\$102,088
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$102,088	\$102,088

**ANIMAL WELFARE FUND 0946**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$885,177	\$904,796

All Other	\$872,327	\$872,327
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,757,504	\$1,777,123

**Boating Facilities Fund Z226**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
POSITIONS - FTE COUNT	2.577	2.577
Personal Services	\$926,417	\$946,301
All Other	\$605,408	\$605,408
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,531,825	\$1,551,709

**Boating Facilities Fund Z226**

Initiative: Provides funding to construct new and renovate existing recreational boating facilities.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$595,000	\$595,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$595,000	\$595,000

**Boating Facilities Fund Z226**

Initiative: Transfers all positions, All Other and Capital Expenditures funding from the Boating Facilities Fund program, Other Special Revenue Funds to the Off-Road Recreational Vehicles Program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(9.000)	(9.000)
POSITIONS - FTE COUNT	(2.577)	(2.577)
Personal Services	(\$926,417)	(\$946,301)
All Other	(\$605,408)	(\$605,408)
Capital Expenditures	(\$595,000)	(\$595,000)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$2,126,825)	(\$2,146,709)

**BOATING FACILITIES FUND Z226**

**PROGRAM SUMMARY**

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	0.000	0.000
POSITIONS - FTE COUNT	0.000	0.000
Personal Services	\$0	\$0
All Other	\$0	\$0
Capital Expenditures	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Bureau of Agriculture 0393**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	48.500	48.500
Personal Services	\$4,291,120	\$4,367,785
All Other	\$1,521,185	\$1,521,185
<b>GENERAL FUND TOTAL</b>	<b>\$5,812,305</b>	<b>\$5,888,970</b>

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
POSITIONS - LEGISLATIVE COUNT	26.500	26.500
POSITIONS - FTE COUNT	9.954	9.954
Personal Services	\$2,516,697	\$2,595,903
All Other	\$3,176,197	\$3,176,197
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,692,894</b>	<b>\$5,772,100</b>

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	4.500	4.500
Personal Services	\$471,244	\$482,443
All Other	\$1,385,019	\$1,385,019
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,856,263</b>	<b>\$1,867,462</b>

	2019-20	2020-21
<b>FEDERAL BLOCK GRANT FUND</b>		

All Other	\$600,000	\$600,000
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$600,000</b>	<b>\$600,000</b>

**Bureau of Agriculture 0393**

Initiative: Reallocates one Planning and Research Associate II position from 100% Federal Expenditures Fund to 90% Federal Expenditures Fund and 10% Other Special Revenue Funds within the same program.

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
Personal Services	(\$7,589)	(\$7,930)
All Other	(\$159)	(\$165)

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$7,748)</b>	<b>(\$8,095)</b>
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	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	\$7,589	\$7,930
All Other	\$159	\$165

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$7,748</b>	<b>\$8,095</b>
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**Bureau of Agriculture 0393**

Initiative: Transfers and reallocates one Management Analyst I position from 50% Federal Expenditures Fund and 50% Other Special Revenue Funds to 100% Other Special Revenue Funds within the same program. Transfers 2 Food Inspection Supervisor positions, one Inspection Process Analyst Coordinator position, 10 Produce Inspector II positions and 18 Egg/Poultry Processing Inspector positions from 100% Federal Expenditures Fund to 100% Other Special Revenue Funds within the same program. Reallocates one Office Associate II position from 50% Other Special Revenue Funds in the Certified Seed Fund program and 50% Federal Expenditures Fund in the Bureau of Agriculture program to 50% Other Special Revenue Funds in the Certified Seed Fund program and 50% Other Special Revenue Funds in the Bureau of Agriculture program. Also transfers related All Other.

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
POSITIONS - LEGISLATIVE COUNT	(14.000)	(14.000)
POSITIONS - FTE COUNT	(9.726)	(9.726)

Personal Services	(\$1,580,113)	(\$1,629,535)
All Other	(\$220,605)	(\$220,605)
<b>FEDERAL EXPENDITURES</b>	<b>(\$1,800,718)</b>	<b>(\$1,850,140)</b>
<b>FUND TOTAL</b>		

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	14.000	14.000
POSITIONS - FTE COUNT	9.726	9.726
Personal Services	\$1,580,113	\$1,629,535
All Other	\$220,605	\$220,605
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,800,718</b>	<b>\$1,850,140</b>

**Bureau of Agriculture 0393**

Initiative: Reorganizes one vacant Egg/Poultry Processing Inspector position to an Environmental Specialist III position and transfers the position from the Bureau of Agriculture program, Federal Expenditures Fund to the Pesticides Control - Board of program, Other Special Revenue Funds. Also provides funding to increase the hours of the position from 52 hours biweekly to 80 hours biweekly.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$42,481)	(\$44,379)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$42,481)</b>	<b>(\$44,379)</b>

**Bureau of Agriculture 0393**

Initiative: Reallocates one Laboratory Technician III position from 50% General Fund and 50% Other Special Revenue Funds to 90% General Fund and 10% Other Special Revenue Funds within the same program and transfers All Other to Personal Services to fund the increase in the General Fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$31,148	\$31,419
All Other	(\$31,148)	(\$31,419)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$31,148)	(\$31,419)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$31,148)</b>	<b>(\$31,419)</b>

**Bureau of Agriculture 0393**

Initiative: Reallocates one Director, Bureau of Agriculture, Food and Rural Resources position from 62.51% Bureau of Agriculture program, General Fund, 4.92% Office of the Commissioner program, General Fund and 32.57% Office of the Commissioner program, Other Special Revenue Funds to 100% Bureau of Agriculture program, General Fund, transfers All Other to Personal Services and deappropriates Personal Services to fund the reallocation.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$65,628	\$66,690
All Other	(\$57,016)	(\$57,937)
<b>GENERAL FUND TOTAL</b>	<b>\$8,612</b>	<b>\$8,753</b>

**Bureau of Agriculture 0393**

Initiative: Provides funding to increase the hours of one Laboratory Technician III position from 66 hours biweekly to 80 hours biweekly.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$10,776	\$10,747
All Other	(\$10,776)	(\$10,747)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**BUREAU OF AGRICULTURE 0393 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	48.500	48.500
Personal Services	\$4,398,672	\$4,476,641
All Other	\$1,422,245	\$1,421,082
<b>GENERAL FUND TOTAL</b>	<b>\$5,820,917</b>	<b>\$5,897,723</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	11.500	11.500
POSITIONS - FTE COUNT	0.228	0.228

**FIRST REGULAR SESSION - 2019**

**PUBLIC LAW, C. 343**

Personal Services	\$886,514	\$914,059
All Other	\$2,955,433	\$2,955,427
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$3,841,947</b>	<b>\$3,869,486</b>

All Other	\$335,277	\$335,277
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$891,105</b>	<b>\$901,636</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	18.500	18.500
POSITIONS - FTE COUNT	9.726	9.726
Personal Services	\$2,027,798	\$2,088,489
All Other	\$1,605,783	\$1,605,789
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,633,581</b>	<b>\$3,694,278</b>

**Division of Forest Protection Z232**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	76.000	76.000
POSITIONS - FTE COUNT	2.307	2.307
Personal Services	\$5,654,990	\$5,739,491
All Other	\$1,305,523	\$1,305,523
<b>GENERAL FUND TOTAL</b>	<b>\$6,960,513</b>	<b>\$7,045,014</b>

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$600,000	\$600,000
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$600,000</b>	<b>\$600,000</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
POSITIONS - FTE COUNT	2.192	2.192
Personal Services	\$246,805	\$252,235
All Other	\$718,941	\$718,941

**Certified Seed Fund 0787**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	7.000	7.000
POSITIONS - FTE COUNT	0.740	0.740
Personal Services	\$555,828	\$566,359
All Other	\$335,277	\$335,277

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$965,746</b>	<b>\$971,176</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$226,154	\$226,154
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$226,154</b>	<b>\$226,154</b>

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$891,105</b>	<b>\$901,636</b>
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**CERTIFIED SEED FUND 0787**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	7.000	7.000
POSITIONS - FTE COUNT	0.740	0.740
Personal Services	\$555,828	\$566,359

**Division of Forest Protection Z232**

Initiative: Provides funding for new capital equipment.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$127,000	\$87,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$127,000</b>	<b>\$87,000</b>

**Division of Forest Protection Z232**

Initiative: Provides funding for capital equipment replacements.

GENERAL FUND	2019-20	2020-21
Capital Expenditures	\$100,000	\$56,000
<b>GENERAL FUND TOTAL</b>	<b>\$100,000</b>	<b>\$56,000</b>

GENERAL FUND	2019-20	2020-21
All Other	\$79,327	\$82,599
<b>GENERAL FUND TOTAL</b>	<b>\$79,327</b>	<b>\$82,599</b>

**Division of Forest Protection Z232**

Initiative: Provides funding for capital improvements.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$100,000	\$100,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>

**Division of Forest Protection Z232**

Initiative: Establishes 3 seasonal full-time Student Intern positions and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - FTE COUNT	1.038	1.038
Personal Services	\$57,357	\$59,970
All Other	\$1,586	\$1,658
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$58,943</b>	<b>\$61,628</b>

**Division of Forest Protection Z232**

Initiative: Provides funding for the approved reclassification of one Laborer I position to a Maintenance Mechanic position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$3,359	\$926
<b>GENERAL FUND TOTAL</b>	<b>\$3,359</b>	<b>\$926</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$38,646	\$10,653
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$38,646</b>	<b>\$10,653</b>

**Division of Forest Protection Z232**

Initiative: Provides funding for increased fees from the Department of Public Safety for dispatch services.

**DIVISION OF FOREST PROTECTION Z232**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	76.000	76.000
POSITIONS - FTE COUNT	2.307	2.307
Personal Services	\$5,658,349	\$5,740,417
All Other	\$1,384,850	\$1,388,122
Capital Expenditures	\$100,000	\$56,000

<b>GENERAL FUND TOTAL</b>	<b>\$7,143,199</b>	<b>\$7,184,539</b>
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
POSITIONS - FTE COUNT	3.230	3.230
Personal Services	\$342,808	\$322,858
All Other	\$720,527	\$720,599

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,063,335</b>	<b>\$1,043,457</b>
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$226,154	\$226,154
Capital Expenditures	\$227,000	\$187,000

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$453,154</b>	<b>\$413,154</b>
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**Floodplain Management Z151**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
Personal Services	\$56,083	\$56,394
All Other	\$7,423	\$7,423

<b>GENERAL FUND TOTAL</b>	<b>\$63,506</b>	<b>\$63,817</b>
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	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$126,074	\$127,159
All Other	\$51,356	\$51,356

FEDERAL EXPENDITURES FUND TOTAL	\$177,430	\$178,515
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	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$500	\$500

OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500
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**Floodplain Management Z151**

Initiative: Transfers one Senior Planner position and one Planner II position and All Other funding from the Floodplain Management program to the existing Geological Survey program to create a new Geology and Resource Information program.

	2019-20	2020-21
<b>GENERAL FUND</b>		
Personal Services	(\$56,083)	(\$56,394)
All Other	(\$7,423)	(\$7,423)

GENERAL FUND TOTAL	(\$63,506)	(\$63,817)
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	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
POSITIONS - LEGISLATIVE COUNT	(2.000)	(2.000)
Personal Services	(\$126,074)	(\$127,159)
All Other	(\$51,356)	(\$51,356)

FEDERAL EXPENDITURES FUND TOTAL	(\$177,430)	(\$178,515)
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	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	(\$500)	(\$500)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$500)	(\$500)
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**FLOODPLAIN MANAGEMENT Z151 PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
Personal Services	\$0	\$0
All Other	\$0	\$0
<b>GENERAL FUND TOTAL</b>	\$0	\$0

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
POSITIONS - LEGISLATIVE COUNT	0.000	0.000
Personal Services	\$0	\$0
All Other	\$0	\$0

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0
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	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$0	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0
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**Forest Recreation Resource Fund Z354**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - FTE COUNT	1.058	1.058
Personal Services	\$77,664	\$78,964
All Other	\$3,352	\$3,352

OTHER SPECIAL REVENUE FUNDS TOTAL	\$81,016	\$82,316
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**Forest Recreation Resource Fund Z354**

Initiative: Transfers all positions and All Other funding from the Forest Recreation Resource Fund program, Other Special Revenue Funds to the Parks - General Operations program, Other Special Revenue Funds.

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - FTE COUNT	(1.058)	(1.058)
Personal Services	(\$77,664)	(\$78,964)

All Other	(\$3,352)	(\$3,352)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$81,016)	(\$82,316)

**FOREST RECREATION RESOURCE FUND Z354**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - FTE COUNT	0.000	0.000
Personal Services	\$0	\$0
All Other	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**Forest Resource Management Z233**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	33.000	33.000
POSITIONS - FTE COUNT	2.923	2.923
Personal Services	\$5,282,738	\$5,370,959
All Other	\$1,064,714	\$1,064,714
GENERAL FUND TOTAL	\$6,347,452	\$6,435,673

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
POSITIONS - FTE COUNT	8.597	8.597
Personal Services	\$1,024,387	\$1,043,822
All Other	\$881,491	\$881,491
FEDERAL EXPENDITURES FUND TOTAL	\$1,905,878	\$1,925,313

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$210,829	\$210,829
OTHER SPECIAL REVENUE FUNDS TOTAL	\$210,829	\$210,829

**Forest Resource Management Z233**

Initiative: Provides funding for the approved reclassification of one Office Assistant II position to an Office Associate II position effective August 2018.

GENERAL FUND	2019-20	2020-21
Personal Services	\$5,266	\$4,198
GENERAL FUND TOTAL	\$5,266	\$4,198

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$5,266	\$4,199
FEDERAL EXPENDITURES FUND TOTAL	\$5,266	\$4,199

**Forest Resource Management Z233**

Initiative: Provides ongoing funding for annual hosting and maintenance fees associated with a new information system for the Bureau of Forestry, formerly known as the forest operations notification system.

GENERAL FUND	2019-20	2020-21
All Other	\$100,000	\$100,000
GENERAL FUND TOTAL	\$100,000	\$100,000

**Forest Resource Management Z233**

Initiative: Provides funding for the approved reclassification of one Planning and Research Associate II position to a Senior Planner position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$11,657	\$7,360
GENERAL FUND TOTAL	\$11,657	\$7,360

**Forest Resource Management Z233**

Initiative: Provides funding for increased fees from the Department of Public Safety for dispatch services.

GENERAL FUND	2019-20	2020-21
All Other	\$32,400	\$33,737
GENERAL FUND TOTAL	\$32,400	\$33,737

**FOREST RESOURCE MANAGEMENT Z233**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
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**FIRST REGULAR SESSION - 2019**

**PUBLIC LAW, C. 343**

POSITIONS - LEGISLATIVE COUNT	33.000	33.000
POSITIONS - FTE COUNT	2.923	2.923
Personal Services	\$5,299,661	\$5,382,517
All Other	\$1,197,114	\$1,198,451
<b>GENERAL FUND TOTAL</b>	<b>\$6,496,775</b>	<b>\$6,580,968</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
POSITIONS - FTE COUNT	8.597	8.597
Personal Services	\$1,029,653	\$1,048,021
All Other	\$881,491	\$881,491
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,911,144</b>	<b>\$1,929,512</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$210,829	\$210,829
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$210,829</b>	<b>\$210,829</b>

**Geological Survey Z237**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$865,583	\$879,480
All Other	\$29,156	\$29,156
<b>GENERAL FUND TOTAL</b>	<b>\$894,739</b>	<b>\$908,636</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$158,769	\$160,795
All Other	\$168,286	\$168,286
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$327,055</b>	<b>\$329,081</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$114,800	\$116,373
All Other	\$88,720	\$88,720
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$203,520</b>	<b>\$205,093</b>

**Geological Survey Z237**

Initiative: Transfers one Senior Planner position and one Planner II position and All Other funding from the Floodplain Management program to the existing Geological Survey program to create a new Geology and Resource Information program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$56,083	\$56,394
All Other	\$7,423	\$7,423
<b>GENERAL FUND TOTAL</b>	<b>\$63,506</b>	<b>\$63,817</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$126,074	\$127,159
All Other	\$51,356	\$51,356
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$177,430</b>	<b>\$178,515</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Geological Survey Z237**

Initiative: Transfers one Senior Planner position and All Other funding from the Municipal Planning Assistance program to the existing Geological Survey program to create a new Geology and Resource Information program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$159,549	\$159,549
<b>GENERAL FUND TOTAL</b>	<b>\$159,549</b>	<b>\$159,549</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$98,594	\$99,604
All Other	\$427,978	\$427,978
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$526,572</b>	<b>\$527,582</b>

**Geological Survey Z237**

Initiative: Provides funding for the approved reclassification of one GIS Coordinator position to a Senior Geologist position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$816	\$458
<b>GENERAL FUND TOTAL</b>	<b>\$816</b>	<b>\$458</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$883	\$495
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$883</b>	<b>\$495</b>

**GEOLOGICAL SURVEY Z237 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9,000	9,000
Personal Services	\$922,482	\$936,332
All Other	\$196,128	\$196,128
<b>GENERAL FUND TOTAL</b>	<b>\$1,118,610</b>	<b>\$1,132,460</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4,000	4,000
Personal Services	\$384,320	\$388,053
All Other	\$647,620	\$647,620
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,031,940</b>	<b>\$1,035,673</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21

POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$114,800	\$116,373
All Other	\$89,220	\$89,220
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$204,020</b>	<b>\$205,593</b>

**Harness Racing Commission 0320**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5,000	5,000
POSITIONS - FTE COUNT	2,596	2,596
Personal Services	\$654,857	\$661,603
All Other	\$11,829,760	\$11,829,760
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,484,617</b>	<b>\$12,491,363</b>

**Harness Racing Commission 0320**

Initiative: Reallocates the cost of one Veterinarian position from 85% in the Harness Racing Commission program and 15% in the Animal Welfare Fund program to 100% in the Harness Racing Commission program to align position funding with functions.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$16,652	\$16,785
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$16,652</b>	<b>\$16,785</b>

**Harness Racing Commission 0320**

Initiative: Adjusts funding to the level approved by the State Harness Racing Commission on May 7, 2018.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$1,056,630)	(\$1,048,029)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$1,056,630)</b>	<b>(\$1,048,029)</b>

**Harness Racing Commission 0320**

Initiative: Reduces funding to bring allocation in line with available resources as projected in the December 2018 report of the Revenue Forecasting Committee.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$90,840)	(\$92,189)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$90,840)</b>	<b>(\$92,189)</b>

**HARNESS RACING COMMISSION 0320  
PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
POSITIONS - FTE COUNT	2.596	2.596
Personal Services	\$671,509	\$678,388
All Other	\$10,682,290	\$10,689,542
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$11,353,799</b>	<b>\$11,367,930</b>

**Land for Maine's Future Z162  
Initiative: BASELINE BUDGET**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$161,019	\$161,746
All Other	\$13,630	\$13,630
<b>GENERAL FUND TOTAL</b>	<b>\$174,649</b>	<b>\$175,376</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$94,014	\$94,790
All Other	\$9,549	\$9,549
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$103,563</b>	<b>\$104,339</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$47,560	\$47,560
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$47,560</b>	<b>\$47,560</b>

**LAND FOR MAINE'S FUTURE Z162  
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$161,019	\$161,746
All Other	\$13,630	\$13,630
<b>GENERAL FUND TOTAL</b>	<b>\$174,649</b>	<b>\$175,376</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$94,014	\$94,790
All Other	\$9,549	\$9,549
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$103,563</b>	<b>\$104,339</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$47,560	\$47,560
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$47,560</b>	<b>\$47,560</b>

**Land Management and Planning Z239  
Initiative: BASELINE BUDGET**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$37,557	\$37,557
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$37,557</b>	<b>\$37,557</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	38.000	38.000
POSITIONS - FTE COUNT	2.808	2.808
Personal Services	\$3,427,897	\$3,494,352
All Other	\$2,637,236	\$2,637,236
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$6,065,133</b>	<b>\$6,131,588</b>

**Land Management and Planning Z239**

Initiative: Provides funding for capital construction materials, capital improvements to bridges and roads through contract logging services and other improvements to recreational trails and sites used by the public.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$11,000,000	\$11,000,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$11,000,000</b>	<b>\$11,000,000</b>

**Land Management and Planning Z239**

Initiative: Provides funding for capital construction materials, capital improvements to bridges and roads and other improvements to recreational trails and sites used by the public.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$400,000	\$400,000
Capital Expenditures	\$2,500,000	\$3,000,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,900,000</b>	<b>\$3,400,000</b>

**Land Management and Planning Z239**

Initiative: Provides funding to lease equipment.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$13,200	\$16,800
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$13,200</b>	<b>\$16,800</b>

**Land Management and Planning Z239**

Initiative: Provides one-time funding to replace a utility trailer.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$12,000	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,000</b>	<b>\$0</b>

**Land Management and Planning Z239**

Initiative: Transfers all positions and All Other funding from the Maine State Parks Development Fund program, Other Special Revenue Funds to the Parks -

General Operations program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$2)	(\$5)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$2)</b>	<b>(\$5)</b>

**Land Management and Planning Z239**

Initiative: Provides funding for the approved reclassification of one Outdoor Recreation Planner position to a Senior Planner position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$9,084	\$2,963
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$9,084</b>	<b>\$2,963</b>

**Land Management and Planning Z239**

Initiative: Provides funding for the approved reclassification of one Planning and Research Associate I position to a Planning and Research Associate II position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$16,609	\$6,958
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$16,609</b>	<b>\$6,958</b>

**Land Management and Planning Z239**

Initiative: Provides funding for the approved reclassification of one Planning and Research Associate II position to a Senior Planner position and related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$13,556	\$3,681
All Other	\$140	\$140
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$13,696</b>	<b>\$3,821</b>

**Land Management and Planning Z239**

Initiative: Adjusts funding for the approved reclassification of one Secretary position to an Office Associate II position effective January 2018.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$1,232)	(\$1,801)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$1,232)</b>	<b>(\$1,801)</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$137,172	\$143,293
All Other	\$672,938	\$672,938
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$810,110</b>	<b>\$816,231</b>

**LAND MANAGEMENT AND PLANNING Z239 PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$37,557	\$37,557
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$37,557</b>	<b>\$37,557</b>

**Maine Conservation Corps Z149**

Initiative: Transfers and reallocates one Office Associate II position from 100% Federal Expenditures Fund to 10% Federal Expenditures Fund and 90% Other Special Revenue Funds within the same program and provides funding for related All Other costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	38.000	38.000
POSITIONS - FTE COUNT	2.808	2.808
Personal Services	\$3,465,912	\$3,506,148
All Other	\$3,050,576	\$3,054,176
Capital Expenditures	\$13,512,000	\$14,000,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$20,028,488</b>	<b>\$20,560,324</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$59,572)	(\$60,148)
All Other	\$339,066	\$338,797
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$279,494</b>	<b>\$278,649</b>

**Maine Conservation Corps Z149**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$82,961	\$86,354
All Other	\$3,096	\$3,096
<b>GENERAL FUND TOTAL</b>	<b>\$86,057</b>	<b>\$89,450</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$59,572	\$60,148
All Other	\$2,260	\$2,283
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$61,832</b>	<b>\$62,431</b>

**MAINE CONSERVATION CORPS Z149**

**PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$71,111	\$71,953
All Other	\$392,412	\$392,412
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$463,523</b>	<b>\$464,365</b>

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$82,961	\$86,354
All Other	\$3,096	\$3,096
<b>GENERAL FUND TOTAL</b>	<b>\$86,057</b>	<b>\$89,450</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>

POSITIONS - LEGISLATIVE COUNT	0.000	0.000
Personal Services	\$11,539	\$11,805
All Other	\$731,478	\$731,209
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$743,017</b>	<b>\$743,014</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$196,744	\$203,441
All Other	\$675,198	\$675,221
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$871,942</b>	<b>\$878,662</b>

**Maine Farms for the Future Program 0925**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$142,589	\$142,589
<b>GENERAL FUND TOTAL</b>	<b>\$142,589</b>	<b>\$142,589</b>

**MAINE FARMS FOR THE FUTURE PROGRAM 0925**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$142,589	\$142,589
<b>GENERAL FUND TOTAL</b>	<b>\$142,589</b>	<b>\$142,589</b>

**Maine Land Use Planning Commission Z236**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	21.000	21.000
Personal Services	\$1,878,233	\$1,916,243
All Other	\$132,994	\$132,994
<b>GENERAL FUND TOTAL</b>	<b>\$2,011,227</b>	<b>\$2,049,237</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$2,310	\$2,310
All Other	\$108,178	\$108,178

OTHER SPECIAL REVENUE FUNDS TOTAL	\$110,488	\$110,488
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**MAINE LAND USE PLANNING COMMISSION Z236**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	21.000	21.000
Personal Services	\$1,878,233	\$1,916,243
All Other	\$132,994	\$132,994
<b>GENERAL FUND TOTAL</b>	<b>\$2,011,227</b>	<b>\$2,049,237</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$2,310	\$2,310
All Other	\$108,178	\$108,178

OTHER SPECIAL REVENUE FUNDS TOTAL	\$110,488	\$110,488
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**Maine State Parks Development Fund Z342**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
POSITIONS - FTE COUNT	4.019	4.019
Personal Services	\$366,581	\$376,489
All Other	\$901,982	\$901,982

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,268,563	\$1,278,471
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**Maine State Parks Development Fund Z342**

Initiative: Provides funding for maintenance of infrastructure and capital improvements.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$200,000	\$200,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$200,000	\$200,000
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**Maine State Parks Development Fund Z342**

Initiative: Transfers all positions and All Other funding from the Maine State Parks Development Fund program, Other Special Revenue Funds to the Parks - General Operations program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(2.000)	(2.000)
POSITIONS - FTE COUNT	(4.019)	(4.019)
Personal Services	(\$370,647)	(\$377,591)
All Other	(\$902,024)	(\$902,024)
Capital Expenditures	(\$200,000)	(\$200,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$1,472,671)</b>	<b>(\$1,479,615)</b>

**Maine State Parks Development Fund Z342**

Initiative: Provides funding for the approved reclassification of one Planning and Research Associate II position to a Senior Planner position and related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$4,066	\$1,102
All Other	\$42	\$42
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,108</b>	<b>\$1,144</b>

**MAINE STATE PARKS DEVELOPMENT FUND Z342**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	0.000
POSITIONS - FTE COUNT	0.000	0.000
Personal Services	\$0	\$0
All Other	\$0	\$0
Capital Expenditures	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Maine State Parks Program Z746**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$754,932	\$754,932
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$754,932</b>	<b>\$754,932</b>

**Maine State Parks Program Z746**

Initiative: Provides funding for maintenance of infrastructure and capital improvements.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$200,000	\$200,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$200,000</b>	<b>\$200,000</b>

**Maine State Parks Program Z746**

Initiative: Transfers All Other funding from the Maine State Parks Program, Other Special Revenue Funds to the Parks - General Operations program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$754,932)	(\$754,932)
Capital Expenditures	(\$200,000)	(\$200,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$954,932)</b>	<b>(\$954,932)</b>

**MAINE STATE PARKS PROGRAM Z746 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$0
Capital Expenditures	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Milk Commission 0188**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$202,370	\$203,998
All Other	\$12,447,519	\$12,447,519

OTHER SPECIAL REVENUE FUNDS TOTAL	\$12,649,889	\$12,651,517
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**MILK COMMISSION 0188  
PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$202,370	\$203,998
All Other	\$12,447,519	\$12,447,519

OTHER SPECIAL REVENUE FUNDS TOTAL	\$12,649,889	\$12,651,517
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**Municipal Planning Assistance Z161**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$159,549	\$159,549
<b>GENERAL FUND TOTAL</b>	<b>\$159,549</b>	<b>\$159,549</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$98,594	\$99,604
All Other	\$427,978	\$427,978
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$526,572</b>	<b>\$527,582</b>

**Municipal Planning Assistance Z161**

Initiative: Transfers one Senior Planner position and All Other funding from the Municipal Planning Assistance program to the existing Geological Survey program to create a new Geology and Resource Information program.

GENERAL FUND	2019-20	2020-21
All Other	(\$159,549)	(\$159,549)
<b>GENERAL FUND TOTAL</b>	<b>(\$159,549)</b>	<b>(\$159,549)</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)

Personal Services	(\$98,594)	(\$99,604)
All Other	(\$427,978)	(\$427,978)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$526,572)</b>	<b>(\$527,582)</b>

**MUNICIPAL PLANNING ASSISTANCE Z161  
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	0.000
Personal Services	\$0	\$0
All Other	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Natural Areas Program Z821**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$115,917	\$116,407
All Other	\$16,242	\$16,242
<b>GENERAL FUND TOTAL</b>	<b>\$132,159</b>	<b>\$132,649</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$213,814	\$216,382
All Other	\$138,893	\$138,893
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$352,707</b>	<b>\$355,275</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$343,995	\$349,759
All Other	\$206,977	\$206,977

OTHER SPECIAL	\$550,972	\$556,736
REVENUE FUNDS TOTAL		

**Natural Areas Program Z821**

Initiative: Transfers and reallocates one Biologist I position from 75% Other Special Revenue Funds and 25% Federal Expenditures Fund to 100% General Fund within the same program.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$80,310	\$83,802

GENERAL FUND TOTAL	\$80,310	\$83,802
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	(\$20,386)	(\$21,263)

FEDERAL EXPENDITURES FUND TOTAL	(\$20,386)	(\$21,263)
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$59,924)	(\$62,539)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$59,924)	(\$62,539)
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**NATURAL AREAS PROGRAM Z821 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$196,227	\$200,209
All Other	\$16,242	\$16,242

GENERAL FUND TOTAL	\$212,469	\$216,451
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$193,428	\$195,119
All Other	\$138,893	\$138,893

FEDERAL EXPENDITURES FUND TOTAL	\$332,321	\$334,012
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$284,071	\$287,220
All Other	\$206,977	\$206,977

OTHER SPECIAL REVENUE FUNDS TOTAL	\$491,048	\$494,197
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**Office of the Commissioner 0401**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$634,690	\$641,640
All Other	\$2,745,123	\$2,745,123

GENERAL FUND TOTAL	\$3,379,813	\$3,386,763
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$1,040,990	\$1,065,282
All Other	\$1,779,617	\$1,779,617

OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,820,607	\$2,844,899
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**Office of the Commissioner 0401**

Initiative: Reallocates one Director, Bureau of Agriculture, Food and Rural Resources position from 62.51% Bureau of Agriculture program, General Fund, 4.92% Office of the Commissioner program, General Fund and 32.57% Office of the Commissioner program, Other Special Revenue Funds to 100% Bureau of Agriculture program, General Fund, transfers All Other to Personal Services and deappropriates Personal Services to fund the reallocation.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$8,612)	(\$8,753)

GENERAL FUND TOTAL	(\$8,612)	(\$8,753)
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$57,016)	(\$57,937)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$57,016)</b>	<b>(\$57,937)</b>

**Office of the Commissioner 0401**

Initiative: Provides funding for the department's proportionate share of the cost of the natural resources service center, within the Department of Administrative and Financial Services.

GENERAL FUND	2019-20	2020-21
All Other	\$52,950	\$89,314
<b>GENERAL FUND TOTAL</b>	<b>\$52,950</b>	<b>\$89,314</b>

**OFFICE OF THE COMMISSIONER 0401 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$626,078	\$632,887
All Other	\$2,798,073	\$2,834,437
<b>GENERAL FUND TOTAL</b>	<b>\$3,424,151</b>	<b>\$3,467,324</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$983,974	\$1,007,345
All Other	\$1,779,617	\$1,779,617
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,763,591</b>	<b>\$2,786,962</b>

**Off-Road Recreational Vehicles Program Z224**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	7.500	7.500
POSITIONS - FTE COUNT	3.155	3.155
Personal Services	\$772,087	\$783,544
All Other	\$5,703,686	\$5,703,686

OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,475,773	\$6,487,230
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**Off-Road Recreational Vehicles Program Z224**

Initiative: Transfers all positions, All Other and Capital Expenditures funding from the Boating Facilities Fund program, Other Special Revenue Funds to the Off-Road Recreational Vehicles Program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
POSITIONS - FTE COUNT	2.577	2.577
Personal Services	\$926,417	\$946,301
All Other	\$605,408	\$605,408
Capital Expenditures	\$595,000	\$595,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,126,825	\$2,146,709
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**OFF-ROAD RECREATIONAL VEHICLES PROGRAM Z224 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16.500	16.500
POSITIONS - FTE COUNT	5.732	5.732
Personal Services	\$1,698,504	\$1,729,845
All Other	\$6,309,094	\$6,309,094
Capital Expenditures	\$595,000	\$595,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$8,602,598	\$8,633,939
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**Parks - General Operations Z221**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	43.000	43.000
POSITIONS - FTE COUNT	72.851	72.851
Personal Services	\$7,463,114	\$7,637,979
All Other	\$952,445	\$952,445

GENERAL FUND TOTAL	\$8,415,559	\$8,590,424
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$89,662	\$90,402
All Other	\$1,772,989	\$1,772,989
FEDERAL EXPENDITURES FUND TOTAL	\$1,862,651	\$1,863,391
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - FTE COUNT	0.923	0.923
Personal Services	\$58,078	\$60,219
All Other	\$509,208	\$509,208
OTHER SPECIAL REVENUE FUNDS TOTAL	\$567,286	\$569,427

**Parks - General Operations Z221**

Initiative: Provides funding for capital improvements to ensure roads, bridges, dams and buildings are safe for staff and public recreation in the Allagash Wilderness Waterway.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$100,000	\$100,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$100,000	\$100,000

**Parks - General Operations Z221**

Initiative: Provides funding for maintenance of infrastructure and capital improvements.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$30,000	\$30,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$30,000	\$30,000

**Parks - General Operations Z221**

Initiative: Provides funding for improvements at state parks from increased revenues generated by the sale of merchandise with park logos and rental of recreational equipment and from the sale of firewood and ice.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$75,000	\$75,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$75,000	\$75,000

**Parks - General Operations Z221**

Initiative: Transfers all positions and All Other funding from the Maine State Parks Development Fund program, Other Special Revenue Funds to the Parks - General Operations program, Other Special Revenue Funds.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
POSITIONS - FTE COUNT	4.019	4.019
Personal Services	\$370,649	\$377,596
All Other	\$902,024	\$902,024
Capital Expenditures	\$200,000	\$200,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,472,673	\$1,479,620
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**Parks - General Operations Z221**

Initiative: Transfers All Other funding from the Maine State Parks program, Other Special Revenue Funds to the Parks - General Operations program, Other Special Revenue Funds.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$754,932	\$754,932
Capital Expenditures	\$200,000	\$200,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$954,932	\$954,932
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**Parks - General Operations Z221**

Initiative: Transfers all positions and All Other funding from multiple Other Special Revenue Funds accounts within the Parks - General Operations program and All Other funding from the Mackworth account within the Submerged Lands and Coastal Registry program, Other Special Revenue Funds to the Vaughan Woods State Park account, Other Special Revenue Funds within the Parks - General Operations program and renames the account the Parks and Lands Trusts account.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - FTE COUNT	0.000	0.000
Personal Services	\$0	\$0
All Other	\$4,055	\$4,055
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,055</b>	<b>\$4,055</b>

**Parks - General Operations Z221**

Initiative: Transfers all positions and All Other funding from the Forest Recreation Resource Fund program, Other Special Revenue Funds to the Parks - General Operations program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - FTE COUNT	1.058	1.058
Personal Services	\$77,664	\$78,964
All Other	\$3,352	\$3,352
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$81,016</b>	<b>\$82,316</b>

**Parks - General Operations Z221**

Initiative: Provides funding for the approved reclassification of one Outdoor Recreation Planner position to a Senior Planner position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$3,030	\$990
<b>GENERAL FUND TOTAL</b>	<b>\$3,030</b>	<b>\$990</b>

**Parks - General Operations Z221**

Initiative: Provides funding for the approved reclassification of one Planning and Research Associate I position to a Planning and Research Associate II position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$5,539	\$2,321
<b>GENERAL FUND TOTAL</b>	<b>\$5,539</b>	<b>\$2,321</b>

**Parks - General Operations Z221**

Initiative: Provides funding for the approved reclassification of one Planning and Research Associate II

position to a Senior Planner position and related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	\$9,489	\$2,577
<b>GENERAL FUND TOTAL</b>	<b>\$9,489</b>	<b>\$2,577</b>

**Parks - General Operations Z221**

Initiative: Adjusts funding for the approved reclassification of one Secretary position to an Office Associate II position effective January 2018.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$452)	(\$654)
<b>GENERAL FUND TOTAL</b>	<b>(\$452)</b>	<b>(\$654)</b>

**PARKS - GENERAL OPERATIONS Z221 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	43.000	43.000
POSITIONS - FTE COUNT	72.851	72.851
Personal Services	\$7,480,720	\$7,643,213
All Other	\$952,445	\$952,445
<b>GENERAL FUND TOTAL</b>	<b>\$8,433,165</b>	<b>\$8,595,658</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$89,662	\$90,402
All Other	\$1,772,989	\$1,772,989
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,862,651</b>	<b>\$1,863,391</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
POSITIONS - FTE COUNT	6.000	6.000
Personal Services	\$506,391	\$516,779
All Other	\$2,173,571	\$2,173,571

Capital Expenditures	\$605,000	\$605,000
OTHER SPECIAL	\$3,284,962	\$3,295,350
REVENUE FUNDS TOTAL		

**Pesticides Control - Board of 0287**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
POSITIONS - FTE COUNT	2.018	2.018
Personal Services	\$249,321	\$257,097
All Other	\$211,630	\$211,630

FEDERAL EXPENDITURES FUND TOTAL	\$460,951	\$468,727
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	13.000	13.000
POSITIONS - FTE COUNT	1.893	1.893
Personal Services	\$1,335,198	\$1,362,904
All Other	\$438,576	\$438,576

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,773,774	\$1,801,480
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**Pesticides Control - Board of 0287**

Initiative: Reorganizes one vacant Egg/Poultry Processing Inspector position to an Environmental Specialist III position and transfers the position from the Bureau of Agriculture program, Federal Expenditures Fund to the Pesticides Control - Board of program, Other Special Revenue Funds. Also provides funding to increase the hours of the position from 52 hours biweekly to 80 hours biweekly.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$79,700	\$83,482

OTHER SPECIAL REVENUE FUNDS TOTAL	\$79,700	\$83,482
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**PESTICIDES CONTROL - BOARD OF 0287**

**PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
POSITIONS - FTE COUNT	2.018	2.018
Personal Services	\$249,321	\$257,097
All Other	\$211,630	\$211,630

FEDERAL EXPENDITURES FUND TOTAL	\$460,951	\$468,727
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	14.000	14.000
POSITIONS - FTE COUNT	1.893	1.893
Personal Services	\$1,414,898	\$1,446,386
All Other	\$438,576	\$438,576

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,853,474	\$1,884,962
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**Submerged Lands and Island Registry Z241**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$265,789	\$270,413
All Other	\$317,808	\$317,808

OTHER SPECIAL REVENUE FUNDS TOTAL	\$583,597	\$588,221
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**Submerged Lands and Island Registry Z241**

Initiative: Provides funding for grant expenditures.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$400,000	\$400,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$400,000	\$400,000
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**Submerged Lands and Island Registry Z241**

Initiative: Transfers all positions and All Other funding from multiple Other Special Revenue Funds accounts within the Parks - General Operations program and All Other funding from the Mackworth account within the Submerged Lands and Coastal Registry program, Other Special Revenue Funds to the Vaughan Woods State Park account, Other Special Revenue Funds within the Parks - General Operations program and renames the account the Parks and Lands Trusts account.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$4,055)	(\$4,055)
	(\$4,055)	(\$4,055)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$4,055)	(\$4,055)

**Submerged Lands and Island Registry Z241**

Initiative: Adjusts funding for the approved reclassification of one Secretary position to an Office Associate II position effective January 2018.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$559)	(\$820)
	(\$559)	(\$820)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$559)	(\$820)

**SUBMERGED LANDS AND ISLAND REGISTRY Z241**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$265,230	\$269,593
All Other	\$713,753	\$713,753
	\$978,983	\$983,346
OTHER SPECIAL REVENUE FUNDS TOTAL	\$978,983	\$983,346

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$35,063,808	\$35,531,775
FEDERAL EXPENDITURES FUND	\$11,388,426	\$11,429,168

OTHER SPECIAL REVENUE FUNDS	\$70,187,015	\$70,897,850
FEDERAL BLOCK GRANT FUND	\$600,000	\$600,000
	\$117,239,249	\$118,458,793
DEPARTMENT TOTAL - ALL FUNDS	\$117,239,249	\$118,458,793

**Sec. A-3. Appropriations and allocations.**

The following appropriations and allocations are made.

**ARTS COMMISSION, MAINE**

**Arts - Administration 0178**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$627,419	\$637,304
All Other	\$337,583	\$337,583
	\$965,002	\$974,887
GENERAL FUND TOTAL	\$965,002	\$974,887

**Arts - Administration 0178**

Initiative: Provides funding for the approved reorganization of one vacant Arts and Humanities Associate position to a Public Service Coordinator I position and transfers All Other to Personal Services to fund the reorganization.

GENERAL FUND	2019-20	2020-21
Personal Services	\$17,364	\$18,342
All Other	(\$17,364)	(\$18,342)
	\$0	\$0
GENERAL FUND TOTAL	\$0	\$0

**Arts - Administration 0178**

Initiative: Provides funding for the approved reclassification of one Arts and Humanities Associate position to a Public Service Coordinator I position effective April 26, 2017.

GENERAL FUND	2019-20	2020-21
Personal Services	\$41,220	\$10,813
	\$41,220	\$10,813
GENERAL FUND TOTAL	\$41,220	\$10,813

**ARTS - ADMINISTRATION 0178**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$686,003	\$666,459
All Other	\$320,219	\$319,241
<b>GENERAL FUND TOTAL</b>	<b>\$1,006,222</b>	<b>\$985,700</b>

**Arts - General Grants Program 0177**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$357,051	\$357,051
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$357,051</b>	<b>\$357,051</b>

**ARTS - GENERAL GRANTS PROGRAM 0177**

**PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$357,051	\$357,051
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$357,051</b>	<b>\$357,051</b>

**Arts - Sponsored Program 0176**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$368,378	\$372,390
All Other	\$297,181	\$297,181
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$665,559</b>	<b>\$669,571</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$102,168	\$102,168
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$102,168</b>	<b>\$102,168</b>

**Arts - Sponsored Program 0176**

Initiative: Provides funding in the Arts - Sponsored Program, Federal Expenditures Fund to align expendi-

tures with available resources from existing federal grants.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$461,819	\$461,819
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$461,819</b>	<b>\$461,819</b>

**ARTS - SPONSORED PROGRAM 0176 PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$368,378	\$372,390
All Other	\$759,000	\$759,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,127,378</b>	<b>\$1,131,390</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$102,168	\$102,168
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$102,168</b>	<b>\$102,168</b>

<b>ARTS COMMISSION, MAINE DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$1,006,222</b>	<b>\$985,700</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$1,484,429</b>	<b>\$1,488,441</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$102,168</b>	<b>\$102,168</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$2,592,819</b>	<b>\$2,576,309</b>

**Sec. A-4. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ATTORNEY GENERAL, DEPARTMENT OF THE**

**Administration - Attorney General 0310**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	60,000	60,000
Personal Services	\$7,067,343	\$7,327,866
All Other	\$685,581	\$685,581
<b>GENERAL FUND TOTAL</b>	<b>\$7,752,924</b>	<b>\$8,013,447</b>

POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$102,169	\$106,935
All Other	\$13,273	\$11,368
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$115,442</b>	<b>\$118,303</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	10,000	10,000
Personal Services	\$1,085,683	\$1,123,780
All Other	\$259,403	\$259,403
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,345,086</b>	<b>\$1,383,183</b>

**Administration - Attorney General 0310**  
 Initiative: Establishes one Secretary Legal position dedicated to the consumer protection division and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$64,143	\$67,356
All Other	\$7,108	\$5,667

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	46,500	46,500
Personal Services	\$6,687,634	\$6,964,200
All Other	\$659,047	\$659,047
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$7,346,681</b>	<b>\$7,623,247</b>

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$71,251</b>	<b>\$73,023</b>
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**Administration - Attorney General 0310**

Initiative: Establishes one Attorney General Detective position to investigate major cases of elder financial exploitation and provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$111,386	\$115,782
All Other	\$14,395	\$12,395
<b>GENERAL FUND TOTAL</b>	<b>\$125,781</b>	<b>\$128,177</b>

**Administration - Attorney General 0310**

Initiative: Provides funding to increase the hours of one Research Assistant MSEA-B position from 30 hours to 80 hours biweekly and transfers the position from the General Fund to Other Special Revenue Funds within the same program.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
Personal Services	(\$35,125)	(\$36,744)
All Other	(\$1,870)	(\$1,870)
<b>GENERAL FUND TOTAL</b>	<b>(\$36,995)</b>	<b>(\$38,614)</b>

**Administration - Attorney General 0310**

Initiative: Establishes one Research Assistant MSEA-B position dedicated to the consumer protection division and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$93,196	\$97,520
All Other	\$6,243	\$6,391

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$99,439</b>	<b>\$103,911</b>
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**Administration - Attorney General 0310**

Initiative: Establishes one Assistant Attorney General position dedicated to the litigation division and provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$106,366	\$111,237
All Other	\$6,446	\$4,446
<b>GENERAL FUND TOTAL</b>	<b>\$112,812</b>	<b>\$115,683</b>

**Administration - Attorney General 0310**

Initiative: Establishes one Assistant Attorney General position dedicated to the professional and financial regulation division and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$106,366	\$111,237
All Other	\$10,314	\$8,413
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$116,680</b>	<b>\$119,650</b>

**Administration - Attorney General 0310**

Initiative: Establishes one Assistant Attorney General position in the Criminal Division and provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$106,366	\$111,237
All Other	\$6,766	\$4,766
<b>GENERAL FUND TOTAL</b>	<b>\$113,132</b>	<b>\$116,003</b>

**Administration - Attorney General 0310**

Initiative: Provides funding for the proposed reorganization of one Secretary Associate Legal position to a Research Assistant MSEA-B position dedicated to the litigation division.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$2,448	\$5,322

All Other	\$84	\$183
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,532</b>	<b>\$5,505</b>

**Administration - Attorney General 0310**

Initiative: Provides funding to update and build out the Office of the Attorney General's disaster recovery system as well as to upgrade data storage devices.

GENERAL FUND	2019-20	2020-21
All Other	\$28,611	\$40,238
Capital Expenditures	\$43,563	\$36,958
<b>GENERAL FUND TOTAL</b>	<b>\$72,174</b>	<b>\$77,196</b>

**Administration - Attorney General 0310**

Initiative: Provides funding for a case management system for the Criminal Division.

GENERAL FUND	2019-20	2020-21
All Other	\$113,737	\$54,537
<b>GENERAL FUND TOTAL</b>	<b>\$113,737</b>	<b>\$54,537</b>

**Administration - Attorney General 0310**

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology costs related to rate increases, computer replacements and other information technology needs.

GENERAL FUND	2019-20	2020-21
All Other	(\$35,679)	\$20,894
<b>GENERAL FUND TOTAL</b>	<b>(\$35,679)</b>	<b>\$20,894</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$11,206	\$11,333
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$11,206</b>	<b>\$11,333</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$37,326	\$39,357
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$37,326</b>	<b>\$39,357</b>

**Administration - Attorney General 0310**

Initiative: Provides funding for the approved reorganization of one Secretary Associate Legal position to a Research Assistant MSEA-B position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$2,914	\$3,126
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,914</b>	<b>\$3,126</b>

**Administration - Attorney General 0310**

Initiative: Provides funding for the approved reorganization of one Secretary Associate Legal position to a Research Assistant MSEA-B position dedicated to the Criminal Division and for related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	\$1,877	\$2,944
<b>GENERAL FUND TOTAL</b>	<b>\$1,877</b>	<b>\$2,944</b>

**Administration - Attorney General 0310**

Initiative: Transfers one Assistant Attorney General position and related All Other costs from the Human Services Division program to the Administration - Attorney General program within the same fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$106,366	\$111,237
All Other	\$7,580	\$7,736
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$113,946</b>	<b>\$118,973</b>

**Administration - Attorney General 0310**

Initiative: Provides funding to increase the hours of one Research Assistant position from 48 hours to 80 hours biweekly and reallocates the costs from 100% General Fund to 55% General Fund and 45% Other Special Revenue Funds within the same program and provides related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$3,083)	(\$3,213)
<b>GENERAL FUND TOTAL</b>	<b>(\$3,083)</b>	<b>(\$3,213)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$26,752	\$27,924
All Other	\$917	\$958
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$27,669</b>	<b>\$28,882</b>

**ADMINISTRATION - ATTORNEY GENERAL 0310**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	62.500	62.500
Personal Services	\$7,355,130	\$7,629,109
All Other	\$817,987	\$820,987
Capital Expenditures	\$43,563	\$36,958
<b>GENERAL FUND TOTAL</b>	<b>\$8,216,680</b>	<b>\$8,487,054</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$1,085,683	\$1,123,780
All Other	\$270,609	\$270,736
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,356,292</b>	<b>\$1,394,516</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	51.500	51.500
Personal Services	\$7,191,988	\$7,494,857
All Other	\$741,892	\$739,120
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$7,933,880</b>	<b>\$8,233,977</b>

**Chief Medical Examiner - Office of 0412**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,644,473	\$1,703,025

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All Other	\$815,461	\$815,461
<b>GENERAL FUND TOTAL</b>	<b>\$2,459,934</b>	<b>\$2,518,486</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$36,392	\$38,101
All Other	\$189,803	\$189,803
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$226,195</b>	<b>\$227,904</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$64,893	\$64,893
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$64,893</b>	<b>\$64,893</b>

**Chief Medical Examiner - Office of 0412**

Initiative: Provides funding to increase the hours of one Research Assistant MSEA-B position from 40 hours biweekly to 80 hours biweekly and for related All Other costs.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$25,851	\$26,995
All Other	\$82,749	\$79,896
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$108,600</b>	<b>\$106,891</b>

**Chief Medical Examiner - Office of 0412**

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology costs related to rate increases, computer replacements and other information technology needs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$7,365)	(\$1,365)
<b>GENERAL FUND TOTAL</b>	<b>(\$7,365)</b>	<b>(\$1,365)</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>

All Other	\$8,097	\$8,097
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$8,097</b>	<b>\$8,097</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$45,110	\$45,110
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$45,110</b>	<b>\$45,110</b>

**Chief Medical Examiner - Office of 0412**

Initiative: Provides funding for the reorganization of 2 Medicolegal Death Investigator I positions to 2 Medicolegal Death Investigator II positions.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$27,209	\$27,535
<b>GENERAL FUND TOTAL</b>	<b>\$27,209</b>	<b>\$27,535</b>

**Chief Medical Examiner - Office of 0412**

Initiative: Provides funding to bring allocation in line with current revenue projections.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$75,000	\$75,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$75,000</b>	<b>\$75,000</b>

**CHIEF MEDICAL EXAMINER - OFFICE OF 0412**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,671,682	\$1,730,560
All Other	\$808,096	\$814,096
<b>GENERAL FUND TOTAL</b>	<b>\$2,479,778</b>	<b>\$2,544,656</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$62,243	\$65,096

All Other	\$280,649	\$277,796
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$342,892</b>	<b>\$342,892</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$185,003	\$185,003
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$185,003</b>	<b>\$185,003</b>

**Civil Rights 0039**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$175,160	\$183,081
All Other	\$95,922	\$95,922
<b>GENERAL FUND TOTAL</b>	<b>\$271,082</b>	<b>\$279,003</b>

**Civil Rights 0039**

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology costs related to rate increases, computer replacements and other information technology needs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$1,251)	\$749
<b>GENERAL FUND TOTAL</b>	<b>(\$1,251)</b>	<b>\$749</b>

**Civil Rights 0039**

Initiative: Provides funding for the approved reclassification of one Research Assistant MSEA-B position to one Research Assistant MSEA-D position including retroactive pay to February 28, 2018.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$2,158	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$2,158</b>	<b>\$0</b>

**CIVIL RIGHTS 0039 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000

Personal Services	\$177,318	\$183,081
All Other	\$94,671	\$96,671
<b>GENERAL FUND TOTAL</b>	<b>\$271,989</b>	<b>\$279,752</b>

**District Attorneys Salaries 0409**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	97.500	97.500
Personal Services	\$12,623,104	\$13,597,054
<b>GENERAL FUND TOTAL</b>	<b>\$12,623,104</b>	<b>\$13,597,054</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$646,905	\$699,575
All Other	\$55,205	\$55,205
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$702,110</b>	<b>\$754,780</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.500	1.500
Personal Services	\$136,380	\$147,756
All Other	\$11,157	\$11,157
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$147,537</b>	<b>\$158,913</b>

**District Attorneys Salaries 0409**

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology costs related to rate increases, computer replacements and other information technology needs.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$13,722)	(\$13,722)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$13,722)</b>	<b>(\$13,722)</b>

**DISTRICT ATTORNEYS SALARIES 0409 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	97.500	97.500
Personal Services	\$12,623,104	\$13,597,054
<b>GENERAL FUND TOTAL</b>	<b>\$12,623,104</b>	<b>\$13,597,054</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$646,905	\$699,575
All Other	\$41,483	\$41,483
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$688,388</b>	<b>\$741,058</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.500	1.500
Personal Services	\$136,380	\$147,756
All Other	\$11,157	\$11,157
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$147,537</b>	<b>\$158,913</b>

**FHM - Attorney General 0947**

Initiative: BASELINE BUDGET

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$140,826	\$147,220
All Other	\$19,628	\$19,628
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$160,454</b>	<b>\$166,848</b>

**FHM - Attorney General 0947**

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology costs related to rate increases, computer replacements and other information technology needs.

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
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All Other	\$1,232	\$1,232
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$1,232</b>	<b>\$1,232</b>

**FHM - ATTORNEY GENERAL 0947 PROGRAM SUMMARY**

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$140,826	\$147,220
All Other	\$20,860	\$20,860
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$161,686</b>	<b>\$168,080</b>

**Human Services Division 0696**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	75.500	75.500
Personal Services	\$8,640,215	\$9,003,835
All Other	\$1,334,157	\$1,334,157
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$9,974,372</b>	<b>\$10,337,992</b>

**Human Services Division 0696**

Initiative: Provides funding to increase the hours of one part-time Assistant Attorney General position from 40 hours to 80 hours biweekly and for related All ther costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$57,060	\$59,685
All Other	\$2,449	\$2,539
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$59,509</b>	<b>\$62,224</b>

**Human Services Division 0696**

Initiative: Establishes 2 Assistant Attorney General positions dedicated to the child protection division and provides funding for related All Other costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$212,732	\$222,474
All Other	\$20,629	\$16,826
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$233,361</b>	<b>\$239,300</b>

**Human Services Division 0696**

Initiative: Establishes 2 Secretary Associate Legal positions dedicated to the child protection, child support and health and human services divisions and provides funding for related All Other costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$137,852	\$144,544
All Other	\$14,544	\$11,672
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$152,396</b>	<b>\$156,216</b>

**Human Services Division 0696**

Initiative: Establishes one Research Assistant MSEAB position dedicated to the health and human services division and provides funding for related All Other costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$70,383	\$73,890
All Other	\$7,322	\$5,891
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$77,705</b>	<b>\$79,781</b>

**Human Services Division 0696**

Initiative: Provides funding for the approved reorganization of one Secretary Legal position to a Secretary Associate Legal position.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$239,242	\$247,832

Personal Services	\$6,022	\$6,005
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$6,022</b>	<b>\$6,005</b>

**Human Services Division 0696**

Initiative: Transfers one Assistant Attorney General position and related All Other costs from the Human Services Division program to the Administration - Attorney General program within the same fund.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$106,366)	(\$111,237)
All Other	(\$11,670)	(\$11,670)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$118,036)</b>	<b>(\$122,907)</b>

**HUMAN SERVICES DIVISION 0696**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	80.000	80.000
Personal Services	\$9,017,898	\$9,399,196
All Other	\$1,367,431	\$1,359,415
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$10,385,329</b>	<b>\$10,758,611</b>

**Victims' Compensation Board 0711**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$225,549	\$225,549
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$225,549</b>	<b>\$225,549</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$239,242	\$247,832

All Other	\$599,418	\$599,418
OTHER SPECIAL REVENUE FUNDS TOTAL	\$838,660	\$847,250

Personal Services	\$1,740,411	\$1,766,785
All Other	\$52,678	\$52,678
GENERAL FUND TOTAL	\$1,793,089	\$1,819,463

**VICTIMS' COMPENSATION BOARD 0711 PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$225,549	\$225,549
FEDERAL EXPENDITURES FUND TOTAL	\$225,549	\$225,549

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	20.000	20.000
Personal Services	\$2,033,427	\$2,080,367
All Other	\$254,197	\$254,197
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,287,624	\$2,334,564

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$239,242	\$247,832
All Other	\$599,418	\$599,418
OTHER SPECIAL REVENUE FUNDS TOTAL	\$838,660	\$847,250

**Audit Bureau 0067**

Initiative: Provides one-time funding for a peer review of the system of quality control that is required every 3 years.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$3,000	\$0
GENERAL FUND TOTAL	\$3,000	\$0

<b>ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	\$23,591,551	\$24,908,516
FEDERAL EXPENDITURES FUND	\$2,613,121	\$2,704,015
FUND FOR A HEALTHY MAINE	\$161,686	\$168,080
OTHER SPECIAL REVENUE FUNDS	\$19,490,409	\$20,183,754
DEPARTMENT TOTAL - ALL FUNDS	\$45,856,767	\$47,964,365

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$7,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$7,000	\$0

**Audit Bureau 0067**

Initiative: Provides funding for the cost of technology-related expenditures provided by the Department of Administrative and Financial Services, Office of Information Technology.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$17,691	\$15,166
GENERAL FUND TOTAL	\$17,691	\$15,166

**Sec. A-5. Appropriations and allocations.**  
The following appropriations and allocations are made.

**AUDITOR, OFFICE OF THE STATE**

**Audit Bureau 0067**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	15.000	15.000

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$24,326	\$20,633
OTHER SPECIAL REVENUE FUNDS TOTAL	\$24,326	\$20,633

**Audit Bureau 0067**

Initiative: Provides funding for 9 additional software licenses for effective and efficient data analytics.

GENERAL FUND	2019-20	2020-21
All Other	\$6,300	\$6,300
<hr/>		
GENERAL FUND TOTAL	\$6,300	\$6,300
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$14,700	\$14,700
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$14,700	\$14,700

**Audit Bureau 0067**

Initiative: Establishes one Senior Auditor - Information Technology Business Systems position and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$108,205	\$112,618
All Other	\$8,000	\$8,200
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$116,205	\$120,818

**Audit Bureau 0067**

Initiative: Transfers one Principal Auditor position and related All Other costs from the General Fund to Other Special Revenue Funds within the same program.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$121,762)	(\$122,228)
All Other	(\$4,066)	(\$4,267)
<hr/>		
GENERAL FUND TOTAL	(\$125,828)	(\$126,495)

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$121,762	\$122,228

All Other	\$4,066	\$4,267
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$125,828	\$126,495

**Audit Bureau 0067**

Initiative: Eliminates one vacant Staff Auditor I position.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$57,246)	(\$60,083)
<hr/>		
GENERAL FUND TOTAL	(\$57,246)	(\$60,083)

**AUDIT BUREAU 0067**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	13.000	13.000
Personal Services	\$1,561,403	\$1,584,474
All Other	\$75,603	\$69,877
<hr/>		
GENERAL FUND TOTAL	\$1,637,006	\$1,654,351

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
Personal Services	\$2,263,394	\$2,315,213
All Other	\$312,289	\$301,997
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,575,683	\$2,617,210

**Unorganized Territory 0075**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$157,972	\$158,629
All Other	\$81,537	\$81,537
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$239,509	\$240,166

**Unorganized Territory 0075**

Initiative: Provides funding to support higher payments to the Passamaquoddy Tribe as a result of property revaluation.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$3,000	\$4,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,000</b>	<b>\$4,000</b>

**Unorganized Territory 0075**

Initiative: Provides funding for the cost of technology-related expenditures provided by the Department of Administrative and Financial Services, Office of Information Technology.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,772	\$1,552
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,772</b>	<b>\$1,552</b>

**UNORGANIZED TERRITORY 0075 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$157,972	\$158,629
All Other	\$86,309	\$87,089
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$244,281</b>	<b>\$245,718</b>

**AUDITOR, OFFICE OF THE STATE**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$1,637,006	\$1,654,351
OTHER SPECIAL REVENUE FUNDS	\$2,819,964	\$2,862,928
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$4,456,970</b>	<b>\$4,517,279</b>

**Sec. A-6. Appropriations and allocations.**  
The following appropriations and allocations are made.

**BAXTER STATE PARK AUTHORITY**

**Baxter State Park Authority 0253**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
POSITIONS - FTE COUNT	18.811	18.811
Personal Services	\$2,810,990	\$2,880,110
All Other	\$1,175,376	\$1,175,376
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,986,366</b>	<b>\$4,055,486</b>

**Baxter State Park Authority 0253**

Initiative: Provides funding for an increase in All Other costs associated with the operations of Baxter State Park.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$166,924	\$167,424
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$166,924</b>	<b>\$167,424</b>

**Baxter State Park Authority 0253**

Initiative: Reduces funding due to account inactivity.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$20,000)	(\$20,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$20,000)</b>	<b>(\$20,000)</b>

**Baxter State Park Authority 0253**

Initiative: Reorganizes one Baxter Park Trail Specialist position to a Baxter Park Trail Supervisor position and increases the number of weeks for the position from 42 weeks to 52 weeks.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
POSITIONS - FTE COUNT	(0.808)	(0.808)

Personal Services	\$16,288	\$18,427
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$16,288</b>	<b>\$18,427</b>

**Baxter State Park Authority 0253**

Initiative: Provides funding for an increase in the number of weeks for one Maintenance Mechanic I position from 26 weeks to 52 weeks.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
POSITIONS - FTE COUNT	(0.500)	(0.500)
Personal Services	\$31,594	\$31,824
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$31,594</b>	<b>\$31,824</b>

**Baxter State Park Authority 0253**

Initiative: Establishes one seasonal Maintenance Mechanic I position to improve park maintenance.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - FTE COUNT	0.500	0.500
Personal Services	\$32,138	\$33,527
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$32,138</b>	<b>\$33,527</b>

**Baxter State Park Authority 0253**

Initiative: Provides funding for the approved reclassification of one Auto Mechanic II position to a Field Heavy Vehicle & Equipment Technician position and reduces All Other costs to partially fund the reclassification.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$14,580	\$6,751
All Other	(\$5,000)	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$9,580</b>	<b>\$6,751</b>

**Baxter State Park Authority 0253**

Initiative: Provides funding for unemployment compensation cost.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$35,000	\$35,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$35,000</b>	<b>\$35,000</b>

**Baxter State Park Authority 0253**

Initiative: Provides funding for capital expenditure projects in Baxter State Park.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$350,039	\$276,853
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$350,039</b>	<b>\$276,853</b>

**Baxter State Park Authority 0253**

Initiative: Reorganizes 2 Baxter Park Supervisor-Ranger positions to Baxter Park Enforcement Ranger positions.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$11,465	\$11,650
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$11,465</b>	<b>\$11,650</b>

**Baxter State Park Authority 0253**

Initiative: Establishes one seasonal Baxter Park Customer Representative position to work in the reservation office.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - FTE COUNT	0.231	0.231
Personal Services	\$13,498	\$14,202
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$13,498</b>	<b>\$14,202</b>

**BAXTER STATE PARK AUTHORITY 0253**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	24.000	24.000

POSITIONS - FTE COUNT	18,234	18,234
Personal Services	\$2,965,553	\$3,031,491
All Other	\$1,317,300	\$1,322,800
Capital Expenditures	\$350,039	\$276,853
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,632,892</b>	<b>\$4,631,144</b>
<b>BAXTER STATE PARK AUTHORITY</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$4,632,892</b>	<b>\$4,631,144</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$4,632,892</b>	<b>\$4,631,144</b>

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

**BLUEBERRY COMMISSION OF MAINE, WILD  
Blueberry Commission 0375**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,875,000	\$1,875,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,875,000</b>	<b>\$1,875,000</b>

**BLUEBERRY COMMISSION 0375  
PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,875,000	\$1,875,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,875,000</b>	<b>\$1,875,000</b>

**Sec. A-8. Appropriations and allocations.**  
The following appropriations and allocations are made.

**CENTERS FOR INNOVATION**

**Centers for Innovation 0911**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$118,009	\$118,009
<b>GENERAL FUND TOTAL</b>	<b>\$118,009</b>	<b>\$118,009</b>

**CENTERS FOR INNOVATION 0911  
PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$118,009	\$118,009
<b>GENERAL FUND TOTAL</b>	<b>\$118,009</b>	<b>\$118,009</b>

**Sec. A-9. Appropriations and allocations.**  
The following appropriations and allocations are made.

**CHARTER SCHOOL COMMISSION, STATE  
Maine Charter School Commission Z137**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$15,400	\$15,400
All Other	\$583,139	\$583,139
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$598,539</b>	<b>\$598,539</b>

**Maine Charter School Commission Z137**

Initiative: Provides funding for costs related to overseeing public charter schools.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$50,963	\$96,270
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$50,963</b>	<b>\$96,270</b>

**MAINE CHARTER SCHOOL COMMISSION  
Z137**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$15,400	\$15,400
All Other	\$634,102	\$679,409
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$649,502</b>	<b>\$694,809</b>

**CHARTER SCHOOL COMMISSION, STATE**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$649,502</b>	<b>\$694,809</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$649,502</b>	<b>\$694,809</b>

**Sec. A-10. Appropriations and allocations.**  
The following appropriations and allocations are made.

**CHILDREN'S TRUST INCORPORATED, BOARD OF THE MAINE**

**Maine Children's Trust Incorporated 0798**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$48,300	\$48,300
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$48,300</b>	<b>\$48,300</b>

**MAINE CHILDREN'S TRUST INCORPORATED 0798**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$48,300	\$48,300
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$48,300</b>	<b>\$48,300</b>

**Sec. A-11. Appropriations and allocations.**  
The following appropriations and allocations are made.

**COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE**

**Bring College to ME Program Z168**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$320,000	\$320,000
<b>GENERAL FUND TOTAL</b>	<b>\$320,000</b>	<b>\$320,000</b>

**Bring College to ME Program Z168**

Initiative: Transfers funding from the Bring College to ME Program to the Maine Community College System - Board of Trustees program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$320,000)	(\$320,000)
<b>GENERAL FUND TOTAL</b>	<b>(\$320,000)</b>	<b>(\$320,000)</b>

**BRING COLLEGE TO ME PROGRAM Z168**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Live Fire Service Training Facilities Fund Z269**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500,000	\$500,000
<b>GENERAL FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

**LIVE FIRE SERVICE TRAINING FACILITIES FUND Z269**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500,000	\$500,000
<b>GENERAL FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

**Maine Community College System - Board of Trustees 0556**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$63,572,844	\$63,572,844
<b>GENERAL FUND TOTAL</b>	<b>\$63,572,844</b>	<b>\$63,572,844</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$3,564,670	\$3,564,670
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,564,670</b>	<b>\$3,564,670</b>

**Maine Community College System - Board of Trustees 0556**

Initiative: Provides ongoing funding for continuing operations previously provided by Public Law 2017, chapter 284, Part ZZZZZZ, section 3.

GENERAL FUND	2019-20	2020-21
All Other	\$3,180,000	\$3,180,000
<b>GENERAL FUND TOTAL</b>	<b>\$3,180,000</b>	<b>\$3,180,000</b>

**Maine Community College System - Board of Trustees 0556**

Initiative: Provides ongoing funding for new initiatives in workforce development previously provided by Public Law 2017, chapter 284, Part A, section 11 and Part ZZZZZZ, section 3.

GENERAL FUND	2019-20	2020-21
All Other	\$2,300,000	\$2,300,000
<b>GENERAL FUND TOTAL</b>	<b>\$2,300,000</b>	<b>\$2,300,000</b>

**Maine Community College System - Board of Trustees 0556**

Initiative: Provides additional funding to continue current operations at Maine's 7 community colleges.

GENERAL FUND	2019-20	2020-21
All Other	\$2,140,410	\$2,212,114
<b>GENERAL FUND TOTAL</b>	<b>\$2,140,410</b>	<b>\$2,212,114</b>

**Maine Community College System - Board of Trustees 0556**

Initiative: Transfers funding from the Bring College to ME Program to the Maine Community College System - Board of Trustees program.

GENERAL FUND	2019-20	2020-21
All Other	\$320,000	\$320,000
<b>GENERAL FUND TOTAL</b>	<b>\$320,000</b>	<b>\$320,000</b>

**Maine Community College System - Board of Trustees 0556**

Initiative: Adjusts funding for scholarships due to increases anticipated by the Revenue Forecasting Committee in dedicated revenues from slot machine proceeds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21

All Other	\$296,057	\$322,971
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$296,057</b>	<b>\$322,971</b>

**MAINE COMMUNITY COLLEGE SYSTEM - BOARD OF TRUSTEES 0556 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$71,513,254	\$71,584,958
<b>GENERAL FUND TOTAL</b>	<b>\$71,513,254</b>	<b>\$71,584,958</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$3,860,727	\$3,887,641
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,860,727</b>	<b>\$3,887,641</b>

**COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE**

DEPARTMENT TOTALS	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$72,013,254</b>	<b>\$72,084,958</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$3,860,727</b>	<b>\$3,887,641</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$75,873,981</b>	<b>\$75,972,599</b>

**Sec. A-12. Appropriations and allocations.**

The following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF Administration - Corrections 0141**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	49,000	49,000
Personal Services	\$5,472,101	\$5,751,416
All Other	\$9,052,421	\$9,052,421
<b>GENERAL FUND TOTAL</b>	<b>\$14,524,522</b>	<b>\$14,803,837</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$149,478	\$160,902
All Other	\$879,205	\$879,205
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,028,683</b>	<b>\$1,040,107</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$368,719	\$382,812
All Other	\$494,379	\$494,379
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$863,098</b>	<b>\$877,191</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$500,000	\$500,000
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

**Administration - Corrections 0141**

Initiative: Reduces funding for technology costs from the Department of Administrative and Financial Services, Office of Information and Technology.

GENERAL FUND	2019-20	2020-21
All Other	(\$354,770)	(\$408,114)
<b>GENERAL FUND TOTAL</b>	<b>(\$354,770)</b>	<b>(\$408,114)</b>

**Administration - Corrections 0141**

Initiative: Establishes one Correctional Unit Manager position, 2 Correctional Sergeant positions, 10 Correctional Officer positions, one Vocational Trades Instructor position and one Community Program Coordinator position starting January 1, 2021. Also provides funding for related All Other costs to support the new facility.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$14,537
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$14,537</b>

**ADMINISTRATION - CORRECTIONS 0141 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	49.000	49.000
Personal Services	\$5,472,101	\$5,751,416
All Other	\$8,697,651	\$8,658,844
<b>GENERAL FUND TOTAL</b>	<b>\$14,169,752</b>	<b>\$14,410,260</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$149,478	\$160,902
All Other	\$879,205	\$879,205
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,028,683</b>	<b>\$1,040,107</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$368,719	\$382,812
All Other	\$494,379	\$494,379
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$863,098</b>	<b>\$877,191</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$500,000	\$500,000
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

**Adult Community Corrections 0124**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	114.500	114.500
Personal Services	\$11,411,854	\$11,957,167
All Other	\$1,296,123	\$1,296,123
<b>GENERAL FUND TOTAL</b>	<b>\$12,707,977</b>	<b>\$13,253,290</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$48,590	\$52,345
All Other	\$156,101	\$156,101
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$204,691</b>	<b>\$208,446</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$305,959	\$305,959
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$305,959</b>	<b>\$305,959</b>

**Adult Community Corrections 0124**

Initiative: Provides funding for a community-based correctional treatment program.

GENERAL FUND	2019-20	2020-21
All Other	\$150,000	\$150,000
<b>GENERAL FUND TOTAL</b>	<b>\$150,000</b>	<b>\$150,000</b>

**ADULT COMMUNITY CORRECTIONS 0124 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	114.500	114.500
Personal Services	\$11,411,854	\$11,957,167
All Other	\$1,446,123	\$1,446,123
<b>GENERAL FUND TOTAL</b>	<b>\$12,857,977</b>	<b>\$13,403,290</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$48,590	\$52,345
All Other	\$156,101	\$156,101
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$204,691</b>	<b>\$208,446</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$305,959	\$305,959

OTHER SPECIAL REVENUE FUNDS TOTAL	\$305,959	\$305,959
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**Bolduc Correctional Facility Z155**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	54.000	54.000
Personal Services	\$5,276,553	\$5,492,316
All Other	\$556,500	\$556,500
<b>GENERAL FUND TOTAL</b>	<b>\$5,833,053</b>	<b>\$6,048,816</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$58,683	\$58,683
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$58,683</b>	<b>\$58,683</b>

**Bolduc Correctional Facility Z155**

Initiative: Provides funding for the increased operational costs due to new and expanded bread making and auto repairing operations.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$27,288	\$27,288
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$27,288</b>	<b>\$27,288</b>

**BOLDUC CORRECTIONAL FACILITY Z155 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	54.000	54.000
Personal Services	\$5,276,553	\$5,492,316
All Other	\$556,500	\$556,500
<b>GENERAL FUND TOTAL</b>	<b>\$5,833,053</b>	<b>\$6,048,816</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$85,971	\$85,971

	\$85,971	\$85,971	Personal Services	\$202,908	\$218,128
OTHER SPECIAL REVENUE FUNDS TOTAL			All Other	\$151,393	\$151,393

**Capital Construction/Repairs/Improvements - Corrections 0432**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500

**CAPITAL CONSTRUCTION/REPAIRS/IMPROVEMENTS - CORRECTIONS 0432**

**PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500

**Correctional Center 0162**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	291.000	291.000
Personal Services	\$27,692,199	\$29,016,923
All Other	\$2,868,422	\$2,868,422
GENERAL FUND TOTAL	\$30,560,621	\$31,885,345

**FEDERAL EXPENDITURES FUND**

POSITIONS - FTE COUNT	0.488	0.488
Personal Services	\$53,173	\$58,976
All Other	\$60,971	\$60,971
FEDERAL EXPENDITURES FUND TOTAL	\$114,144	\$119,947

**OTHER SPECIAL REVENUE FUNDS**

POSITIONS - LEGISLATIVE COUNT	2.000	2.000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$354,301	\$369,521
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**CORRECTIONAL CENTER 0162**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	291.000	291.000
Personal Services	\$27,692,199	\$29,016,923
All Other	\$2,868,422	\$2,868,422
GENERAL FUND TOTAL	\$30,560,621	\$31,885,345

**FEDERAL EXPENDITURES FUND**

POSITIONS - FTE COUNT	0.488	0.488
Personal Services	\$53,173	\$58,976
All Other	\$60,971	\$60,971
FEDERAL EXPENDITURES FUND TOTAL	\$114,144	\$119,947

**OTHER SPECIAL REVENUE FUNDS**

POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$202,908	\$218,128
All Other	\$151,393	\$151,393
OTHER SPECIAL REVENUE FUNDS TOTAL	\$354,301	\$369,521

**Correctional Medical Services Fund 0286**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$25,074,687	\$25,074,687
GENERAL FUND TOTAL	\$25,074,687	\$25,074,687

**FEDERAL EXPENDITURES FUND**

All Other	\$500	\$500
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FEDERAL EXPENDITURES	\$500	\$500
FUND TOTAL		

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$11,914	\$11,914

OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,914	\$11,914
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**CORRECTIONAL MEDICAL SERVICES FUND 0286**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$25,074,687	\$25,074,687

GENERAL FUND TOTAL	\$25,074,687	\$25,074,687
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500

FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$11,914	\$11,914

OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,914	\$11,914
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**Corrections Food Z177**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$4,147,713	\$4,147,713

GENERAL FUND TOTAL	\$4,147,713	\$4,147,713
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**Corrections Food Z177**

Initiative: Establishes one Correctional Unit Manager position, 2 Correctional Sergeant positions, 10 Correctional Officer positions, one Vocational Trades Instructor position and one Community Program Coordinator position starting January 1, 2021. Also provides funding for related All Other costs to support the new facility.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$79,606

GENERAL FUND TOTAL	\$0	\$79,606
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**CORRECTIONS FOOD Z177 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$4,147,713	\$4,227,319

GENERAL FUND TOTAL	\$4,147,713	\$4,227,319
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**Corrections Industries Z166**

Initiative: BASELINE BUDGET

<b>PRISON INDUSTRIES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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POSITIONS - LEGISLATIVE COUNT	6,000	6,000
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Personal Services	\$603,089	\$620,683
All Other	\$1,973,828	\$1,973,828

PRISON INDUSTRIES FUND TOTAL	\$2,576,917	\$2,594,511
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**CORRECTIONS INDUSTRIES Z166**

**PROGRAM SUMMARY**

<b>PRISON INDUSTRIES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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POSITIONS - LEGISLATIVE COUNT	6,000	6,000
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Personal Services	\$603,089	\$620,683
All Other	\$1,973,828	\$1,973,828

PRISON INDUSTRIES FUND TOTAL	\$2,576,917	\$2,594,511
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**County Jails Operation Fund Z227**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$15,442,104	\$15,442,104

GENERAL FUND TOTAL	\$15,442,104	\$15,442,104
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
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All Other	\$565,503	\$565,503
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$565,503	\$565,503
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**County Jails Operation Fund Z227**

Initiative: Provides funding for the County Jails Operation Fund program.

GENERAL FUND	2019-20	2020-21
All Other	\$3,000,000	\$3,000,000
<b>GENERAL FUND TOTAL</b>	<b>\$3,000,000</b>	<b>\$3,000,000</b>

**COUNTY JAILS OPERATION FUND Z227 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$18,442,104	\$18,442,104
<b>GENERAL FUND TOTAL</b>	<b>\$18,442,104</b>	<b>\$18,442,104</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$565,503	\$565,503
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$565,503</b>	<b>\$565,503</b>

**Departmentwide - Overtime 0032**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
Personal Services	\$1,191,939	\$1,235,201
<b>GENERAL FUND TOTAL</b>	<b>\$1,191,939</b>	<b>\$1,235,201</b>

**DEPARTMENTWIDE - OVERTIME 0032**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
Personal Services	\$1,191,939	\$1,235,201
<b>GENERAL FUND TOTAL</b>	<b>\$1,191,939</b>	<b>\$1,235,201</b>

**Downeast Correctional Facility 0542**

Initiative: Establishes one Correctional Unit Manager position, 2 Correctional Sergeant positions, 10 Correctional Officer positions, one Vocational Trades Instructor position and one Community Programs Coordinator position starting January 1, 2021. Also pro-

vides funding for related All Other costs to support the new facility.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	15.000
Personal Services	\$0	\$874,730
All Other	\$0	\$158,271
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$1,033,001</b>

**DOWNEAST CORRECTIONAL FACILITY 0542 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	15.000
Personal Services	\$0	\$874,730
All Other	\$0	\$158,271
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$1,033,001</b>

**Justice - Planning, Projects and Statistics 0502**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
Personal Services	\$45,663	\$47,408
All Other	\$1,968	\$1,968
<b>GENERAL FUND TOTAL</b>	<b>\$47,631</b>	<b>\$49,376</b>

**FEDERAL EXPENDITURES FUND**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$118,189	\$125,180
All Other	\$688,760	\$688,760
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$806,949</b>	<b>\$813,940</b>

**JUSTICE - PLANNING, PROJECTS AND STATISTICS 0502**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
Personal Services	\$45,663	\$47,408
All Other	\$1,968	\$1,968
<b>GENERAL FUND TOTAL</b>	<b>\$47,631</b>	<b>\$49,376</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$118,189	\$125,180
All Other	\$688,760	\$688,760
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$806,949</b>	<b>\$813,940</b>

FEDERAL EXPENDITURES FUND TOTAL	\$90,032	\$90,032
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$223,622	\$223,622
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$223,622</b>	<b>\$223,622</b>

**Juvenile Community Corrections 0892**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	70.500	70.500
Personal Services	\$7,361,977	\$7,669,412
All Other	\$4,436,339	\$4,436,339
<b>GENERAL FUND TOTAL</b>	<b>\$11,798,316</b>	<b>\$12,105,751</b>

**Long Creek Youth Development Center 0163**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	174.500	174.500
POSITIONS - FTE COUNT	0.475	0.475
Personal Services	\$15,992,868	\$16,835,531
All Other	\$1,454,549	\$1,454,549
<b>GENERAL FUND TOTAL</b>	<b>\$17,447,417</b>	<b>\$18,290,080</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$90,032	\$90,032
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$90,032</b>	<b>\$90,032</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$96,480	\$103,401
All Other	\$114,789	\$114,789
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$211,269</b>	<b>\$218,190</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$223,622	\$223,622
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$223,622</b>	<b>\$223,622</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$38,694	\$38,694
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$38,694</b>	<b>\$38,694</b>

**JUVENILE COMMUNITY CORRECTIONS 0892**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	70.500	70.500
Personal Services	\$7,361,977	\$7,669,412
All Other	\$4,436,339	\$4,436,339
<b>GENERAL FUND TOTAL</b>	<b>\$11,798,316</b>	<b>\$12,105,751</b>

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$38,694</b>	<b>\$38,694</b>
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**LONG CREEK YOUTH DEVELOPMENT CENTER 0163**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	174.500	174.500
POSITIONS - FTE COUNT	0.475	0.475
Personal Services	\$15,992,868	\$16,835,531
All Other	\$1,454,549	\$1,454,549

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$90,032	\$90,032



**PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$336,268	\$351,952
All Other	\$161,702	\$161,702
<b>GENERAL FUND TOTAL</b>	<b>\$497,970</b>	<b>\$513,654</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$14,974	\$14,974
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$14,974</b>	<b>\$14,974</b>

**Parole Board 0123**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
Personal Services	\$1,650	\$1,650
All Other	\$2,828	\$2,828
<b>GENERAL FUND TOTAL</b>	<b>\$4,478</b>	<b>\$4,478</b>

**PAROLE BOARD 0123 PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
Personal Services	\$1,650	\$1,650
All Other	\$2,828	\$2,828
<b>GENERAL FUND TOTAL</b>	<b>\$4,478</b>	<b>\$4,478</b>

**State Prison 0144**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	310.000	310.000
Personal Services	\$29,238,468	\$30,693,879
All Other	\$4,789,930	\$4,789,930
<b>GENERAL FUND TOTAL</b>	<b>\$34,028,398</b>	<b>\$35,483,809</b>

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
All Other	\$500	\$500

FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500
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	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$34,034	\$34,034
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$34,034</b>	<b>\$34,034</b>

**STATE PRISON 0144 PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	310.000	310.000
Personal Services	\$29,238,468	\$30,693,879
All Other	\$4,789,930	\$4,789,930
<b>GENERAL FUND TOTAL</b>	<b>\$34,028,398</b>	<b>\$35,483,809</b>

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
All Other	\$500	\$500

FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500
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	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$34,034	\$34,034
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$34,034</b>	<b>\$34,034</b>

**CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS**

	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$194,021,008</b>	<b>\$200,814,952</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$2,622,767</b>	<b>\$2,663,391</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$2,634,967</b>	<b>\$2,664,280</b>
<b>FEDERAL BLOCK GRANT FUND</b>	<b>\$500,000</b>	<b>\$500,000</b>
<b>PRISON INDUSTRIES FUND</b>	<b>\$2,576,917</b>	<b>\$2,594,511</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$202,355,659</b>	<b>\$209,237,134</b>
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**Sec. A-13. Appropriations and allocations.**  
The following appropriations and allocations are made.

**CULTURAL AFFAIRS COUNCIL, MAINE STATE**

**New Century Program Fund 0904**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$39,445	\$39,445

<b>GENERAL FUND TOTAL</b>	<b>\$39,445</b>	<b>\$39,445</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$65,424	\$65,424

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$65,424</b>	<b>\$65,424</b>
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**NEW CENTURY PROGRAM FUND 0904 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$39,445	\$39,445

<b>GENERAL FUND TOTAL</b>	<b>\$39,445</b>	<b>\$39,445</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$65,424	\$65,424

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$65,424</b>	<b>\$65,424</b>
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**State of Maine Bicentennial Celebration Z260**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>
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**STATE OF MAINE BICENTENNIAL CELEBRATION Z260**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>
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**CULTURAL AFFAIRS COUNCIL, MAINE STATE**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
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<b>GENERAL FUND</b>	<b>\$39,445</b>	<b>\$39,445</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$65,924</b>	<b>\$65,924</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$105,369</b>	<b>\$105,369</b>
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**Sec. A-14. Appropriations and allocations.**  
The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

**Administration - Defense, Veterans and Emergency Management 0109**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$285,350	\$286,755
All Other	\$62,120	\$62,120

<b>GENERAL FUND TOTAL</b>	<b>\$347,470</b>	<b>\$348,875</b>
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$100	\$100

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$100</b>	<b>\$100</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500

OTHER SPECIAL	\$500	\$500
REVENUE FUNDS TOTAL		

**Administration - Defense, Veterans and Emergency Management 0109**

Initiative: Transfers and reallocates the cost of one Public Service Coordinator I position funded 10% General Fund and 90% Federal Expenditures Fund in the Military Training and Operations program to 100% General Fund in the Administration - Defense, Veterans and Emergency Management program.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$113,026	\$113,364
<b>GENERAL FUND TOTAL</b>	<b>\$113,026</b>	<b>\$113,364</b>

**ADMINISTRATION - DEFENSE, VETERANS AND EMERGENCY MANAGEMENT 0109 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$398,376	\$400,119
All Other	\$62,120	\$62,120
<b>GENERAL FUND TOTAL</b>	<b>\$460,496</b>	<b>\$462,239</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$100	\$100
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$100</b>	<b>\$100</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Administration - Maine Emergency Management Agency 0214**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$587,950	\$599,757
All Other	\$118,819	\$118,819

<b>GENERAL FUND TOTAL</b>	<b>\$706,769</b>	<b>\$718,576</b>
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**FEDERAL EXPENDITURES FUND**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	14.000	14.000
Personal Services	\$1,759,145	\$1,792,192
All Other	\$31,513,507	\$31,513,507

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$33,272,652</b>	<b>\$33,305,699</b>
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$249,612	\$254,690
All Other	\$464,640	\$464,640

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$714,252</b>	<b>\$719,330</b>
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**Administration - Maine Emergency Management Agency 0214**

Initiative: Provides funding for the State Emergency Operations Center to meet the required state match for the Maine Emergency Management Agency.

GENERAL FUND	2019-20	2020-21
All Other	\$189,000	\$189,000

<b>GENERAL FUND TOTAL</b>	<b>\$189,000</b>	<b>\$189,000</b>
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**Administration - Maine Emergency Management Agency 0214**

Initiative: Establishes one Senior Contract/Grant Specialist position in the Administration - Maine Emergency Management Agency program funded 100% General Fund and provides related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$90,800	\$95,138
All Other	\$14,200	\$14,200

GENERAL FUND TOTAL	\$105,000	\$109,338
<b>ADMINISTRATION - MAINE EMERGENCY MANAGEMENT AGENCY 0214</b>		
<b>PROGRAM SUMMARY</b>		
<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$678,750	\$694,895
All Other	\$322,019	\$322,019
GENERAL FUND TOTAL	\$1,000,769	\$1,016,914
<b>FEDERAL EXPENDITURES FUND</b>		
POSITIONS - LEGISLATIVE COUNT	14.000	14.000
Personal Services	\$1,759,145	\$1,792,192
All Other	\$31,513,507	\$31,513,507
FEDERAL EXPENDITURES FUND TOTAL	\$33,272,652	\$33,305,699
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$249,612	\$254,690
All Other	\$464,640	\$464,640
OTHER SPECIAL REVENUE FUNDS TOTAL	\$714,252	\$719,330

**Emergency Response Operations 0918**  
Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$55,588	\$55,451
All Other	\$13,473	\$13,473
OTHER SPECIAL REVENUE FUNDS TOTAL	\$69,061	\$68,924

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$55,588	\$55,451
All Other	\$13,473	\$13,473
OTHER SPECIAL REVENUE FUNDS TOTAL	\$69,061	\$68,924

**Loring Rebuild Facility 0843**  
Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$49,586,066	\$49,586,066
FEDERAL EXPENDITURES FUND TOTAL	\$49,586,066	\$49,586,066

**Loring Rebuild Facility 0843**  
Initiative: Eliminates allocation in the Loring Rebuild Facility program, Federal Expenditures Fund.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$49,586,066)	(\$49,586,066)
FEDERAL EXPENDITURES FUND TOTAL	(\$49,586,066)	(\$49,586,066)

**LORING REBUILD FACILITY 0843**  
**PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

**Maine National Guard Postsecondary Fund Z190**  
Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$150,000	\$150,000
GENERAL FUND TOTAL	\$150,000	\$150,000

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
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All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

**MAINE NATIONAL GUARD  
POSTSECONDARY FUND Z190  
PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$150,000	\$150,000
GENERAL FUND TOTAL	\$150,000	\$150,000

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

**Military Educational Benefits 0922**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$410,000	\$410,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$410,000	\$410,000

**Military Educational Benefits 0922**

Initiative: Eliminates allocation in the Military Educational Benefits program, Other Special Revenue Funds.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$410,000)	(\$410,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$410,000)	(\$410,000)

**MILITARY EDUCATIONAL BENEFITS 0922  
PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0
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**Military Training and Operations 0108**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$1,192,917	\$1,207,807
All Other	\$2,065,901	\$2,065,901
GENERAL FUND TOTAL	\$3,258,818	\$3,273,708

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	113.000	113.000
Personal Services	\$8,817,314	\$8,997,164
All Other	\$12,267,392	\$12,267,392
FEDERAL EXPENDITURES FUND TOTAL	\$21,084,706	\$21,264,556

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$90,167	\$91,413
All Other	\$487,218	\$487,218
OTHER SPECIAL REVENUE FUNDS TOTAL	\$577,385	\$578,631

<b>MAINE MILITARY AUTHORITY ENTERPRISE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$49,230,192	\$51,072,759
All Other	\$42,865,866	\$42,865,866
MAINE MILITARY AUTHORITY ENTERPRISE FUND TOTAL	\$92,096,058	\$93,938,625

**Military Training and Operations 0108**

Initiative: Establishes one Buyer II position funded 20% General Fund and 80% Federal Expenditures Fund.

GENERAL FUND	2019-20	2020-21
Personal Services	\$14,730	\$15,443
<b>GENERAL FUND TOTAL</b>	<b>\$14,730</b>	<b>\$15,443</b>
FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$58,924	\$61,769
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$58,924</b>	<b>\$61,769</b>

**Military Training and Operations 0108**

Initiative: Provides funding for the maintenance and operations cost of the new Joint Force Headquarters in Augusta.

GENERAL FUND	2019-20	2020-21
All Other	\$235,200	\$235,200
<b>GENERAL FUND TOTAL</b>	<b>\$235,200</b>	<b>\$235,200</b>
FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$243,700	\$243,700
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$243,700</b>	<b>\$243,700</b>

**Military Training and Operations 0108**

Initiative: Provides funding for the ongoing annual operations and maintenance cost for the Northern Maine Readiness Center in Presque Isle.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$78,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$78,000</b>
FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$0	\$78,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$78,000</b>

**Military Training and Operations 0108**

Initiative: Provides funding for a new federal mandate that all armories that once contained indoor firing ranges be cleaned annually.

GENERAL FUND	2019-20	2020-21
All Other	\$14,500	\$14,500
<b>GENERAL FUND TOTAL</b>	<b>\$14,500</b>	<b>\$14,500</b>
FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$14,500	\$14,500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$14,500</b>	<b>\$14,500</b>

**Military Training and Operations 0108**

Initiative: Provides funding for the rental of 3 new vehicles with the Department of Administrative and Financial Services, Central Fleet Management Division for the new Joint Force Headquarters and Northern Maine Readiness Center.

GENERAL FUND	2019-20	2020-21
All Other	\$22,500	\$22,500
<b>GENERAL FUND TOTAL</b>	<b>\$22,500</b>	<b>\$22,500</b>
FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$22,500	\$22,500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$22,500</b>	<b>\$22,500</b>

**Military Training and Operations 0108**

Initiative: Provides funding the approved reorganization of one Office Associate II position to an Office Specialist I position and adds overtime to the position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$5,257	\$5,392
<b>GENERAL FUND TOTAL</b>	<b>\$5,257</b>	<b>\$5,392</b>
FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$15,772	\$16,171
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$15,772</b>	<b>\$16,171</b>

**Military Training and Operations 0108**

Initiative: Provides funding for overtime for the Maine Air National Guard.

GENERAL FUND	2019-20	2020-21
Personal Services	\$3,919	\$4,059
<b>GENERAL FUND TOTAL</b>	<b>\$3,919</b>	<b>\$4,059</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$11,751	\$12,176
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$11,751</b>	<b>\$12,176</b>

**Military Training and Operations 0108**

Initiative: Provides funding to immediately mobilize state active duty soldiers upon the order of the Adjutant General or the Governor in the event of an emergency.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$75,000	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$75,000</b>	<b>\$0</b>

**Military Training and Operations 0108**

Initiative: Transfers and reallocates the cost of one Public Service Coordinator I position funded 10% General Fund and 90% Federal Expenditures Fund in the Military Training and Operations program to 100% General Fund in the Administration - Defense, Veterans and Emergency Management program.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$11,300)	(\$11,334)
<b>GENERAL FUND TOTAL</b>	<b>(\$11,300)</b>	<b>(\$11,334)</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$101,726)	(\$102,030)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$101,726)</b>	<b>(\$102,030)</b>

**Military Training and Operations 0108**

Initiative: Reorganizes one Staff Accountant position to a Senior Staff Accountant position and reallocates the cost from 96% Federal Expenditures Fund and 4% Other Special Revenue Funds to 96% Federal Expenditures Fund and 4% General Fund within the same program.

GENERAL FUND	2019-20	2020-21
Personal Services	\$3,147	\$3,267
<b>GENERAL FUND TOTAL</b>	<b>\$3,147</b>	<b>\$3,267</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$3,781	\$6,273
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$3,781</b>	<b>\$6,273</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$2,989)	(\$3,005)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$2,989)</b>	<b>(\$3,005)</b>

**Military Training and Operations 0108**

Initiative: Provides funding for the approved reorganization of one Accounting Technician position to an Accounting Support Specialist position and reallocates the cost from 86% Federal Expenditures Fund, 10% General Fund and 4% Other Special Revenue Funds to 86% Federal Expenditures Fund and 14% General Fund within the same program.

GENERAL FUND	2019-20	2020-21
Personal Services	\$3,324	\$3,659
<b>GENERAL FUND TOTAL</b>	<b>\$3,324</b>	<b>\$3,659</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$4,474	\$6,421
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$4,474</b>	<b>\$6,421</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$2,595)	(\$2,612)

OTHER SPECIAL	(\$2,595)	(\$2,612)
REVENUE FUNDS TOTAL		

**Military Training and Operations 0108**

Initiative: Provides funding for the approved reorganization of one Accounting Technician position to an Accounting Support Specialist position and reallocates the cost from 97% Federal Expenditures Fund and 3% Other Special Revenue Funds to 97% Federal Expenditures Fund and 3% General Fund within the same program.

GENERAL FUND	2019-20	2020-21
Personal Services	\$1,961	\$2,038
GENERAL FUND TOTAL	\$1,961	\$2,038

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$4,174	\$4,406
FEDERAL EXPENDITURES FUND TOTAL	\$4,174	\$4,406

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$1,832)	(\$1,902)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$1,832)	(\$1,902)

**Military Training and Operations 0108**

Initiative: Establishes one Building Maintenance Coordinator position beginning January 1, 2020, funded 50% General Fund and 50% Federal Expenditures Fund in the same program.

GENERAL FUND	2019-20	2020-21
Personal Services	\$18,413	\$38,605
GENERAL FUND TOTAL	\$18,413	\$38,605

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$18,415	\$38,607
FEDERAL EXPENDITURES FUND TOTAL	\$18,415	\$38,607

**Military Training and Operations 0108**

Initiative: Reallocates the cost of one Maintenance Mechanic position from 100% General Fund to 50% General Fund and 50% Federal Expenditures Fund within the same program.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$29,346)	(\$30,486)
GENERAL FUND TOTAL	(\$29,346)	(\$30,486)

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$29,346	\$30,486
FEDERAL EXPENDITURES FUND TOTAL	\$29,346	\$30,486

**Military Training and Operations 0108**

Initiative: Provides funding for the approved reclassification of one Secretary Associate position to an Office Specialist I position retroactive to May 2019.

GENERAL FUND	2019-20	2020-21
Personal Services	\$355	\$296
GENERAL FUND TOTAL	\$355	\$296

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$1,417	\$1,184
FEDERAL EXPENDITURES FUND TOTAL	\$1,417	\$1,184

**MILITARY TRAINING AND OPERATIONS 0108**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$1,203,377	\$1,238,746
All Other	\$2,338,101	\$2,416,101

GENERAL FUND TOTAL	\$3,541,478	\$3,654,847
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	114.000	114.000

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Personal Services	\$8,863,642	\$9,072,627
All Other	\$12,548,092	\$12,626,092
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$21,411,734</b>	<b>\$21,698,719</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$82,751	\$83,894
All Other	\$562,218	\$487,218
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$644,969</b>	<b>\$571,112</b>
<b>MAINE MILITARY AUTHORITY ENTERPRISE FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$49,230,192	\$51,072,759
All Other	\$42,865,866	\$42,865,866
<b>MAINE MILITARY AUTHORITY ENTERPRISE FUND TOTAL</b>	<b>\$92,096,058</b>	<b>\$93,938,625</b>

All Other	\$1,028,665	\$1,028,665
<b>GENERAL FUND TOTAL</b>	<b>\$4,052,298</b>	<b>\$4,123,538</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$154,052	\$159,036
All Other	\$142,092	\$142,092
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$296,144</b>	<b>\$301,128</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$376,343	\$376,343
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$376,343</b>	<b>\$376,343</b>

**Stream Gaging Cooperative Program 0858**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$175,005	\$175,005
<b>GENERAL FUND TOTAL</b>	<b>\$175,005</b>	<b>\$175,005</b>

**STREAM GAGING COOPERATIVE PROGRAM 0858**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$175,005	\$175,005
<b>GENERAL FUND TOTAL</b>	<b>\$175,005</b>	<b>\$175,005</b>

**Veterans Services 0110**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	41.000	41.000
Personal Services	\$3,023,633	\$3,094,873

**Veterans Services 0110**

Initiative: Establishes one Public Service Coordinator I position to function as the director of strategic partnerships and transfers All Other to Personal Services to fund the position.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$105,247	\$110,067
All Other	(\$105,247)	(\$110,067)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Veterans Services 0110**

Initiative: Provides funding for new leased spaces in Caribou, Springvale and Augusta, including a bureau headquarters location at Camp Keyes that was previously in rent-free space.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$56,549	\$56,549
<b>GENERAL FUND TOTAL</b>	<b>\$56,549</b>	<b>\$56,549</b>

**Veterans Services 0110**

Initiative: Provides funding for the purchase of one dump truck with plow and one all-terrain wheeled dumper with cab for the Maine Veterans' Memorial Cemetery System in each year of the biennium.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Capital Expenditures	\$160,000	\$160,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$160,000</b>	<b>\$160,000</b>

**Veterans Services 0110**

Initiative: Provides funding for the approved reclassification of one Engineering Technician III position to a Geographic Information Systems Coordinator position retroactive to July 2017.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$51,023	\$18,430
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$51,023</b>	<b>\$18,430</b>

**VETERANS SERVICES 0110**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	42,000	42,000
Personal Services	\$3,128,880	\$3,204,940
All Other	\$979,967	\$975,147
<b>GENERAL FUND TOTAL</b>	<b>\$4,108,847</b>	<b>\$4,180,087</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$205,075	\$177,466
All Other	\$142,092	\$142,092
Capital Expenditures	\$160,000	\$160,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$507,167</b>	<b>\$479,558</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$376,343	\$376,343
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$376,343</b>	<b>\$376,343</b>

**Veterans Temporary Assistance Fund Z268**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$250,000	\$250,000
<b>GENERAL FUND TOTAL</b>	<b>\$250,000</b>	<b>\$250,000</b>

**VETERANS TEMPORARY ASSISTANCE FUND Z268**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$250,000	\$250,000
<b>GENERAL FUND TOTAL</b>	<b>\$250,000</b>	<b>\$250,000</b>

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

**DEPARTMENT TOTALS**

	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$9,686,595</b>	<b>\$9,889,092</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$55,191,653</b>	<b>\$55,484,076</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$1,805,625</b>	<b>\$1,736,709</b>
<b>MAINE MILITARY AUTHORITY ENTERPRISE FUND</b>	<b>\$92,096,058</b>	<b>\$93,938,625</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$158,779,931</b>	<b>\$161,048,502</b>
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**Sec. A-15. Appropriations and allocations.**  
The following appropriations and allocations are made.

**DEVELOPMENT FOUNDATION, MAINE**

**Development Foundation 0198**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$58,444	\$58,444
<b>GENERAL FUND TOTAL</b>	<b>\$58,444</b>	<b>\$58,444</b>

**DEVELOPMENT FOUNDATION 0198**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$58,444	\$58,444

GENERAL FUND TOTAL	\$58,444	\$58,444
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**Sec. A-16. Appropriations and allocations.**  
The following appropriations and allocations are made.

**DIRIGO HEALTH**

**Dirigo Health Fund 0988**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$328,557	\$329,914
All Other	\$852,590	\$852,590

GENERAL FUND TOTAL	\$1,181,147	\$1,182,504
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**DIRIGO HEALTH FUND 0988**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$328,557	\$329,914
All Other	\$852,590	\$852,590

GENERAL FUND TOTAL	\$1,181,147	\$1,182,504
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**Sec. A-17. Appropriations and allocations.**  
The following appropriations and allocations are made.

**DISABILITY RIGHTS CENTER**

**Disability Rights Center 0523**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$126,045	\$126,045

GENERAL FUND TOTAL	\$126,045	\$126,045
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**DISABILITY RIGHTS CENTER 0523**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$126,045	\$126,045

GENERAL FUND TOTAL	\$126,045	\$126,045
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**Sec. A-18. Appropriations and allocations.**  
The following appropriations and allocations are made.

**DOWNEAST INSTITUTE FOR APPLIED MARINE RESEARCH AND EDUCATION**

**Downeast Institute for Applied Marine Research and Education 0993**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$12,554	\$12,554

GENERAL FUND TOTAL	\$12,554	\$12,554
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**DOWNEAST INSTITUTE FOR APPLIED MARINE RESEARCH AND EDUCATION 0993**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$12,554	\$12,554

GENERAL FUND TOTAL	\$12,554	\$12,554
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**Sec. A-19. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

**Administration - Economic and Community Development 0069**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4,000	4,000
Personal Services	\$549,803	\$553,690
All Other	\$1,006,048	\$1,006,048

GENERAL FUND TOTAL	\$1,555,851	\$1,559,738
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
All Other	\$30,000	\$30,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$30,000	\$30,000
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**Administration - Economic and Community Development 0069**

Initiative: Establishes one Public Service Executive II position to assist the department with programmatic

and statutory directives relating to economic and business development.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$132,825	\$139,630
<b>GENERAL FUND TOTAL</b>	<b>\$132,825</b>	<b>\$139,630</b>

**Administration - Economic and Community Development 0069**

Initiative: Allocates one-time funds to the Maine Economic Development Fund to encourage and support economic and business growth, rural manufacturing and industrial site redevelopment and implementation of the 10-year strategic plan.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$4,000,000	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,000,000</b>	<b>\$0</b>

**ADMINISTRATION - ECONOMIC AND COMMUNITY DEVELOPMENT 0069**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$682,628	\$693,320
All Other	\$1,006,048	\$1,006,048
<b>GENERAL FUND TOTAL</b>	<b>\$1,688,676</b>	<b>\$1,699,368</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$4,030,000	\$30,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,030,000</b>	<b>\$30,000</b>

**Applied Technology Development Center System 0929**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$178,838	\$178,838
<b>GENERAL FUND TOTAL</b>	<b>\$178,838</b>	<b>\$178,838</b>

**APPLIED TECHNOLOGY DEVELOPMENT CENTER SYSTEM 0929**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$178,838	\$178,838
<b>GENERAL FUND TOTAL</b>	<b>\$178,838</b>	<b>\$178,838</b>

**Business Development 0585**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$882,379	\$894,494
All Other	\$669,604	\$669,604
<b>GENERAL FUND TOTAL</b>	<b>\$1,551,983</b>	<b>\$1,564,098</b>

**BUSINESS DEVELOPMENT 0585**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$882,379	\$894,494
All Other	\$669,604	\$669,604
<b>GENERAL FUND TOTAL</b>	<b>\$1,551,983</b>	<b>\$1,564,098</b>

**Communities for Maine's Future Fund Z108**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**COMMUNITIES FOR MAINE'S FUTURE FUND Z108**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Community Development Block Grant Program 0587**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$213,294	\$214,991
All Other	\$88,262	\$88,262
<b>GENERAL FUND TOTAL</b>	<b>\$301,556</b>	<b>\$303,253</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,500,000	\$1,500,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,500,000</b>	<b>\$1,500,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$95,095	\$94,840
All Other	\$730,550	\$730,550
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$825,645</b>	<b>\$825,390</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$429,751	\$436,169
All Other	\$21,260,658	\$21,260,658
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$21,690,409</b>	<b>\$21,696,827</b>

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 0587**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$213,294	\$214,991
All Other	\$88,262	\$88,262
<b>GENERAL FUND TOTAL</b>	<b>\$301,556</b>	<b>\$303,253</b>

**FEDERAL EXPENDITURES FUND**

	2019-20	2020-21
All Other	\$1,500,000	\$1,500,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,500,000</b>	<b>\$1,500,000</b>

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$95,095	\$94,840
All Other	\$730,550	\$730,550
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$825,645</b>	<b>\$825,390</b>

**FEDERAL BLOCK GRANT FUND**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$429,751	\$436,169
All Other	\$21,260,658	\$21,260,658
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$21,690,409</b>	<b>\$21,696,827</b>

**International Commerce 0674**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$278,348	\$278,454
All Other	\$898,409	\$898,409
<b>GENERAL FUND TOTAL</b>	<b>\$1,176,757</b>	<b>\$1,176,863</b>

**INTERNATIONAL COMMERCE 0674 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$278,348	\$278,454
All Other	\$898,409	\$898,409
<b>GENERAL FUND TOTAL</b>	<b>\$1,176,757</b>	<b>\$1,176,863</b>

**Leadership and Entrepreneurial Development Program Z071**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**LEADERSHIP AND ENTREPRENEURIAL DEVELOPMENT PROGRAM Z071 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Maine Coworking Development Fund Z195**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$100,000	\$100,000
<b>GENERAL FUND TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**MAINE COWORKING DEVELOPMENT FUND Z195**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$100,000	\$100,000
<b>GENERAL FUND TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500

OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500
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**Maine Economic Development Evaluation Fund Z057**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$200,000	\$200,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$200,000</b>	<b>\$200,000</b>

**MAINE ECONOMIC DEVELOPMENT EVALUATION FUND Z057**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$200,000	\$200,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$200,000</b>	<b>\$200,000</b>

**Maine Economic Growth Council 0727**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$55,395	\$55,395
<b>GENERAL FUND TOTAL</b>	<b>\$55,395</b>	<b>\$55,395</b>

**MAINE ECONOMIC GROWTH COUNCIL 0727 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$55,395	\$55,395
<b>GENERAL FUND TOTAL</b>	<b>\$55,395</b>	<b>\$55,395</b>

**Maine Small Business and Entrepreneurship Commission 0675**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$683,684	\$683,684
<b>GENERAL FUND TOTAL</b>	<b>\$683,684</b>	<b>\$683,684</b>

**MAINE SMALL BUSINESS AND  
ENTREPRENEURSHIP COMMISSION 0675**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$683,684	\$683,684
<b>GENERAL FUND TOTAL</b>	<b>\$683,684</b>	<b>\$683,684</b>

**Maine State Film Office 0590**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$96,963	\$97,297
All Other	\$170,605	\$170,605
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$267,568</b>	<b>\$267,902</b>

**MAINE STATE FILM OFFICE 0590**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$96,963	\$97,297
All Other	\$170,605	\$170,605
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$267,568</b>	<b>\$267,902</b>

**Maine Workforce Opportunities Marketing Fund Z178**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$50,000	\$50,000
<b>GENERAL FUND TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

**MAINE WORKFORCE OPPORTUNITIES  
MARKETING FUND Z178**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$50,000	\$50,000

GENERAL FUND TOTAL	\$50,000	\$50,000
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**Office of Broadband Development Z245**

Initiative: Transfers one Public Service Executive II position and one Public Service Manager I position from the Department of Administrative and Financial Services, Information Services program, Office of Information Services Fund to the Department of Economic and Community Development, Office of Broadband Development program, Other Special Revenue Funds to administer the ConnectME Authority and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$273,086	\$276,642
All Other	\$1,068,000	\$1,068,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,341,086</b>	<b>\$1,344,642</b>

**OFFICE OF BROADBAND DEVELOPMENT  
Z245**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$273,086	\$276,642
All Other	\$1,068,000	\$1,068,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,341,086</b>	<b>\$1,344,642</b>

**Office of Innovation 0995**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$280,366	\$280,794
All Other	\$6,794,260	\$6,794,260
<b>GENERAL FUND TOTAL</b>	<b>\$7,074,626</b>	<b>\$7,075,054</b>

**OFFICE OF INNOVATION 0995  
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$280,366	\$280,794
All Other	\$6,794,260	\$6,794,260
<b>GENERAL FUND TOTAL</b>	<b>\$7,074,626</b>	<b>\$7,075,054</b>

**Office of Tourism 0577**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$859,316	\$881,928
All Other	\$12,731,293	\$12,731,293
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$13,590,609</b>	<b>\$13,613,221</b>

**Office of Tourism 0577**

Initiative: Continues one Public Service Executive II position previously established by Financial Order 005230 F9. Also provides All Other costs related to the position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$155,431	\$156,278
All Other	\$20,000	\$20,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$175,431</b>	<b>\$176,278</b>

**Office of Tourism 0577**

Initiative: Provides funding to align allocations with dedicated revenue as projected by the December 2018 Revenue Forecasting Committee report.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$4,118,780	\$4,623,547
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,118,780</b>	<b>\$4,623,547</b>

**OFFICE OF TOURISM 0577 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$1,014,747	\$1,038,206
All Other	\$16,870,073	\$17,374,840
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$17,884,820</b>	<b>\$18,413,046</b>

**Renewable Energy Resources Fund Z072**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$88,000	\$88,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$88,000</b>	<b>\$88,000</b>

**RENEWABLE ENERGY RESOURCES FUND Z072**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$88,000	\$88,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$88,000</b>	<b>\$88,000</b>

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS**

	2019-20	2020-21
GENERAL FUND	\$12,861,515	\$12,886,553
FEDERAL EXPENDITURES FUND	\$1,500,000	\$1,500,000
OTHER SPECIAL REVENUE FUNDS	\$24,638,619	\$21,170,480
FEDERAL BLOCK GRANT FUND	\$21,690,409	\$21,696,827
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$60,690,543</b>	<b>\$57,253,860</b>

**Sec. A-20. Appropriations and allocations.**  
The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF  
Adult Education 0364**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$280,635	\$283,342
All Other	\$5,962,512	\$5,962,512
<b>GENERAL FUND TOTAL</b>	<b>\$6,243,147</b>	<b>\$6,245,854</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$226,197	\$226,596
All Other	\$1,874,267	\$1,874,267
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,100,464</b>	<b>\$2,100,863</b>

**Adult Education 0364**

Initiative: Provides funding to increase adult education subsidy and to provide grants for innovative practices.

GENERAL FUND	2019-20	2020-21
All Other	\$300,000	\$600,000
<b>GENERAL FUND TOTAL</b>	<b>\$300,000</b>	<b>\$600,000</b>

**ADULT EDUCATION 0364  
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$280,635	\$283,342
All Other	\$6,262,512	\$6,562,512
<b>GENERAL FUND TOTAL</b>	<b>\$6,543,147</b>	<b>\$6,845,854</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$226,197	\$226,596
All Other	\$1,874,267	\$1,874,267
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,100,464</b>	<b>\$2,100,863</b>

**Charter School Program Z129**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$500	\$500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**CHARTER SCHOOL PROGRAM Z129  
PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$500	\$500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Child Development Services 0449**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$30,685,221	\$30,685,221
<b>GENERAL FUND TOTAL</b>	<b>\$30,685,221</b>	<b>\$30,685,221</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$64,108	\$67,321
All Other	\$2,239,633	\$2,239,633
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,303,741</b>	<b>\$2,306,954</b>

**Child Development Services 0449**

Initiative: Continues one Public Service Coordinator II position previously established by Financial Order 004694 F8 and continued in Financial Order 005116 F9 and reduces All Other to fund the position. Also adjusts the All Other savings to Personal Services in the Federal Expenditures Fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$94,349	\$95,042
All Other	(\$94,349)	(\$95,042)

GENERAL FUND TOTAL	\$0	\$0
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**Child Development Services 0449**

Initiative: Provides funding to maintain services provided by Child Development Services.

GENERAL FUND	2019-20	2020-21
All Other	\$3,604,450	\$3,604,450

GENERAL FUND TOTAL	\$3,604,450	\$3,604,450
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**Child Development Services 0449**

Initiative: Provides funding for unmet needs for services provided by Child Development Services.

GENERAL FUND	2019-20	2020-21
All Other	\$868,000	\$868,000

GENERAL FUND TOTAL	\$868,000	\$868,000
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**Child Development Services 0449**

Initiative: Provides funding to Child Development Services to cover increased MaineCare rate costs.

GENERAL FUND	2019-20	2020-21
All Other	\$3,080,030	\$3,080,030

GENERAL FUND TOTAL	\$3,080,030	\$3,080,030
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**CHILD DEVELOPMENT SERVICES 0449**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$94,349	\$95,042
All Other	\$38,143,352	\$38,142,659

GENERAL FUND TOTAL	\$38,237,701	\$38,237,701
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**FEDERAL EXPENDITURES FUND**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$64,108	\$67,321
All Other	\$2,239,633	\$2,239,633

FEDERAL EXPENDITURES FUND TOTAL	\$2,303,741	\$2,306,954
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**Commission To End Student Hunger Z192**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500

OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500
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**COMMISSION TO END STUDENT HUNGER Z192**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500

OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500
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**Criminal History Record Check Fund Z014**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$10,060	\$10,095
All Other	\$25,700	\$25,700

OTHER SPECIAL REVENUE FUNDS TOTAL	\$35,760	\$35,795
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**CRIMINAL HISTORY RECORD CHECK FUND Z014**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$10,060	\$10,095
All Other	\$25,700	\$25,700

OTHER SPECIAL REVENUE FUNDS TOTAL	\$35,760	\$35,795
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**Digital Literacy Fund Z130**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$456,115	\$456,115

OTHER SPECIAL	\$456,115	\$456,115
REVENUE FUNDS TOTAL		

**DIGITAL LITERACY FUND Z130**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL</b>	<b>2019-20</b>	<b>2020-21</b>
<b>REVENUE FUNDS</b>		
All Other	\$456,115	\$456,115

OTHER SPECIAL	\$456,115	\$456,115
REVENUE FUNDS TOTAL		

**Education in Unorganized Territory 0220**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	21.500	21.500
POSITIONS - FTE COUNT	26.335	26.335
Personal Services	\$3,245,070	\$3,301,139
All Other	\$9,212,381	\$9,212,381

GENERAL FUND TOTAL	\$12,457,451	\$12,513,520
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
POSITIONS - FTE COUNT	0.707	0.707
Personal Services	\$142,601	\$147,913
All Other	\$211,445	\$211,445

FEDERAL EXPENDITURES FUND TOTAL	\$354,046	\$359,358
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<b>OTHER SPECIAL</b>	<b>2019-20</b>	<b>2020-21</b>
<b>REVENUE FUNDS</b>		
All Other	\$8,135	\$8,135

OTHER SPECIAL	\$8,135	\$8,135
REVENUE FUNDS TOTAL		

**Education in Unorganized Territory 0220**

Initiative: Reorganizes one Director State Schools EUT position to a Public Service Executive II position.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$8,527	\$8,518
GENERAL FUND TOTAL	\$8,527	\$8,518

**Education in Unorganized Territory 0220**

Initiative: Establishes 3 Teacher Aide positions, 3 Janitor/Bus Driver positions and 2 Teacher BS positions to support education programs for resident unorganized territory students attending schools.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
POSITIONS - FTE COUNT	4.242	4.242
Personal Services	\$385,944	\$401,588

GENERAL FUND TOTAL	\$385,944	\$401,588
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**EDUCATION IN UNORGANIZED TERRITORY 0220**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	23.500	23.500
POSITIONS - FTE COUNT	30.577	30.577
Personal Services	\$3,639,541	\$3,711,245
All Other	\$9,212,381	\$9,212,381

GENERAL FUND TOTAL	\$12,851,922	\$12,923,626
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
POSITIONS - FTE COUNT	0.707	0.707
Personal Services	\$142,601	\$147,913
All Other	\$211,445	\$211,445

FEDERAL EXPENDITURES FUND TOTAL	\$354,046	\$359,358
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<b>OTHER SPECIAL</b>	<b>2019-20</b>	<b>2020-21</b>
<b>REVENUE FUNDS</b>		
All Other	\$8,135	\$8,135

OTHER SPECIAL	\$8,135	\$8,135
REVENUE FUNDS TOTAL		

**Facilities, Safety and Transportation Z271**

Initiative: Transfers one Public Service Executive II position, one Public Service Manager II position, 2 Public Service Coordinator II positions and one Secretary Associate position from the School Finance and Operations program to the Facilities, Safety and Transportation program within the same fund. Also transfers All Other costs associated with these positions.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$653,855	\$607,883
All Other	\$342,884	\$391,389
OTHER SPECIAL REVENUE FUNDS TOTAL	\$996,739	\$999,272

**Facilities, Safety and Transportation Z271**

Initiative: Provides funding to align with anticipated revenue.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$597,282	\$553,032
FEDERAL EXPENDITURES FUND TOTAL	\$597,282	\$553,032

**FACILITIES, SAFETY AND TRANSPORTATION Z271**

**PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$597,282	\$553,032
FEDERAL EXPENDITURES FUND TOTAL	\$597,282	\$553,032

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$653,855	\$607,883
All Other	\$342,884	\$391,389

OTHER SPECIAL	\$996,739	\$999,272
REVENUE FUNDS TOTAL		

**FHM - School Breakfast Program Z068**

Initiative: BASELINE BUDGET

FUND FOR A HEALTHY MAINE	2019-20	2020-21
All Other	\$213,720	\$213,720
FUND FOR A HEALTHY MAINE TOTAL	\$213,720	\$213,720

**FHM - SCHOOL BREAKFAST PROGRAM Z068 PROGRAM SUMMARY**

FUND FOR A HEALTHY MAINE	2019-20	2020-21
All Other	\$213,720	\$213,720
FUND FOR A HEALTHY MAINE TOTAL	\$213,720	\$213,720

**Fund for the Efficient Delivery of Educational Services Z005**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

**FUND FOR THE EFFICIENT DELIVERY OF EDUCATIONAL SERVICES Z005**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

**General Purpose Aid for Local Schools 0308**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	18.000	18.000

**FIRST REGULAR SESSION - 2019**

**PUBLIC LAW, C. 343**

Personal Services	\$2,150,317	\$2,173,545
All Other	\$1,095,978,079	\$1,095,978,079
<b>GENERAL FUND TOTAL</b>	<b>\$1,098,128,396</b>	<b>\$1,098,151,624</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$17,994,222	\$17,994,222
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$17,994,222</b>	<b>\$17,994,222</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Transfers one Public Service Manager II position from the General Purpose Aid for Local Schools program to the Higher Education and Educator Support Services program within the same fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$136,047)	(\$140,715)
<b>GENERAL FUND TOTAL</b>	<b>(\$136,047)</b>	<b>(\$140,715)</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Transfers and reallocates one Education Specialist II position from 50% Learning Systems Team program, Federal Expenditures Fund and 50% Leadership Team program, Other Special Revenue Funds to 100% General Purpose Aid for Local Schools program, General Fund beginning September 30, 2019 and reduces All Other to fund the position.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$77,139	\$103,758
All Other	(\$77,139)	(\$103,758)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Transfers one Public Service Executive II position and 2 Regional Education Representative positions from the General Purpose Aid for Local Schools program to the Learning Systems Team program within the same fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(3.000)	(3.000)

Personal Services	(\$379,724)	(\$380,598)
<b>GENERAL FUND TOTAL</b>	<b>(\$379,724)</b>	<b>(\$380,598)</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Transfers one Education Specialist III position from the Learning Systems Team program to the General Purpose Aid for Local Schools program within the same fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$100,611	\$100,967
<b>GENERAL FUND TOTAL</b>	<b>\$100,611</b>	<b>\$100,967</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Reallocates 50% of one Director of Policy and Programs position from the General Purpose Aid for Local Schools program to the Leadership Team program within the same fund. Reorganizes one Public Service Coordinator II position to a Public Service Manager III position, one Public Service Manager III position from range 34 to range 35 and one Director of Communication position from range 33 to range 36.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$82,880)	(\$85,395)
<b>GENERAL FUND TOTAL</b>	<b>(\$82,880)</b>	<b>(\$85,395)</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Transfers and reallocates one Public Service Manager I position from 25% Federal Expenditures Fund and 75% General Fund in the Learning Systems Team program to 100% General Fund in General Purpose Aid for Local Schools program and reduces All Other to partially fund the position. Also reallocates 25% of one Public Service Manager II position from the General Fund to the Federal Expenditures Fund in the Learning Systems Team program and provides funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$122,003	\$122,936
All Other	(\$30,502)	(\$30,734)
<b>GENERAL FUND TOTAL</b>	<b>\$91,501</b>	<b>\$92,202</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding for an increase in school subsidy payments for the state share of MaineCare expenditures for school-based services.

GENERAL FUND	2019-20	2020-21
All Other	\$2,000,000	\$2,000,000
<b>GENERAL FUND TOTAL</b>	<b>\$2,000,000</b>	<b>\$2,000,000</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding to cover essential programs and services obligations in support of publicly funded students and teachers in the State.

GENERAL FUND	2019-20	2020-21
All Other	\$11,000,000	\$9,000,000
<b>GENERAL FUND TOTAL</b>	<b>\$11,000,000</b>	<b>\$9,000,000</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding to cover obligations for publicly funded students and teachers in the State.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$3,301,068	\$3,514,021
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,301,068</b>	<b>\$3,514,021</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding for the approved reorganization of one Education Specialist III position to a Data & Research Coordinator position and transfers All Other to Personal Services to fund the reorganization.

GENERAL FUND	2019-20	2020-21
Personal Services	\$354	\$354
All Other	(\$354)	(\$354)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Transfers funding from the Learning Systems Team program to the General Purpose Aid for Local Schools program within the same fund for compliance with criminal history record check and fingerprinting requirements for employees of school administrative units.

GENERAL FUND	2019-20	2020-21
All Other	\$13,508	\$13,508

<b>GENERAL FUND TOTAL</b>	<b>\$13,508</b>	<b>\$13,508</b>
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**General Purpose Aid for Local Schools 0308**

Initiative: Provides one-time funding to pay a portion of the fiscal year 2019-20 end-of-lease cost for computer devices leased as part of the learning through technology initiative program.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$4,000,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$4,000,000</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Establishes 2 Education Specialist III positions, 2 Regional Education Representative positions and one Management Analyst II position beginning September 23, 2019 to build staffing capacity within the Department of Education. Also provides funding for related All Other costs associated with these positions.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$67,482	\$91,863
All Other	(\$42,367)	(\$58,617)
<b>GENERAL FUND TOTAL</b>	<b>\$25,115</b>	<b>\$33,246</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding to increase the minimum annual salary for certified teachers from \$30,000 in fiscal year 2019-20 to \$35,000 in fiscal year 2020-21, \$37,500 in fiscal year 2021-22 and \$40,000 in fiscal year 2022-23.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$2,100,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$2,100,000</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides additional funding toward the state share of the total cost of public education from kindergarten to grade 12.

GENERAL FUND	2019-20	2020-21
All Other	\$28,677,547	\$52,865,889
<b>GENERAL FUND TOTAL</b>	<b>\$28,677,547</b>	<b>\$52,865,889</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Continues one Public Service Manager II position previously established by Financial Order 005099 F9 and reduces All Other to fund the position.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$141,074	\$141,957
All Other	(\$141,074)	(\$141,957)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding to the Maine Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf for a 3% cost-of-living adjustment.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$243,750
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$243,750</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides ongoing funds to the Maine Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf for student transportation costs.

GENERAL FUND	2019-20	2020-21
All Other	\$200,000	\$200,000
<b>GENERAL FUND TOTAL</b>	<b>\$200,000</b>	<b>\$200,000</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Continues one Education Specialist III position previously established by Financial Order 000150 F9 and reduces All Other to fund the position. Also eliminates one Education Specialist II position.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$111,437	\$112,388
All Other	(\$111,437)	(\$112,388)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides one-time funds in fiscal year 2019-20 to career and technical education centers or career

and technical education regions to increase allocations to fiscal year 2018-19 levels.

GENERAL FUND	2019-20	2020-21
All Other	\$2,574,611	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$2,574,611</b>	<b>\$0</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides ongoing funds to the Maine Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to support positions for the new region in Bangor and Brewer.

GENERAL FUND	2019-20	2020-21
All Other	\$250,000	\$250,000
<b>GENERAL FUND TOTAL</b>	<b>\$250,000</b>	<b>\$250,000</b>

**GENERAL PURPOSE AID FOR LOCAL SCHOOLS 0308**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	20.000	20.000
Personal Services	\$2,171,766	\$2,241,060
All Other	\$1,140,290,872	\$1,166,203,418
<b>GENERAL FUND TOTAL</b>	<b>\$1,142,462,638</b>	<b>\$1,168,444,478</b>

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
All Other	\$21,295,290	\$21,508,243
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$21,295,290</b>	<b>\$21,508,243</b>

**Higher Education and Educator Support Services Z082**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.500	11.500
Personal Services	\$1,048,837	\$1,070,315
All Other	\$273,500	\$273,500
<b>GENERAL FUND TOTAL</b>	<b>\$1,322,337</b>	<b>\$1,343,815</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$5,480,535	\$5,480,535
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,480,535</b>	<b>\$5,480,535</b>

**Higher Education and Educator Support Services Z082**

Initiative: Transfers one Public Service Manager II position from the General Purpose Aid for Local Schools program to the Higher Education and Educator Support Services program within the same fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$136,047	\$140,715
<b>GENERAL FUND TOTAL</b>	<b>\$136,047</b>	<b>\$140,715</b>

**Higher Education and Educator Support Services Z082**

Initiative: Transfers one Education Specialist III position from the Higher Education and Educator Support Services program to the School Finance and Operations program within the same fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$81,554)	(\$84,862)
<b>GENERAL FUND TOTAL</b>	<b>(\$81,554)</b>	<b>(\$84,862)</b>

**Higher Education and Educator Support Services Z082**

Initiative: Transfers one Office Associate II position from 100% Special Services Team program, Federal Expenditures Fund to 100% Higher Education and Educator Support Services program, General Fund. Reorganizes one Regional Education Representative position to an Education Specialist III position. Reallocates one Data & Research Coordinator position from 50% School Finance and Operations program, General Fund and 50% Special Services Team program, Federal Expenditures Fund to 100% Special Services Team program, Federal Expenditures Fund. Also reorganizes one Education Specialist III position to a Public Service Manager II position.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000

Personal Services	\$75,121	\$74,646
<b>GENERAL FUND TOTAL</b>	<b>\$75,121</b>	<b>\$74,646</b>

**Higher Education and Educator Support Services Z082**

Initiative: Transfers one Public Service Manager II position from the Higher Education and Educator Support Services program to the Leadership Team program within the same fund and reorganizes the position to a Public Service Executive II position.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$120,702)	(\$120,983)
<b>GENERAL FUND TOTAL</b>	<b>(\$120,702)</b>	<b>(\$120,983)</b>

**Higher Education and Educator Support Services Z082**

Initiative: Transfers funding for technology costs from the School Finance and Operations program to the Higher Education and Educator Support Services program within the same fund.

GENERAL FUND	2019-20	2020-21
All Other	\$75,000	\$75,000
<b>GENERAL FUND TOTAL</b>	<b>\$75,000</b>	<b>\$75,000</b>

**Higher Education and Educator Support Services Z082**

Initiative: Continues one Public Service Manager II position that was established in Public Law 2019, chapter 4 to support educator certification and provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$112,859	\$118,196
All Other	\$6,383	\$6,383
<b>GENERAL FUND TOTAL</b>	<b>\$119,242</b>	<b>\$124,579</b>

**Higher Education and Educator Support Services Z082**

Initiative: Continues one Education Specialist III position, previously authorized to continue through June 15, 2019 in Public Law 2017, chapter 284, Part A, and provides funding for All Other costs associated with

the position. Also eliminates one vacant Office Associate II position.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$111,437	\$112,388
All Other	\$4,000	\$4,000
<b>GENERAL FUND TOTAL</b>	<b>\$115,437</b>	<b>\$116,388</b>

**HIGHER EDUCATION AND EDUCATOR SUPPORT SERVICES Z082**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	13.500	13.500
Personal Services	\$1,282,045	\$1,310,415
All Other	\$358,883	\$358,883
<b>GENERAL FUND TOTAL</b>	<b>\$1,640,928</b>	<b>\$1,669,298</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$5,480,535	\$5,480,535
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,480,535</b>	<b>\$5,480,535</b>

**Leadership Team Z077**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,280,408	\$1,296,640
All Other	\$256,890	\$256,890
<b>GENERAL FUND TOTAL</b>	<b>\$1,537,298</b>	<b>\$1,553,530</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$289,353	\$296,121
All Other	\$2,181,835	\$2,181,835
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,471,188</b>	<b>\$2,477,956</b>

**Leadership Team Z077**

Initiative: Transfers and reallocates one Education Specialist II position from 50% Learning Systems Team program, Federal Expenditures Fund and 50% Leadership Team program, Other Special Revenue Funds to 100% General Purpose Aid for Local Schools program, General Fund beginning September 30, 2019 and reduces All Other to fund the position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$38,569)	(\$51,877)
All Other	\$38,569	\$51,877
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Leadership Team Z077**

Initiative: Transfers and reallocates one Office Associate II position from 50% Leadership Team program, Other Special Revenue Funds and 50% Learning Systems Team program, General Fund to 100% Learning Systems Team program, General Fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$23,846)	(\$24,939)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$23,846)</b>	<b>(\$24,939)</b>

**Leadership Team Z077**

Initiative: Transfers and reallocates one Public Service Manager II position from 60% Leadership Team program, Other Special Revenue Funds and 40% Learning Systems Team program, General Fund to 100% Learning Systems Team program, General Fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$78,696)	(\$79,217)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$78,696)</b>	<b>(\$79,217)</b>

**Leadership Team Z077**

Initiative: Reallocates 50% of one Director of Policy and Programs position from the General Purpose Aid for Local Schools program to the Leadership Team program within the same fund. Reorganizes one Pub-

lic Service Coordinator II position to a Public Service Manager III position, one Public Service Manager III position from range 34 to range 35 and one Director of Communication position from range 33 to range 36.

GENERAL FUND	2019-20	2020-21
Personal Services	\$159,473	\$149,257
<b>GENERAL FUND TOTAL</b>	<b>\$159,473</b>	<b>\$149,257</b>

**Leadership Team Z077**

Initiative: Transfers one Public Service Manager II position from the Higher Education and Educator Support Services program to the Leadership Team program within the same fund and reorganizes the position to a Public Service Executive II position.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$150,036	\$144,351
<b>GENERAL FUND TOTAL</b>	<b>\$150,036</b>	<b>\$144,351</b>

**Leadership Team Z077**

Initiative: Provides funding due to increases in costs for financial and human resource management services provided by the Department of Administrative and Financial Services.

GENERAL FUND	2019-20	2020-21
All Other	\$79,050	\$79,050
<b>GENERAL FUND TOTAL</b>	<b>\$79,050</b>	<b>\$79,050</b>

**Leadership Team Z077**

Initiative: Continues one Public Service Coordinator II position previously established by financial order in fiscal year 2018-19 and provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$134,514	\$135,415
All Other	\$6,383	\$6,383
<b>GENERAL FUND TOTAL</b>	<b>\$140,897</b>	<b>\$141,798</b>

**Leadership Team Z077**

Initiative: Continues one Public Service Manager II position previously established by Financial Order

000080 F9 and provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$129,986	\$130,898
All Other	\$6,383	\$6,383
<b>GENERAL FUND TOTAL</b>	<b>\$136,369</b>	<b>\$137,281</b>

**Leadership Team Z077**

Initiative: Continues one Public Service Executive II position that was established in Public Law 2019, chapter 4 and provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$128,844	\$134,991
All Other	\$6,383	\$6,383
<b>GENERAL FUND TOTAL</b>	<b>\$135,227</b>	<b>\$141,374</b>

**LEADERSHIP TEAM Z077 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16.000	16.000
Personal Services	\$1,983,261	\$1,991,552
All Other	\$355,089	\$355,089
<b>GENERAL FUND TOTAL</b>	<b>\$2,338,350</b>	<b>\$2,346,641</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$148,242	\$140,088
All Other	\$2,220,404	\$2,233,712
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,368,646</b>	<b>\$2,373,800</b>

**Learning Systems Team Z081**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
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**FIRST REGULAR SESSION - 2019**

**PUBLIC LAW, C. 343**

POSITIONS - LEGISLATIVE COUNT	17.000	17.000
Personal Services	\$2,105,573	\$2,127,454
All Other	\$2,950,280	\$2,950,280
<b>GENERAL FUND TOTAL</b>	<b>\$5,055,853</b>	<b>\$5,077,734</b>

POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$38,570)	(\$51,881)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$38,570)</b>	<b>(\$51,881)</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	23.000	23.000
POSITIONS - FTE COUNT	0.577	0.577
Personal Services	\$2,234,692	\$2,262,085
All Other	\$96,117,898	\$96,117,898
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$98,352,590</b>	<b>\$98,379,983</b>

**Learning Systems Team Z081**

Initiative: Transfers one Public Service Executive II position and 2 Regional Education Representative positions from the General Purpose Aid for Local Schools program to the Learning Systems Team program within the same fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$379,724	\$380,598
<b>GENERAL FUND TOTAL</b>	<b>\$379,724</b>	<b>\$380,598</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$65,918	\$66,919
All Other	\$71,897	\$71,897
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$137,815</b>	<b>\$138,816</b>

**Learning Systems Team Z081**

Initiative: Transfers and reallocates one Office Associate II position from 50% Leadership Team program, Other Special Revenue Funds and 50% Learning Systems Team program, General Fund to 100% Learning Systems Team program, General Fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$23,846	\$24,939
<b>GENERAL FUND TOTAL</b>	<b>\$23,846</b>	<b>\$24,939</b>

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$201,400	\$203,129
All Other	\$48,246	\$48,246
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$249,646</b>	<b>\$251,375</b>

**Learning Systems Team Z081**

Initiative: Transfers and reallocates one Public Service Manager II position from 60% Leadership Team program, Other Special Revenue Funds and 40% Learning Systems Team program, General Fund to 100% Learning Systems Team program, General Fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$78,696	\$79,217
<b>GENERAL FUND TOTAL</b>	<b>\$78,696</b>	<b>\$79,217</b>

**Learning Systems Team Z081**

Initiative: Transfers and reallocates one Education Specialist II position from 50% Learning Systems Team program, Federal Expenditures Fund and 50% Leadership Team program, Other Special Revenue Funds to 100% General Purpose Aid for Local Schools program, General Fund beginning September 30, 2019 and reduces All Other to fund the position.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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**Learning Systems Team Z081**

Initiative: Transfers one Education Specialist III position from the Learning Systems Team program to the

General Purpose Aid for Local Schools program with-  
in the same fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$100,611)	(\$100,967)
<b>GENERAL FUND TOTAL</b>	<b>(\$100,611)</b>	<b>(\$100,967)</b>

**Learning Systems Team Z081**

Initiative: Transfers and reallocates one Public Service Manager I position from 25% Federal Expenditures Fund and 75% General Fund in the Learning Systems Team program to 100% General Fund in General Purpose Aid for Local Schools program and reduces All Other to partially fund the position. Also reallocates 25% of one Public Service Manager II position from the General Fund to the Federal Expenditures Fund in the Learning Systems Team program and provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$123,966)	(\$124,730)
<b>GENERAL FUND TOTAL</b>	<b>(\$123,966)</b>	<b>(\$124,730)</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$1,963	\$1,794
All Other	\$30,502	\$30,734
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$32,465</b>	<b>\$32,528</b>

**Learning Systems Team Z081**

Initiative: Transfers funding per a memorandum of understanding to the Department of Health and Human Services to offset costs related to the administration of a youth risk behavior survey.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	(\$35,000)	(\$35,000)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$35,000)</b>	<b>(\$35,000)</b>

**Learning Systems Team Z081**

Initiative: Provides funding for the Student Support and Academic Enrichment Program.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$5,270,196	\$5,270,108
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,270,196</b>	<b>\$5,270,108</b>

**Learning Systems Team Z081**

Initiative: Transfers and reallocates one Public Service Manager II position, 5 Education Specialist III positions, one Public Service Coordinator I position, one Management Analyst II position and one Office Associate II position and associated All Other costs from various federal accounts to the Every Student Succeeds Act consolidated administration account within the same program. Also provides funding for the account to cover expenditures in multiple grant years.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$325,000	\$325,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$325,000</b>	<b>\$325,000</b>

**Learning Systems Team Z081**

Initiative: Provides funding for the Education for Homeless Children and Youths grant.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$94,443	\$94,443
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$94,443</b>	<b>\$94,443</b>

**Learning Systems Team Z081**

Initiative: Reorganizes one Office Associate II position to an Education Specialist III position and reallocates the cost of the position between accounts within the same program and fund. Also reduces All Other to fund the reallocation.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$21,687	\$18,141
All Other	(\$47,329)	(\$45,067)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$25,642)</b>	<b>(\$26,926)</b>

**Learning Systems Team Z081**

Initiative: Continues one limited-period Education Specialist III position through September 30, 2023 and provides funding for All Other costs associated with the position. This position was previously established by Financial Order 005256 F9.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$111,437	\$112,388
All Other	\$875,843	\$870,368
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$987,280</b>	<b>\$982,756</b>

**Learning Systems Team Z081**

Initiative: Establishes one Public Service Executive II position to serve as deputy director in the office of learning systems and provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$128,844	\$134,991
All Other	\$6,383	\$6,383
<b>GENERAL FUND TOTAL</b>	<b>\$135,227</b>	<b>\$141,374</b>

**Learning Systems Team Z081**

Initiative: Transfers funding from the Learning Systems Team program to the General Purpose Aid for Local Schools program within the same fund for compliance with criminal history record check and fingerprinting requirements for employees of school administrative units.

GENERAL FUND	2019-20	2020-21
All Other	(\$13,508)	(\$13,508)
<b>GENERAL FUND TOTAL</b>	<b>(\$13,508)</b>	<b>(\$13,508)</b>

**Learning Systems Team Z081**

Initiative: Provides funding for vision and hearing screening training for school nurses.

GENERAL FUND	2019-20	2020-21
All Other	\$20,000	\$20,000
<b>GENERAL FUND TOTAL</b>	<b>\$20,000</b>	<b>\$20,000</b>

**Learning Systems Team Z081**

Initiative: Establishes 2 Education Specialist III positions, 2 Regional Education Representative positions

and one Management Analyst II position beginning September 23, 2019 to build staffing capacity within the Department of Education. Also provides funding for related All Other costs associated with these positions.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$296,470	\$403,488
All Other	\$25,532	\$25,532
<b>GENERAL FUND TOTAL</b>	<b>\$322,002</b>	<b>\$429,020</b>

**Learning Systems Team Z081**

Initiative: Reallocates the cost of one Regional Education Representative position from 90% Federal Block Grant Fund and 10% Federal Expenditures Fund to 80% Federal Block Grant Fund and 20% Federal Expenditures Fund within the same program and transfers All Other to Personal Services to fund the reallocation. Also adjusts the Personal Services savings to All Other in the Federal Block Grant Fund.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$10,753	\$10,840
All Other	(\$10,753)	(\$10,840)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
Personal Services	(\$10,753)	(\$10,840)
All Other	\$10,753	\$10,840
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Learning Systems Team Z081**

Initiative: Continues one Education Specialist III position previously established by Financial Order 000150 F9 and reduces All Other to fund the position. Also eliminates one Education Specialist II position.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$82,183)	(\$86,037)

FEDERAL EXPENDITURES FUND TOTAL	(\$82,183)	(\$86,037)
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**LEARNING SYSTEMS TEAM Z081  
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	25.000	25.000
Personal Services	\$2,788,576	\$2,924,990
All Other	\$2,988,687	\$2,988,687
<b>GENERAL FUND TOTAL</b>	<b>\$5,777,263</b>	<b>\$5,913,677</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	21.000	21.000
POSITIONS - FTE COUNT	0.577	0.577
Personal Services	\$2,259,779	\$2,267,330
All Other	\$102,620,800	\$102,617,644
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$104,880,579</b>	<b>\$104,884,974</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$65,918	\$66,919
All Other	\$71,897	\$71,897
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$137,815</b>	<b>\$138,816</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$190,647	\$192,289
All Other	\$58,999	\$59,086
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$249,646</b>	<b>\$251,375</b>

**Learning Through Technology Z029  
Initiative: BASELINE BUDGET**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$12,141,815	\$12,141,815
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,141,815</b>	<b>\$12,141,815</b>

**LEARNING THROUGH TECHNOLOGY Z029  
PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$12,141,815	\$12,141,815
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,141,815</b>	<b>\$12,141,815</b>

**Maine Commission for Community Service Z134  
Initiative: BASELINE BUDGET**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$353,078	\$364,556
All Other	\$2,358,339	\$2,358,339
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,711,417</b>	<b>\$2,722,895</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$29,273	\$30,670
All Other	\$194,282	\$194,282
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$223,555</b>	<b>\$224,952</b>

**Maine Commission for Community Service Z134**

Initiative: Provides funding to increase the hours of one Senior Planner position from 54 hours to 80 hours biweekly and reallocates the position from 75% Federal Expenditures Fund and 25% Other Special Revenue Funds to 60% Federal Expenditures Fund and 40% General Fund within the same program. This initiative also provides All Other funding in the General Fund to support the Maine service fellows program.

GENERAL FUND	2019-20	2020-21
Personal Services	\$34,084	\$35,636
All Other	\$60,276	\$60,276

GENERAL FUND TOTAL	\$94,360	\$95,912
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$7,924	\$8,289
FEDERAL EXPENDITURES FUND TOTAL	\$7,924	\$8,289
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$14,399)	(\$15,054)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$14,399)	(\$15,054)

**MAINE COMMISSION FOR COMMUNITY SERVICE Z134**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$34,084	\$35,636
All Other	\$60,276	\$60,276
GENERAL FUND TOTAL	\$94,360	\$95,912
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$361,002	\$372,845
All Other	\$2,358,339	\$2,358,339
FEDERAL EXPENDITURES FUND TOTAL	\$2,719,341	\$2,731,184

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$14,874	\$15,616
All Other	\$194,282	\$194,282
OTHER SPECIAL REVENUE FUNDS TOTAL	\$209,156	\$209,898

**Maine HIV Prevention Education Program Z182**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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All Other	\$150,000	\$150,000
GENERAL FUND TOTAL	\$150,000	\$150,000

**MAINE HIV PREVENTION EDUCATION PROGRAM Z182**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$150,000	\$150,000
GENERAL FUND TOTAL	\$150,000	\$150,000

**National Board Certification Salary Supplement Fund Z147**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$335,000	\$335,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$335,000	\$335,000

**NATIONAL BOARD CERTIFICATION SALARY SUPPLEMENT FUND Z147**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$335,000	\$335,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$335,000	\$335,000

**National Board Certification Scholarship Fund Z148**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$75,000	\$75,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$75,000	\$75,000

**NATIONAL BOARD CERTIFICATION SCHOLARSHIP FUND Z148**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
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All Other	\$75,000	\$75,000
	\$75,000	\$75,000
OTHER SPECIAL REVENUE FUNDS TOTAL		

**Obesity and Chronic Disease Fund Z111**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL		

**OBESITY AND CHRONIC DISEASE FUND Z111**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL		

**Retired Teachers Group Life Insurance Z033**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$3,547,000	\$3,547,000
	\$3,547,000	\$3,547,000
GENERAL FUND TOTAL		

**Retired Teachers Group Life Insurance Z033**

Initiative: Provides funding for group life insurance for retired teachers.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$931,086	\$1,054,233
	\$931,086	\$1,054,233
GENERAL FUND TOTAL		

**RETIRED TEACHERS GROUP LIFE INSURANCE Z033**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$4,478,086	\$4,601,233
	\$4,478,086	\$4,601,233
GENERAL FUND TOTAL		

**Retired Teachers' Health Insurance 0854**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$45,000,000	\$45,000,000
	\$45,000,000	\$45,000,000
GENERAL FUND TOTAL		

**RETIRED TEACHERS' HEALTH INSURANCE 0854**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$45,000,000	\$45,000,000
	\$45,000,000	\$45,000,000
GENERAL FUND TOTAL		

**School Finance and Operations Z078**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	5,000	5,000
Personal Services	\$485,362	\$491,659
All Other	\$2,153,059	\$2,153,059
	\$2,638,421	\$2,644,718
GENERAL FUND TOTAL		

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12,000	12,000
Personal Services	\$1,030,614	\$1,046,406
All Other	\$59,609,848	\$59,609,848
	\$60,640,462	\$60,656,254
FEDERAL EXPENDITURES FUND TOTAL		

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	5,000	5,000
Personal Services	\$579,507	\$582,040
All Other	\$432,777	\$432,777
	\$1,012,284	\$1,014,817
OTHER SPECIAL REVENUE FUNDS TOTAL		

**School Finance and Operations Z078**

Initiative: Transfers one Education Specialist III position from the Higher Education and Educator Support Services program to the School Finance and Operations program within the same fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$81,554	\$84,862
<b>GENERAL FUND TOTAL</b>	<b>\$81,554</b>	<b>\$84,862</b>

**School Finance and Operations Z078**

Initiative: Transfers one Office Associate II position from 100% Special Services Team program, Federal Expenditures Fund to 100% Higher Education and Educator Support Services program, General Fund. Reorganizes one Regional Education Representative position to an Education Specialist III position. Reallocates one Data & Research Coordinator position from 50% School Finance and Operations program, General Fund and 50% Special Services Team program, Federal Expenditures Fund to 100% Special Services Team program, Federal Expenditures Fund. Also reorganizes one Education Specialist III position to a Public Service Manager II position.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$55,305)	(\$55,749)
<b>GENERAL FUND TOTAL</b>	<b>(\$55,305)</b>	<b>(\$55,749)</b>

**School Finance and Operations Z078**

Initiative: Transfers funding for technology costs from the School Finance and Operations program to the Higher Education and Educator Support Services program within the same fund.

GENERAL FUND	2019-20	2020-21
All Other	(\$75,000)	(\$75,000)
<b>GENERAL FUND TOTAL</b>	<b>(\$75,000)</b>	<b>(\$75,000)</b>

**School Finance and Operations Z078**

Initiative: Transfers one Public Service Executive II position, one Public Service Manager II position, 2 Public Service Coordinator II positions and one Secretary Associate position from the School Finance and Operations program to the Facilities, Safety and Transportation program within the same fund. Also transfers All Other costs associated with these positions.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21

POSITIONS - LEGISLATIVE COUNT	(5.000)	(5.000)
Personal Services	(\$653,855)	(\$607,883)
All Other	(\$342,884)	(\$391,389)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$996,739)</b>	<b>(\$999,272)</b>

**School Finance and Operations Z078**

Initiative: Provides funding for the proposed reorganization of one Education Specialist III position to a Public Service Manager II position and transfers All Other to Personal Services to fund the reorganization.

GENERAL FUND	2019-20	2020-21
Personal Services	\$7,950	\$8,804
All Other	(\$7,950)	(\$8,804)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**School Finance and Operations Z078**

Initiative: Provides funding for the proposed reorganization of one Education Specialist III position to an Education Program Supervisor position and transfers All Other to Personal Services to fund the reorganization.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$8,048	\$11,918
All Other	(\$8,048)	(\$11,918)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**School Finance and Operations Z078**

Initiative: Provides funding for the difference between the federal reimbursement for a reduced-price lunch and the federal reimbursement for a free lunch. Also provides one-time funding to modify the existing school meal software application to accommodate this change in fiscal year 2019-20.

GENERAL FUND	2019-20	2020-21
All Other	\$669,788	\$584,483
<b>GENERAL FUND TOTAL</b>	<b>\$669,788</b>	<b>\$584,483</b>

**School Finance and Operations Z078**

Initiative: Establishes one Education Specialist II position and provides funding for related All Other costs.

Also provides funding to support the use of local produce in schools.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$87,848	\$91,863
All Other	\$221,383	\$328,883
<b>GENERAL FUND TOTAL</b>	<b>\$309,231</b>	<b>\$420,746</b>

**SCHOOL FINANCE AND OPERATIONS Z078 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	7.000	7.000
Personal Services	\$607,409	\$621,439
All Other	\$2,961,280	\$2,982,621
<b>GENERAL FUND TOTAL</b>	<b>\$3,568,689</b>	<b>\$3,604,060</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,038,662	\$1,058,324
All Other	\$59,601,800	\$59,597,930
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$60,640,462</b>	<b>\$60,656,254</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	0.000
Personal Services	(\$74,348)	(\$25,843)
All Other	\$89,893	\$41,388
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$15,545</b>	<b>\$15,545</b>

**Special Services Team Z080**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
Personal Services	\$93,526	\$93,857
All Other	\$151,943	\$151,943
<b>GENERAL FUND TOTAL</b>	<b>\$245,469</b>	<b>\$245,800</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
Personal Services	\$2,053,153	\$2,074,614
All Other	\$59,881,518	\$59,881,518
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$61,934,671</b>	<b>\$61,956,132</b>

**Special Services Team Z080**

Initiative: Continues one Public Service Coordinator II position previously established by Financial Order 004694 F8 and continued in Financial Order 005116 F9 and reduces All Other to fund the position. Also adjusts the All Other savings to Personal Services in the Federal Expenditures Fund.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$31,447	\$31,677
All Other	(\$31,447)	(\$31,677)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Special Services Team Z080**

Initiative: Transfers one Office Associate II position from 100% Special Services Team program, Federal Expenditures Fund to 100% Higher Education and Educator Support Services program, General Fund. Reorganizes one Regional Education Representative position to an Education Specialist III position. Reallocates one Data & Research Coordinator position from 50% School Finance and Operations program, General Fund and 50% Special Services Team program, Federal Expenditures Fund to 100% Special Services Team program, Federal Expenditures Fund. Also reorganizes one Education Specialist III position to a Public Service Manager II position.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$9,921)	(\$9,928)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$9,921)</b>	<b>(\$9,928)</b>

**Special Services Team Z080**

Initiative: Continues one Public Service Executive II position previously established by Financial Order

005136 F9 and continued in Financial Order 005361 F9 and reduces All Other to fund the position.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$145,433	\$151,255
All Other	(\$145,433)	(\$151,255)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**SPECIAL SERVICES TEAM Z080**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
Personal Services	\$93,526	\$93,857
All Other	\$151,943	\$151,943
<b>GENERAL FUND TOTAL</b>	<b>\$245,469</b>	<b>\$245,800</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
Personal Services	\$2,220,112	\$2,247,618
All Other	\$59,704,638	\$59,698,586
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$61,924,750</b>	<b>\$61,946,204</b>

**Teacher Retirement 0170**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$132,980,833	\$132,980,833
<b>GENERAL FUND TOTAL</b>	<b>\$132,980,833</b>	<b>\$132,980,833</b>

**Teacher Retirement 0170**

Initiative: Provides funding for teacher retirement costs based on actuarial estimates from the Maine Public Employees Retirement System.

GENERAL FUND	2019-20	2020-21
All Other	\$41,549,532	\$46,349,117
<b>GENERAL FUND TOTAL</b>	<b>\$41,549,532</b>	<b>\$46,349,117</b>

**TEACHER RETIREMENT 0170**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$174,530,365	\$179,329,950
<b>GENERAL FUND TOTAL</b>	<b>\$174,530,365</b>	<b>\$179,329,950</b>

**EDUCATION, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$1,437,918,918</b>	<b>\$1,469,408,230</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$241,001,700</b>	<b>\$241,019,858</b>
<b>FUND FOR A HEALTHY MAINE</b>	<b>\$213,720</b>	<b>\$213,720</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$38,076,516</b>	<b>\$38,298,934</b>
<b>FEDERAL BLOCK GRANT FUND</b>	<b>\$249,646</b>	<b>\$251,375</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$1,717,460,500</b>	<b>\$1,749,192,117</b>
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**Sec. A-21. Appropriations and allocations.**  
The following appropriations and allocations are made.

**EDUCATION, STATE BOARD OF**

**State Board of Education 0614**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$95,562	\$96,423
All Other	\$73,694	\$73,694
<b>GENERAL FUND TOTAL</b>	<b>\$169,256</b>	<b>\$170,117</b>

**State Board of Education 0614**

Initiative: Provides funding for the approved reclassification of one Secretary Associate position to a Secretary Specialist position, retroactive to August 2017.

GENERAL FUND	2019-20	2020-21
Personal Services	\$15,686	\$7,387
<b>GENERAL FUND TOTAL</b>	<b>\$15,686</b>	<b>\$7,387</b>

**STATE BOARD OF EDUCATION 0614**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$111,248	\$103,810
All Other	\$73,694	\$73,694
<b>GENERAL FUND TOTAL</b>	<b>\$184,942</b>	<b>\$177,504</b>

**EDUCATION, STATE BOARD OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$184,942	\$177,504
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$184,942</b>	<b>\$177,504</b>

**Sec. A-22. Appropriations and allocations.**  
The following appropriations and allocations are made.

**EFFICIENCY MAINE TRUST**

**Efficiency Maine Trust Z100**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$121,694	\$126,625
All Other	\$2,181,661	\$2,181,661
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,303,355</b>	<b>\$2,308,286</b>

**Efficiency Maine Trust Z100**

Initiative: Provides for an increase in allocation in the Efficiency Maine Trust program to align with projected natural gas assessments.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$296,645	\$291,714
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$296,645</b>	<b>\$291,714</b>

**EFFICIENCY MAINE TRUST Z100 PROGRAM SUMMARY**

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$121,694	\$126,625
All Other	\$2,478,306	\$2,473,375
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,600,000</b>	<b>\$2,600,000</b>

**EFFICIENCY MAINE TRUST**

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$2,600,000	\$2,600,000
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$2,600,000</b>	<b>\$2,600,000</b>

**Sec. A-23. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Administration - Environmental Protection 0251**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5,500	5,500
Personal Services	\$640,239	\$645,231
All Other	\$816,315	\$816,315
<b>GENERAL FUND TOTAL</b>	<b>\$1,456,554</b>	<b>\$1,461,546</b>

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	24,000	24,000
Personal Services	\$2,434,284	\$2,475,498
All Other	\$3,837,948	\$3,837,948
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$6,272,232</b>	<b>\$6,313,446</b>

**Administration - Environmental Protection 0251**

Initiative: Reallocates the cost of one Director of Policy Development & Implementation position and related All Other from 100% Other Special Revenue Funds

to 50% Other Special Revenue Funds and 50% General Fund and eliminates one vacant part-time Environmental Specialist III position within the same program.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
Personal Services	\$11,330	\$11,685

GENERAL FUND TOTAL	\$11,330	\$11,685
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$52,608)	(\$55,029)
All Other	(\$2,244)	(\$2,347)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$54,852)	(\$57,376)
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**Administration - Environmental Protection 0251**

Initiative: Provides one-time funding for technology costs related to increased staff time needed to develop a request for proposals for a new licensing data system. Funds appropriated for this purpose do not lapse but must be carried forward in the next fiscal year for the purchase of the licensing data system.

GENERAL FUND	2019-20	2020-21
All Other	\$248,873	\$0
GENERAL FUND TOTAL	\$248,873	\$0

**Administration - Environmental Protection 0251**

Initiative: Provides funding for planned software upgrades, in addition to staffing for the existing application development team.

GENERAL FUND	2019-20	2020-21
All Other	\$15,007	\$15,007
GENERAL FUND TOTAL	\$15,007	\$15,007

**Administration - Environmental Protection 0251**

Initiative: Provides funding for security scans for web applications.

GENERAL FUND	2019-20	2020-21
All Other	\$29,291	\$29,291
GENERAL FUND TOTAL	\$29,291	\$29,291

**Administration - Environmental Protection 0251**

Initiative: Provides funding for network access.

GENERAL FUND	2019-20	2020-21
All Other	\$24,940	\$24,940
GENERAL FUND TOTAL	\$24,940	\$24,940

**Administration - Environmental Protection 0251**

Initiative: Provides funding for additional geographic information system services.

GENERAL FUND	2019-20	2020-21
All Other	\$8,026	\$8,026
GENERAL FUND TOTAL	\$8,026	\$8,026

**Administration - Environmental Protection 0251**

Initiative: Transfers one Environmental Engineer position from the Administration - Environmental Protection program to the Remediation and Waste Management program within Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$84,280)	(\$88,235)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$84,280)	(\$88,235)

**ADMINISTRATION - ENVIRONMENTAL PROTECTION 0251**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$651,569	\$656,916
All Other	\$1,142,452	\$893,579
GENERAL FUND TOTAL	\$1,794,021	\$1,550,495

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	23.000	23.000
Personal Services	\$2,297,396	\$2,332,234
All Other	\$3,835,704	\$3,835,601

OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,133,100	\$6,167,835
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**Air Quality 0250**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	13,000	13,000
Personal Services	\$1,151,416	\$1,175,156
All Other	\$57,159	\$57,159
<b>GENERAL FUND TOTAL</b>	<b>\$1,208,575</b>	<b>\$1,232,315</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$261,201	\$262,647
All Other	\$685,774	\$685,774
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$946,975</b>	<b>\$948,421</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$50,000	\$50,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

**Air Quality 0250**

Initiative: Reduces funding to align allocations with projected available resources.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$50,000)	(\$50,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$50,000)</b>	<b>(\$50,000)</b>

**Air Quality 0250**

Initiative: Provides funding for equipment purchases that are essential for the State to meet its obligation to monitor and maintain baseline data about ambient air quality.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
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Capital Expenditures	\$14,850	\$24,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$14,850</b>	<b>\$24,000</b>

**AIR QUALITY 0250 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	13,000	13,000
Personal Services	\$1,151,416	\$1,175,156
All Other	\$57,159	\$57,159
<b>GENERAL FUND TOTAL</b>	<b>\$1,208,575</b>	<b>\$1,232,315</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$261,201	\$262,647
All Other	\$685,774	\$685,774
Capital Expenditures	\$14,850	\$24,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$961,825</b>	<b>\$972,421</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Board of Environmental Protection Fund 0025**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$224,576	\$224,661
All Other	\$100,232	\$100,232
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$324,808</b>	<b>\$324,893</b>

**BOARD OF ENVIRONMENTAL PROTECTION FUND 0025 PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$224,576	\$224,661
All Other	\$100,232	\$100,232
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$324,808	\$324,893

**Land Resources Z188**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	25.000	25.000
Personal Services	\$2,007,143	\$2,053,121
All Other	\$100,000	\$100,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$2,107,143	\$2,153,121

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$298,126	\$308,528
All Other	\$19,273	\$19,273
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	\$317,399	\$327,801

**Land Resources Z188**

Initiative: Transfers the Director, Bureau of Land Resources position from the Maine Environmental Protection Fund program, Other Special Revenue Funds to the Land Resources program, General Fund. Also reduces All Other funding in the Maine Environmental Protection Fund program, Other Special Revenue Funds.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$172,223	\$175,856
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$172,223	\$175,856

**Land Resources Z188**

Initiative: Transfers one Public Service Manager II position from the Performance Partnership Grant program, Federal Expenditures Fund to the Land Re-

sources program, General Fund. Also reduces All Other funding in the Performance Partnership Grant program, Federal Expenditures Fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$128,563	\$134,011
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$128,563	\$134,011

**Land Resources Z188**

Initiative: Transfers one Environmental Specialist III position and 3 Environmental Specialist II positions from the Land Resources program, General Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds. Also increases All Other funding in the Maine Environmental Protection Fund program, Other Special Revenue Funds.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(4.000)	(4.000)
Personal Services	(\$296,649)	(\$306,127)
	<hr/>	<hr/>
GENERAL FUND TOTAL	(\$296,649)	(\$306,127)

**Land Resources Z188**

Initiative: Reallocates the cost of one Public Service Manager I position and related All Other costs from 50% Maine Environmental Protection Fund program, Other Special Revenue Funds and 50% Land Resources program, Federal Expenditures Fund to 100% Maine Environmental Protection Fund program, Other Special Revenue Funds.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$51,002)	(\$53,386)
All Other	(\$2,176)	(\$2,277)
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	(\$53,178)	(\$55,663)

**Land Resources Z188**

Initiative: Reallocates the cost of one Environmental Specialist III position from 100% Maine Environmental Protection Fund program, Other Special Revenue Funds to 50% Maine Environmental Protection Fund program, Other Special Revenue Funds and 50% Land Resources program, Federal Expenditures Fund.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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Personal Services	\$33,074	\$34,564
All Other	\$1,411	\$1,475
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$34,485</b>	<b>\$36,039</b>

**LAND RESOURCES Z188 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	23.000	23.000
Personal Services	\$2,011,280	\$2,056,861
All Other	\$100,000	\$100,000
<b>GENERAL FUND TOTAL</b>	<b>\$2,111,280</b>	<b>\$2,156,861</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$280,198	\$289,706
All Other	\$18,508	\$18,471
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$298,706</b>	<b>\$308,177</b>

**Maine Environmental Protection Fund 0421**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	64.000	64.000
POSITIONS - FTE COUNT	0.654	0.654
Personal Services	\$5,813,914	\$5,943,916
All Other	\$4,421,972	\$4,421,972
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$10,235,886</b>	<b>\$10,365,888</b>

**Maine Environmental Protection Fund 0421**

Initiative: Transfers the Director, Bureau of Land Resources position from the Maine Environmental Protection Fund program, Other Special Revenue Funds to the Land Resources program, General Fund. Also reduces All Other funding in the Maine Environmental Protection Fund program, Other Special Revenue Funds.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$172,223)	(\$175,856)
All Other	(\$7,346)	(\$7,501)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$179,569)</b>	<b>(\$183,357)</b>

**Maine Environmental Protection Fund 0421**

Initiative: Transfers one Environmental Specialist III position and 3 Environmental Specialist II positions from the Land Resources program, General Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds. Also increases All Other funding in the Maine Environmental Protection Fund program, Other Special Revenue Funds.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$296,649	\$306,127
All Other	\$12,653	\$13,057
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$309,302</b>	<b>\$319,184</b>

**Maine Environmental Protection Fund 0421**

Initiative: Reallocates the cost of one Public Service Manager I position and related All Other costs from 50% Maine Environmental Protection Fund program, Other Special Revenue Funds and 50% Land Resources program, Federal Expenditures Fund to 100% Maine Environmental Protection Fund program, Other Special Revenue Funds.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$51,002	\$53,386
All Other	\$2,176	\$2,277
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$53,178</b>	<b>\$55,663</b>

**Maine Environmental Protection Fund 0421**

Initiative: Reallocates the cost of one Environmental Specialist III position from 100% Maine Environmental Protection Fund program, Other Special Revenue Funds to 50% Maine Environmental Protection Fund program, Other Special Revenue Funds and 50% Land Resources program, Federal Expenditures Fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$33,074)	(\$34,564)
All Other	(\$1,411)	(\$1,475)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$34,485)</b>	<b>(\$36,039)</b>

POSITIONS - LEGISLATIVE COUNT	(3,000)	(3,000)
Personal Services	(\$237,579)	(\$248,925)
All Other	(\$10,133)	(\$10,617)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$247,712)</b>	<b>(\$259,542)</b>

**Maine Environmental Protection Fund 0421**

Initiative: Provides funding for the annual fee associated with the online portal for registration of labels in the beverage container redemption program.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$8,341	\$8,341
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$8,341</b>	<b>\$8,341</b>

**MAINE ENVIRONMENTAL PROTECTION FUND 0421**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$391,035	\$409,250
<b>GENERAL FUND TOTAL</b>	<b>\$391,035</b>	<b>\$409,250</b>

**Maine Environmental Protection Fund 0421**

Initiative: Provides funding for equipment purchases that are essential for the State to meet its obligation to monitor and maintain baseline data about ambient air quality.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$90,500	\$81,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$90,500</b>	<b>\$81,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	64.000	64.000
POSITIONS - FTE COUNT	0.654	0.654
Personal Services	\$5,718,689	\$5,844,084
All Other	\$4,426,252	\$4,426,054
Capital Expenditures	\$90,500	\$81,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$10,235,441</b>	<b>\$10,351,138</b>

**Maine Environmental Protection Fund 0421**

Initiative: Transfers 3 Environmental Specialist III positions from 100% Other Special Revenue Funds to 100% General Fund within the Maine Environmental Protection Fund program and one Environmental Specialist III position and one Environmental Specialist II position from 100% in the Performance Partnership Grant program, Federal Expenditures Fund to 100% in the Maine Environmental Protection Fund program, General Fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$391,035	\$409,250
<b>GENERAL FUND TOTAL</b>	<b>\$391,035</b>	<b>\$409,250</b>

**Performance Partnership Grant 0851**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	62.000	62.000
POSITIONS - FTE COUNT	0.596	0.596
Personal Services	\$5,709,671	\$5,799,870
All Other	\$3,537,011	\$3,537,011
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$9,246,682</b>	<b>\$9,336,881</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
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**Performance Partnership Grant 0851**

Initiative: Transfers one Public Service Manager II position from the Performance Partnership Grant pro-

gram, Federal Expenditures Fund to the Land Resources program, General Fund. Also reduces All Other funding in the Performance Partnership Grant program, Federal Expenditures Fund.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$128,563)	(\$134,011)
All Other	(\$5,484)	(\$5,715)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$134,047)</b>	<b>(\$139,726)</b>

**Performance Partnership Grant 0851**

Initiative: Transfers 3 Environmental Specialist III positions from 100% Other Special Revenue Funds to 100% General Fund within the Maine Environmental Protection Fund program and one Environmental Specialist III position and one Environmental Specialist II position from 100% in the Performance Partnership Grant program, Federal Expenditures Fund to 100% in the Maine Environmental Protection Fund program, General Fund.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(2.000)	(2.000)
Personal Services	(\$153,456)	(\$160,325)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$153,456)</b>	<b>(\$160,325)</b>

**PERFORMANCE PARTNERSHIP GRANT 0851 PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	59.000	59.000
POSITIONS - FTE COUNT	0.596	0.596
Personal Services	\$5,427,652	\$5,505,534
All Other	\$3,531,527	\$3,531,296
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$8,959,179</b>	<b>\$9,036,830</b>

**Remediation and Waste Management 0247**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	7.000	7.000
Personal Services	\$686,645	\$701,523
All Other	\$151,524	\$151,524
<b>GENERAL FUND TOTAL</b>	<b>\$838,169</b>	<b>\$853,047</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	23.000	23.000
Personal Services	\$2,123,345	\$2,157,494
All Other	\$1,348,474	\$1,348,474
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$3,471,819</b>	<b>\$3,505,968</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	100.000	100.000
POSITIONS - FTE COUNT	0.308	0.308
Personal Services	\$9,914,823	\$10,074,920
All Other	\$17,676,451	\$17,676,451
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$27,591,274</b>	<b>\$27,751,371</b>

**Remediation and Waste Management 0247**

Initiative: Reallocates the cost of one Environmental Specialist III position and related All Other from 100% Other Special Revenue Funds to 50% Other Special Revenue Funds and 50% Federal Expenditures Fund within the same program.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$41,796	\$42,008
All Other	\$1,944	\$1,954
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$43,740</b>	<b>\$43,962</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$41,796)	(\$42,008)
All Other	(\$1,944)	(\$1,954)

OTHER SPECIAL	(\$43,740)	(\$43,962)
REVENUE FUNDS TOTAL		

**Remediation and Waste Management 0247**

Initiative: Reduces funding to align allocations with projected available resources.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$390,473)	(\$390,473)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$390,473)	(\$390,473)
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**Remediation and Waste Management 0247**

Initiative: Provides funding for equipment purchases that are essential for the State to meet its obligation for investigating and cleaning up spilled hazardous materials and petroleum products.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$194,500	\$165,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$194,500	\$165,000
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**Remediation and Waste Management 0247**

Initiative: Transfers one Environmental Engineer position from the Administration - Environmental Protection program to the Remediation and Waste Management program within Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$84,280	\$88,235

OTHER SPECIAL REVENUE FUNDS TOTAL	\$84,280	\$88,235
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**REMEDICATION AND WASTE MANAGEMENT 0247**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	7.000	7.000
Personal Services	\$686,645	\$701,523
All Other	\$151,524	\$151,524

GENERAL FUND TOTAL	\$838,169	\$853,047
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**FEDERAL EXPENDITURES FUND**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	23.000	23.000
Personal Services	\$2,165,141	\$2,199,502
All Other	\$1,350,418	\$1,350,428

FEDERAL EXPENDITURES FUND TOTAL	\$3,515,559	\$3,549,930
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	101.000	101.000
POSITIONS - FTE COUNT	0.308	0.308
Personal Services	\$9,957,307	\$10,121,147
All Other	\$17,284,034	\$17,284,024
Capital Expenditures	\$194,500	\$165,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$27,435,841	\$27,570,171
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**Water Quality 0248**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
Personal Services	\$2,268,245	\$2,299,425
All Other	\$560,690	\$560,690

GENERAL FUND TOTAL	\$2,828,935	\$2,860,115
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**FEDERAL EXPENDITURES FUND**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$201,422	\$202,289
All Other	\$356,685	\$356,685

FEDERAL EXPENDITURES FUND TOTAL	\$558,107	\$558,974
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	15,000	15,000
Personal Services	\$1,349,438	\$1,373,104
All Other	\$2,288,487	\$2,288,487
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,637,925</b>	<b>\$3,661,591</b>

**WATER QUALITY 0248 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	22,000	22,000
Personal Services	\$2,268,245	\$2,299,425
All Other	\$560,690	\$560,690
<b>GENERAL FUND TOTAL</b>	<b>\$2,828,935</b>	<b>\$2,860,115</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$201,422	\$202,289
All Other	\$356,685	\$356,685
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$558,107</b>	<b>\$558,974</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	15,000	15,000
Personal Services	\$1,349,438	\$1,373,104
All Other	\$2,288,487	\$2,288,487
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,637,925</b>	<b>\$3,661,591</b>

<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$9,172,015</b>	<b>\$9,062,083</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$14,293,376</b>	<b>\$14,426,332</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$47,767,115</b>	<b>\$48,075,628</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$71,232,506</b>	<b>\$71,564,043</b>
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**Sec. A-24. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL Governmental Ethics and Election Practices - Commission on 0414**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$150,896	\$154,129
All Other	\$8,897	\$8,897

<b>GENERAL FUND TOTAL</b>	<b>\$159,793</b>	<b>\$163,026</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4,000	4,000
Personal Services	\$448,147	\$454,726
All Other	\$1,988,359	\$1,988,359

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,436,506</b>	<b>\$2,443,085</b>
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**Governmental Ethics and Election Practices - Commission on 0414**

Initiative: Provides allocation to meet the current projected dedicated revenue.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,014,516	\$932,404

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,014,516</b>	<b>\$932,404</b>
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**Governmental Ethics and Election Practices - Commission on 0414**

Initiative: Establishes one project Planning and Research Assistant position needed to administer the 2020 election. The position begins on January 1, 2020 and ends on December 31, 2020.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
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Personal Services	\$34,278	\$40,111
OTHER SPECIAL REVENUE FUNDS TOTAL	\$34,278	\$40,111

**Governmental Ethics and Election Practices - Commission on 0414**

Initiative: Provides allocation for supporting technology services related to use in online reporting and public disclosure applications.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$66,000	\$66,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$66,000	\$66,000

**Governmental Ethics and Election Practices - Commission on 0414**

Initiative: Provides allocation for yearly hosting services related to online registration and penalty payments and qualifying contribution services.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$2,000	\$2,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,000	\$2,000

**Governmental Ethics and Election Practices - Commission on 0414**

Initiative: Provides funding for the approved range change of one Registration and Reporting Officer position from range 20 to range 25 and reallocates the position from 66% Other Special Revenue Funds and 34% General Fund to 73% Other Special Revenue Funds and 27% General Fund within the same program and transfers All Other to Personal Services to fund the range change. This approved range change has an effective date of March 30, 2018.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$783)	(\$836)
GENERAL FUND TOTAL	(\$783)	(\$836)
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$43,107	\$17,475
All Other	(\$43,107)	(\$17,475)

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0
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**Governmental Ethics and Election Practices - Commission on 0414**

Initiative: Provides funding for the approved range change of one Registration and Reporting Officer position from range 20 to range 25 and transfers All Other to Personal Services to fund the range change. This approved range change has an effective date of March 30, 2018.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$42,324	\$16,639
All Other	(\$42,324)	(\$16,639)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**GOVERNMENTAL ETHICS AND ELECTION PRACTICES - COMMISSION ON 0414**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$150,113	\$153,293
All Other	\$8,897	\$8,897

GENERAL FUND TOTAL	\$159,010	\$162,190
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4,000	4,000
Personal Services	\$567,856	\$528,951
All Other	\$2,985,444	\$2,954,649

OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,553,300	\$3,483,600
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**ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL DEPARTMENT TOTALS**

GENERAL FUND	2019-20	2020-21
GENERAL FUND	\$159,010	\$162,190

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$3,553,300</b>	<b>\$3,483,600</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$3,712,310</b>	<b>\$3,645,790</b>

All Other	\$115,014	\$115,014
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$115,014</b>	<b>\$115,014</b>

**Sec. A-25. Appropriations and allocations.**  
The following appropriations and allocations are made.

**EXECUTIVE DEPARTMENT**

**Administration - Executive - Governor's Office 0165**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	21.500	21.500
Personal Services	\$2,765,448	\$2,881,836
All Other	\$337,211	\$337,211
<b>GENERAL FUND TOTAL</b>	<b>\$3,102,659</b>	<b>\$3,219,047</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$115,014	\$115,014

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$115,014</b>	<b>\$115,014</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>
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**ADMINISTRATION - EXECUTIVE - GOVERNOR'S OFFICE 0165**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	21.500	21.500
Personal Services	\$2,765,448	\$2,881,836
All Other	\$337,211	\$337,211
<b>GENERAL FUND TOTAL</b>	<b>\$3,102,659</b>	<b>\$3,219,047</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Blaine House 0072**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
POSITIONS - FTE COUNT	0.540	0.540
Personal Services	\$633,354	\$660,021
All Other	\$72,055	\$72,055

<b>GENERAL FUND TOTAL</b>	<b>\$705,409</b>	<b>\$732,076</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,240	\$5,240

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$5,240</b>	<b>\$5,240</b>
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**BLAINE HOUSE 0072 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
POSITIONS - FTE COUNT	0.540	0.540
Personal Services	\$633,354	\$660,021
All Other	\$72,055	\$72,055

<b>GENERAL FUND TOTAL</b>	<b>\$705,409</b>	<b>\$732,076</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,240	\$5,240

OTHER SPECIAL	\$5,240	\$5,240
REVENUE FUNDS TOTAL		

**Governor's Energy Office Z122**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$286,776	\$298,890
All Other	\$1,894,100	\$1,894,100

FEDERAL EXPENDITURES FUND TOTAL	\$2,180,876	\$2,192,990
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$179,559	\$186,972
All Other	\$100,000	\$100,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$279,559	\$286,972
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**Governor's Energy Office Z122**

Initiative: Reallocates the cost of one Governor's Special Assistant position from 100% Other Special Revenue Funds to 10% Other Special Revenue Funds and 90% Federal Expenditures Fund within the same program.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$161,602	\$168,275

FEDERAL EXPENDITURES FUND TOTAL	\$161,602	\$168,275
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$161,602)	(\$168,275)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$161,602)	(\$168,275)
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**Governor's Energy Office Z122**

Initiative: Adjusts funding to meet the current transfer of indirect costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	(\$23,536)	(\$23,536)

FEDERAL EXPENDITURES FUND TOTAL	(\$23,536)	(\$23,536)
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$141,493	\$142,233

OTHER SPECIAL REVENUE FUNDS TOTAL	\$141,493	\$142,233
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**Governor's Energy Office Z122**

Initiative: Provides All Other funding for activities relating to energy resources, planning and development.

GENERAL FUND	2019-20	2020-21
All Other	\$300,000	\$300,000

GENERAL FUND TOTAL	\$300,000	\$300,000
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**GOVERNOR'S ENERGY OFFICE Z122 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$300,000	\$300,000

GENERAL FUND TOTAL	\$300,000	\$300,000
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$448,378	\$467,165
All Other	\$1,870,564	\$1,870,564

FEDERAL EXPENDITURES FUND TOTAL	\$2,318,942	\$2,337,729
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$17,957	\$18,697
All Other	\$241,493	\$242,233

OTHER SPECIAL	\$259,450	\$260,930
REVENUE FUNDS TOTAL		

All Other	\$500	\$500
OTHER SPECIAL	\$500	\$500
REVENUE FUNDS TOTAL		

**Office of Policy and Management Z135**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5,000	5,000
Personal Services	\$651,092	\$666,927
All Other	\$63,123	\$63,123
<b>GENERAL FUND TOTAL</b>	<b>\$714,215</b>	<b>\$730,050</b>

**OFFICE OF POLICY AND MANAGEMENT Z135**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8,000	8,000
Personal Services	\$1,010,312	\$1,042,200
All Other	\$332,910	\$332,910
<b>GENERAL FUND TOTAL</b>	<b>\$1,343,222</b>	<b>\$1,375,110</b>

**Office of Policy and Management Z135**

Initiative: Establishes 3 Public Service Coordinator II positions and provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$359,220	\$375,273
All Other	\$19,787	\$19,787
<b>GENERAL FUND TOTAL</b>	<b>\$379,007</b>	<b>\$395,060</b>

**FEDERAL EXPENDITURES FUND**

	2019-20	2020-21
All Other	\$500	\$500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Office of Policy and Management Z135**

Initiative: Provides one-time funding to support the Governor's Climate Council in each year of the biennium.

GENERAL FUND	2019-20	2020-21
All Other	\$250,000	\$250,000
<b>GENERAL FUND TOTAL</b>	<b>\$250,000</b>	<b>\$250,000</b>

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Ombudsman Program 0103**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$116,539	\$116,539
<b>GENERAL FUND TOTAL</b>	<b>\$116,539</b>	<b>\$116,539</b>

**Office of Policy and Management Z135**

Initiative: Establishes allocation in the Federal Expenditures Fund and Other Special Revenue Funds.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$500	\$500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**FEDERAL EXPENDITURES FUND**

	2019-20	2020-21
All Other	\$57,150	\$57,150
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$57,150</b>	<b>\$57,150</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21

**OMBUDSMAN PROGRAM 0103**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21

All Other	\$116,539	\$116,539
<b>GENERAL FUND TOTAL</b>	<b>\$116,539</b>	<b>\$116,539</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$57,150	\$57,150
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$57,150</b>	<b>\$57,150</b>

**Public Advocate 0410**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	9,000	9,000
Personal Services	\$1,296,505	\$1,304,063
All Other	\$683,987	\$683,987
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,980,492</b>	<b>\$1,988,050</b>

**Public Advocate 0410**

Initiative: Provides funding for increased educational outreach.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$34,000	\$34,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$34,000</b>	<b>\$34,000</b>

**Public Advocate 0410**

Initiative: Provides funding for an anticipated increase in the cost of leased space.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$3,500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$3,500</b>

**Public Advocate 0410**

Initiative: Provides funding for an increase in contractual services.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$400,000	\$400,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$400,000</b>	<b>\$400,000</b>

**Public Advocate 0410**

Initiative: Provides funding for an increase in the cost of operations.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$18,060	\$18,060
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$18,060</b>	<b>\$18,060</b>

**Public Advocate 0410**

Initiative: Provides one-time funding for website redesign.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,900	\$900
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$5,900</b>	<b>\$900</b>

**PUBLIC ADVOCATE 0410**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	9,000	9,000
Personal Services	\$1,296,505	\$1,304,063
All Other	\$1,141,947	\$1,140,447
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,438,452</b>	<b>\$2,444,510</b>

**EXECUTIVE DEPARTMENT**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	\$5,567,829	\$5,742,772
FEDERAL EXPENDITURES FUND	\$2,491,606	\$2,510,393
OTHER SPECIAL REVENUE FUNDS	\$2,704,142	\$2,711,680

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$10,763,577</b>	<b>\$10,964,845</b>
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**Sec. A-26. Appropriations and allocations.**  
The following appropriations and allocations are made.

**FINANCE AUTHORITY OF MAINE**

**Dairy Improvement Fund Z143**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Dairy Improvement Fund Z143**

Initiative: Provides funding to align allocations with dedicated revenue as projected by the December 2018 report of the Revenue Forecasting Committee.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$388,466	\$392,356
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$388,466</b>	<b>\$392,356</b>

**DAIRY IMPROVEMENT FUND Z143**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$388,966	\$392,856
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$388,966</b>	<b>\$392,856</b>

**Educational Opportunity Tax Credit Marketing Fund Z174**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$22,000	\$22,000
<b>GENERAL FUND TOTAL</b>	<b>\$22,000</b>	<b>\$22,000</b>

**Educational Opportunity Tax Credit Marketing Fund Z174**

Initiative: Provides funding for marketing the tax credit to Maine students and businesses.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$26,500	\$26,500
<b>GENERAL FUND TOTAL</b>	<b>\$26,500</b>	<b>\$26,500</b>

**EDUCATIONAL OPPORTUNITY TAX CREDIT MARKETING FUND Z174**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$48,500	\$48,500
<b>GENERAL FUND TOTAL</b>	<b>\$48,500</b>	<b>\$48,500</b>

**FHM - Dental Education 0951**

Initiative: BASELINE BUDGET

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$237,740	\$237,740
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$237,740</b>	<b>\$237,740</b>

**FHM - DENTAL EDUCATION 0951**

**PROGRAM SUMMARY**

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$237,740	\$237,740
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$237,740</b>	<b>\$237,740</b>

**FHM - Health Education Centers 0950**

Initiative: BASELINE BUDGET

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$110,000	\$110,000
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$110,000</b>	<b>\$110,000</b>

**FHM - HEALTH EDUCATION CENTERS 0950**

**PROGRAM SUMMARY**

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$110,000	\$110,000

All Other	\$110,000	\$110,000
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$110,000</b>	<b>\$110,000</b>

**Small Enterprise Growth Fund Z235**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500,000	\$500,000
<b>GENERAL FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

**SMALL ENTERPRISE GROWTH FUND Z235**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500,000	\$500,000
<b>GENERAL FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

**Student Financial Assistance Programs 0653**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$15,670,394	\$15,670,394
<b>GENERAL FUND TOTAL</b>	<b>\$15,670,394</b>	<b>\$15,670,394</b>

**Student Financial Assistance Programs 0653**

Initiative: Provides funding for the Maine State Grant Program to assist adult learners in returning to school and completing their credentials.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,000,000	\$2,000,000
<b>GENERAL FUND TOTAL</b>	<b>\$1,000,000</b>	<b>\$2,000,000</b>

**STUDENT FINANCIAL ASSISTANCE PROGRAMS 0653**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$16,670,394	\$17,670,394
<b>GENERAL FUND TOTAL</b>	<b>\$16,670,394</b>	<b>\$17,670,394</b>

**Waste Motor Oil Disposal Site Remediation Program Z060**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,000,000	\$5,000,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$5,000,000</b>	<b>\$5,000,000</b>

**WASTE MOTOR OIL DISPOSAL SITE REMEDIATION PROGRAM Z060**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,000,000	\$5,000,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$5,000,000</b>	<b>\$5,000,000</b>

**FINANCE AUTHORITY OF MAINE**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	\$17,218,894	\$18,218,894
FUND FOR A HEALTHY MAINE	\$347,740	\$347,740
OTHER SPECIAL REVENUE FUNDS	\$5,388,966	\$5,392,856
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$22,955,600</b>	<b>\$23,959,490</b>

**Sec. A-27. Appropriations and allocations.**

The following appropriations and allocations are made.

**FIRE PROTECTION SERVICES COMMISSION, MAINE**

**Maine Fire Protection Services Commission 0936**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,000	\$2,000
<b>GENERAL FUND TOTAL</b>	<b>\$2,000</b>	<b>\$2,000</b>

**MAINE FIRE PROTECTION SERVICES COMMISSION 0936**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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All Other	\$2,000	\$2,000
	\$2,000	\$2,000
GENERAL FUND TOTAL	\$2,000	\$2,000

**Sec. A-28. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HARNESS RACING PROMOTIONAL BOARD**

**Harness Racing Promotional Board 0873**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$188,651	\$188,651
	\$188,651	\$188,651
OTHER SPECIAL REVENUE FUNDS TOTAL	\$188,651	\$188,651

**Harness Racing Promotional Board 0873**

Initiative: Eliminates funding for the Harness Racing Promotional Board based on the repeal of the board in Public Law 2017, chapter 371.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$188,651)	(\$188,651)
	(\$188,651)	(\$188,651)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$188,651)	(\$188,651)

**HARNESS RACING PROMOTIONAL BOARD 0873**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$0
	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**HARNESS RACING PROMOTIONAL BOARD DEPARTMENT TOTALS**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
	\$0	\$0
	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

**Sec. A-29. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Additional Support for People in Retraining and Employment 0146**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$7,090,651	\$7,090,651
	\$7,090,651	\$7,090,651
GENERAL FUND TOTAL	\$7,090,651	\$7,090,651

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	21.000	21.000
Personal Services	\$1,669,534	\$1,774,933
All Other	\$22,578,930	\$22,578,930
	\$24,248,464	\$24,353,863
FEDERAL BLOCK GRANT FUND TOTAL	\$24,248,464	\$24,353,863

**Additional Support for People in Retraining and Employment 0146**

Initiative: Eliminates one Customer Representative Associate II - Human Services position and reduces funding for related All Other costs.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$65,154)	(\$70,131)
All Other	(\$8,748)	(\$8,912)
	(\$73,902)	(\$79,043)
FEDERAL BLOCK GRANT FUND TOTAL	(\$73,902)	(\$79,043)

**Additional Support for People in Retraining and Employment 0146**

Initiative: Transfers and reallocates one Senior Planner position from 100% Additional Support for People in Retraining and Employment program, Federal Block Grant Fund to 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence program; transfers and reallocates one Family Independence Program Manager position from 50% General Fund and 50% Other Special Revenue Funds to 100% Other Special Revenue Funds in the Office for Family Independence program; and reallocates one

Family Independence Program Manager position from 50% Other Special Revenue Funds and 50% General Fund to 100% Other Special Revenue Funds in the Office for Family Independence program. Also adjusts funding for related All Other costs.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$86,200)	(\$92,884)
All Other	(\$9,440)	(\$9,659)
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>(\$95,640)</b>	<b>(\$102,543)</b>

**ADDITIONAL SUPPORT FOR PEOPLE IN RETRAINING AND EMPLOYMENT 0146 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$7,090,651	\$7,090,651
<b>GENERAL FUND TOTAL</b>	<b>\$7,090,651</b>	<b>\$7,090,651</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	19,000	19,000
Personal Services	\$1,518,180	\$1,611,918
All Other	\$22,560,742	\$22,560,359
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$24,078,922</b>	<b>\$24,172,277</b>

**Aids Lodging House 0518**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$37,496	\$37,496
<b>GENERAL FUND TOTAL</b>	<b>\$37,496</b>	<b>\$37,496</b>

**AIDS LODGING HOUSE 0518 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$37,496	\$37,496
<b>GENERAL FUND TOTAL</b>	<b>\$37,496</b>	<b>\$37,496</b>

**Brain Injury Z213**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8,000	8,000
Personal Services	\$654,592	\$695,245
All Other	\$596,350	\$596,350
<b>GENERAL FUND TOTAL</b>	<b>\$1,250,942</b>	<b>\$1,291,595</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$250,000	\$250,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$250,000</b>	<b>\$250,000</b>

**BRAIN INJURY Z213 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8,000	8,000
Personal Services	\$654,592	\$695,245
All Other	\$596,350	\$596,350
<b>GENERAL FUND TOTAL</b>	<b>\$1,250,942</b>	<b>\$1,291,595</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$250,000	\$250,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$250,000</b>	<b>\$250,000</b>

**Breast Cancer Services Special Program Fund Z069**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$212,328	\$212,328

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$212,328</b>	<b>\$212,328</b>
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**BREAST CANCER SERVICES SPECIAL PROGRAM FUND Z069 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$212,328	\$212,328

OTHER SPECIAL REVENUE FUNDS TOTAL	\$212,328	\$212,328
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**Bridging Rental Assistance Program Z205**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$6,606,361	\$6,606,361

GENERAL FUND TOTAL	\$6,606,361	\$6,606,361
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**BRIDGING RENTAL ASSISTANCE PROGRAM Z205**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$6,606,361	\$6,606,361

GENERAL FUND TOTAL	\$6,606,361	\$6,606,361
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**Child Care Services 0563**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$297,048	\$297,048

GENERAL FUND TOTAL	\$297,048	\$297,048
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FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.500	9.500
Personal Services	\$677,998	\$721,517
All Other	\$19,339,772	\$19,339,772

FEDERAL BLOCK GRANT FUND TOTAL	\$20,017,770	\$20,061,289
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**Child Care Services 0563**

Initiative: Provides allocation to align funding with available resources.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$9,500,000	\$9,500,000

FEDERAL BLOCK GRANT FUND TOTAL	\$9,500,000	\$9,500,000
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**CHILD CARE SERVICES 0563**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$297,048	\$297,048

GENERAL FUND TOTAL	\$297,048	\$297,048
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FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.500	9.500
Personal Services	\$677,998	\$721,517
All Other	\$28,839,772	\$28,839,772

FEDERAL BLOCK GRANT FUND TOTAL	\$29,517,770	\$29,561,289
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**Child Support 0100**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	132.000	132.000
Personal Services	\$3,525,384	\$3,723,203
All Other	\$891,290	\$891,290

GENERAL FUND TOTAL	\$4,416,674	\$4,614,493
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$11,284,829	\$11,907,975
All Other	\$5,351,473	\$5,351,473

FEDERAL EXPENDITURES FUND TOTAL	\$16,636,302	\$17,259,448
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	93.000	93.000
Personal Services	\$2,288,109	\$2,411,115
All Other	\$103,159,359	\$103,159,359

OTHER SPECIAL REVENUE FUNDS TOTAL	\$105,447,468	\$105,570,474
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**CHILD SUPPORT 0100 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	132.000	132.000
Personal Services	\$3,525,384	\$3,723,203
All Other	\$891,290	\$891,290
<b>GENERAL FUND TOTAL</b>	<b>\$4,416,674</b>	<b>\$4,614,493</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$11,284,829	\$11,907,975
All Other	\$5,351,473	\$5,351,473
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$16,636,302</b>	<b>\$17,259,448</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	93.000	93.000
Personal Services	\$2,288,109	\$2,411,115
All Other	\$103,159,359	\$103,159,359
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$105,447,468</b>	<b>\$105,570,474</b>

**Community Services Block Grant 0716**

Initiative: BASELINE BUDGET

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$78,468	\$84,427
All Other	\$3,473,150	\$3,473,150
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$3,551,618</b>	<b>\$3,557,577</b>

**Community Services Block Grant 0716**

Initiative: Provides allocation to align funding with available resources.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$450,000	\$450,000
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$450,000</b>	<b>\$450,000</b>

**COMMUNITY SERVICES BLOCK GRANT 0716 PROGRAM SUMMARY**

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$78,468	\$84,427
All Other	\$3,923,150	\$3,923,150
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$4,001,618</b>	<b>\$4,007,577</b>

**Consent Decree Z204**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$5,797,300	\$5,797,300
<b>GENERAL FUND TOTAL</b>	<b>\$5,797,300</b>	<b>\$5,797,300</b>

**CONSENT DECREE Z204 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$5,797,300	\$5,797,300
<b>GENERAL FUND TOTAL</b>	<b>\$5,797,300</b>	<b>\$5,797,300</b>

**Crisis Outreach Program Z216**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	46.000	46.000
Personal Services	\$1,954,080	\$2,056,668
All Other	\$121,689	\$121,689
<b>GENERAL FUND TOTAL</b>	<b>\$2,075,769</b>	<b>\$2,178,357</b>

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	\$1,775,735	\$1,868,916
All Other	\$173,333	\$173,333
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,949,068</b>	<b>\$2,042,249</b>

**Crisis Outreach Program Z216**

Initiative: Establishes 8 Mental Health Worker III positions starting September 1, 2019 funded 52.4% General Fund and 47.6% Other Special Revenue Funds within the same program. Also provides funding for related All Other costs.

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$292,512	\$374,616
All Other	\$22,350	\$26,820
<b>GENERAL FUND TOTAL</b>	<b>\$314,862</b>	<b>\$401,436</b>

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	\$265,712	\$340,288
All Other	\$29,698	\$36,343
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$295,410</b>	<b>\$376,631</b>

**CRISIS OUTREACH PROGRAM Z216 PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	54.000	54.000
Personal Services	\$2,246,592	\$2,431,284
All Other	\$144,039	\$148,509
<b>GENERAL FUND TOTAL</b>	<b>\$2,390,631</b>	<b>\$2,579,793</b>

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	\$2,041,447	\$2,209,204
All Other	\$203,031	\$209,676
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,244,478</b>	<b>\$2,418,880</b>

**Data, Research and Vital Statistics Z037**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$445,036	\$468,560
All Other	\$1,092,346	\$1,092,346
<b>GENERAL FUND TOTAL</b>	<b>\$1,537,382</b>	<b>\$1,560,906</b>

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$170,451	\$177,037
All Other	\$437,626	\$437,626
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$608,077</b>	<b>\$614,663</b>

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$689,054	\$722,608
All Other	\$768,165	\$768,165
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,457,219</b>	<b>\$1,490,773</b>

**Data, Research and Vital Statistics Z037**

Initiative: Transfers one part-time Medical Support Specialist Records position from the Maine Center for Disease Control and Prevention program to the Data, Research and Vital Statistics program within the same fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$35,581	\$37,194
All Other	\$6,398	\$6,398
<b>GENERAL FUND TOTAL</b>	<b>\$41,979</b>	<b>\$43,592</b>

**Data, Research and Vital Statistics Z037**

Initiative: Transfers one Office Associate II position from Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to the Data, Re-

search and Vital Statistics program, Other Special Revenue Funds to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$66,272	\$68,853
All Other	\$8,785	\$8,870
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$75,057</b>	<b>\$77,723</b>

**Data, Research and Vital Statistics Z037**

Initiative: Reallocates one Office Associate II position funded 100% Other Special Revenue Funds to 55% Other Special Revenue Funds and 45% Federal Expenditures Fund within the same program to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$33,002	\$34,571
All Other	\$4,057	\$4,109
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$37,059</b>	<b>\$38,680</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$33,002)	(\$34,571)
All Other	(\$4,057)	(\$4,109)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$37,059)</b>	<b>(\$38,680)</b>

**DATA, RESEARCH AND VITAL STATISTICS Z037**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.500	5.500
Personal Services	\$480,617	\$505,754
All Other	\$1,098,744	\$1,098,744
<b>GENERAL FUND TOTAL</b>	<b>\$1,579,361</b>	<b>\$1,604,498</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$203,453	\$211,608
All Other	\$441,683	\$441,735
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$645,136</b>	<b>\$653,343</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$722,324	\$756,890
All Other	\$772,893	\$772,926
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,495,217</b>	<b>\$1,529,816</b>

**Department of Health and Human Services Central Operations 0142**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	196.500	196.500
Personal Services	\$10,575,236	\$11,168,303
All Other	\$14,774,224	\$14,774,224
<b>GENERAL FUND TOTAL</b>	<b>\$25,349,460</b>	<b>\$25,942,527</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$152,100	\$152,100
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$152,100</b>	<b>\$152,100</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$7,860,192	\$8,294,517
All Other	\$12,642,496	\$12,642,496
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$20,502,688</b>	<b>\$20,937,013</b>

**Department of Health and Human Services Central Operations 0142**

Initiative: Provides funding for offices moving from state-owned property to leased property.

GENERAL FUND	2019-20	2020-21
All Other	\$1,350,423	\$1,509,740
<b>GENERAL FUND TOTAL</b>	<b>\$1,350,423</b>	<b>\$1,509,740</b>
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,010,016	\$1,129,174
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,010,016</b>	<b>\$1,129,174</b>

**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers 21 positions from 50% General Fund and 50% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence - District program. Also adjusts funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(21.000)	(21.000)
Personal Services	(\$873,831)	(\$913,425)
All Other	(\$131,275)	(\$131,275)
<b>GENERAL FUND TOTAL</b>	<b>(\$1,005,106)</b>	<b>(\$1,044,700)</b>
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$873,751)	(\$913,357)
All Other	(\$164,290)	(\$165,591)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$1,038,041)</b>	<b>(\$1,078,948)</b>

**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers and reallocates one Office Associate II position from 60% General Fund and 40% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program;

transfers and reallocates one Medical Surveillance and Utility Supervisor position from 25% General Fund and 75% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program; and transfers and reallocates 12 various positions from 50% General Fund and 50% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program. Also transfers related All Other costs. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(14.000)	(14.000)
Personal Services	(\$556,694)	(\$594,126)
All Other	(\$43,059)	(\$43,059)
<b>GENERAL FUND TOTAL</b>	<b>(\$599,753)</b>	<b>(\$637,185)</b>
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$592,828)	(\$632,692)
All Other	(\$65,896)	(\$67,205)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$658,724)</b>	<b>(\$699,897)</b>

**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers and reallocates one Office Assistant II position funded 64% General Fund and 36% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 72% General Fund and 28% Other Special Revenue Funds in the Office of Child and Family Services - Central program. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$36,125)	(\$38,748)
All Other	(\$4,095)	(\$4,095)
<b>GENERAL FUND TOTAL</b>	<b>(\$40,220)</b>	<b>(\$42,843)</b>
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$20,319)	(\$21,796)

All Other	(\$3,046)	(\$3,095)
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OTHER SPECIAL REVENUE FUNDS TOTAL	(\$23,365)	(\$24,891)

**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers and reallocates one Supervisor Data and Research position, 2 Statistician I positions, one Comprehensive Health Planner II position and one Business Data Analytics position from 60% General Fund and 40% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 100% Office of Substance Abuse and Mental Health Services program, General Fund. Also adjusts funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(5.000)	(5.000)
Personal Services	(\$249,293)	(\$263,075)
All Other	(\$19,194)	(\$19,194)

GENERAL FUND TOTAL	(\$268,487)	(\$282,269)
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$166,197)	(\$175,384)
All Other	(\$18,675)	(\$18,977)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$184,872)	(\$194,361)
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**Department of Health and Human Services Central Operations 0142**

Initiative: Provides funding due to increases in costs for financial, accounting and human resource management services provided by the Department of Administrative and Financial Services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$280,000	\$360,000

GENERAL FUND TOTAL	\$280,000	\$360,000
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$192,799	\$247,884

OTHER SPECIAL REVENUE FUNDS TOTAL	\$192,799	\$247,884
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**Department of Health and Human Services Central Operations 0142**

Initiative: Provides funding for the proposed reorganization of 6 Auditor I positions to Staff Auditor I positions, 12 Auditor II positions to Staff Auditor II positions and 8 Auditor III positions to Senior Auditor positions. Also provides funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$82,634	\$87,551
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GENERAL FUND TOTAL	\$82,634	\$87,551

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$74,681	\$79,077
All Other	\$2,453	\$2,598

OTHER SPECIAL REVENUE FUNDS TOTAL	\$77,134	\$81,675
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**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers and reallocates one Public Service Coordinator I position from 35% General Fund and 65% Other Special Revenue Funds in the Division of Licensing and Certification program to 40% General Fund and 60% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program. Also adjusts funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$42,198	\$45,234
All Other	\$2,559	\$2,559

GENERAL FUND TOTAL	\$44,757	\$47,793
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$63,298	\$67,848
All Other	\$6,044	\$6,194

OTHER SPECIAL REVENUE FUNDS TOTAL	\$69,342	\$74,042
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**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers one Office Assistant II position, one Mental Health/Disability Determination Caseworker position and one Human Services Caseworker position and related All Other costs from the Department of Health and Human Services, Developmental Services - Community program, General Fund to the Department of Administrative and Financial Services, Financial and Personnel Services - Division of program, Financial and Personnel Services Fund. Also increases funding in the Department of Health and Human Services Central Operations program to pay for the financial and accounting services now provided by the Department of Administrative and Financial Services.

GENERAL FUND	2019-20	2020-21
All Other	\$97,396	\$104,503
<b>GENERAL FUND TOTAL</b>	<b>\$97,396</b>	<b>\$104,503</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$67,064	\$71,958
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$67,064</b>	<b>\$71,958</b>

**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers one Social Service Program Specialist II position and one part-time Behavioral Health Program Coordinator position from the Department of Health and Human Services, Mental Health Services - Community program, General Fund to the Department of Administrative and Financial Services, Financial and Personnel Services - Division of program, Financial and Personnel Services Fund. Also increases funding in the Department of Health and Human Services Central Operations program to pay for the services now provided by the Department of Administrative and Financial Services.

GENERAL FUND	2019-20	2020-21
All Other	\$96,883	\$104,092
<b>GENERAL FUND TOTAL</b>	<b>\$96,883</b>	<b>\$104,092</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$66,710	\$71,675
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$66,710</b>	<b>\$71,675</b>

**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers and reallocates one Deputy Director Office of Adult Mental Health Services position from 50% General Fund and 50% Federal Expenditures Fund within the Office of MaineCare Services program to 60% General Fund and 40% Other Special Revenue Funds within the Department of Health and Human Services Central Operations program to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$110,616	\$114,825
All Other	\$3,839	\$3,839
<b>GENERAL FUND TOTAL</b>	<b>\$114,455</b>	<b>\$118,664</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$73,744	\$76,553
All Other	\$5,066	\$5,158
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$78,810</b>	<b>\$81,711</b>

**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers and reallocates one Management Analyst I position from the Department of Health and Human Services, Office of MaineCare Services program, 50% General Fund and 50% Federal Expenditures Fund to the Department of Administrative and Financial Services, Financial and Personnel Services - Division of program, 100% Financial and Personnel Services Fund. Also increases funding in All Other in an equivalent amount by 60% General Fund and 40% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to pay for the services now provided by the Department of Administrative and Financial Services.

GENERAL FUND	2019-20	2020-21
All Other	\$49,203	\$51,147
<b>GENERAL FUND TOTAL</b>	<b>\$49,203</b>	<b>\$51,147</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$33,880	\$35,218

OTHER SPECIAL	\$33,880	\$35,218
REVENUE FUNDS TOTAL		

**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers and reallocates one Office Specialist I Manager position from 100% Developmental Services - Community program, General Fund to 64% General Fund and 36% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$44,760	\$48,146
All Other	\$4,095	\$4,095
<b>GENERAL FUND TOTAL</b>	<b>\$48,855</b>	<b>\$52,241</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$25,177	\$27,081
All Other	\$3,206	\$3,268
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$28,383</b>	<b>\$30,349</b>

**Department of Health and Human Services Central Operations 0142**

Initiative: Adjusts funding between the Division of Contract Management program and the Department of Health and Human Services Central Operations program to appropriately reflect All Other costs related to positions.

GENERAL FUND	2019-20	2020-21
All Other	(\$4,149)	(\$4,149)
<b>GENERAL FUND TOTAL</b>	<b>(\$4,149)</b>	<b>(\$4,149)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$2,137)	(\$2,137)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$2,137)</b>	<b>(\$2,137)</b>

**Department of Health and Human Services Central Operations 0142**

Initiative: Transfers and reallocates one Public Service Manager III position from 60% General Fund and 40% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 35% General Fund and 65% Other Special Revenue Funds in the Division of Licensing and Certification program. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$80,929)	(\$87,546)
All Other	(\$3,839)	(\$3,839)
<b>GENERAL FUND TOTAL</b>	<b>(\$84,768)</b>	<b>(\$91,385)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$53,952)	(\$58,362)
All Other	(\$4,416)	(\$4,560)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$58,368)</b>	<b>(\$62,922)</b>

**DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTRAL OPERATIONS 0142 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	157.500	157.500
Personal Services	\$9,058,572	\$9,567,139
All Other	\$16,453,011	\$16,708,588
<b>GENERAL FUND TOTAL</b>	<b>\$25,511,583</b>	<b>\$26,275,727</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$152,100	\$152,100
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$152,100</b>	<b>\$152,100</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$6,390,045	\$6,743,485
All Other	\$13,771,274	\$13,954,058

OTHER SPECIAL	\$20,161,319	\$20,697,543
REVENUE FUNDS TOTAL		

**Departmentwide 0640**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	(\$2,000,000)	(\$2,000,000)
GENERAL FUND TOTAL	(\$2,000,000)	(\$2,000,000)

**DEPARTMENTWIDE 0640**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	(\$2,000,000)	(\$2,000,000)
GENERAL FUND TOTAL	(\$2,000,000)	(\$2,000,000)

**Developmental Services - Community Z208**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	157.500	157.500
Personal Services	\$13,123,395	\$13,794,308
All Other	\$8,095,232	\$8,095,232
GENERAL FUND TOTAL	\$21,218,627	\$21,889,540

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$400,747	\$400,747
OTHER SPECIAL REVENUE FUNDS TOTAL	\$400,747	\$400,747

**Developmental Services - Community Z208**

Initiative: Adjusts appropriation between the Developmental Services - Community program and the Office of Aging and Disability Services Adult Protective Services program to support disability services delivered through the Adult Protective Services program.

GENERAL FUND	2019-20	2020-21
All Other	(\$100,000)	(\$100,000)
GENERAL FUND TOTAL	(\$100,000)	(\$100,000)

**Developmental Services - Community Z208**

Initiative: Transfers one Office Assistant II position, one Mental Health/Disability Determination Caseworker position and one Human Services Caseworker position and related All Other costs from the Department of Health and Human Services, Developmental Services - Community program, General Fund to the Department of Administrative and Financial Services, Financial and Personnel Services - Division of program, Financial and Personnel Services Fund. Also increases funding in the Department of Health and Human Services Central Operations program to pay for the financial and accounting services now provided by the Department of Administrative and Financial Services.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(2.500)	(2.500)
Personal Services	(\$143,133)	(\$154,978)
All Other	(\$19,194)	(\$19,194)
GENERAL FUND TOTAL	(\$162,327)	(\$174,172)

**Developmental Services - Community Z208**

Initiative: Transfers and reallocates one Social Services Manager I position from 100% Developmental Services - Community program, General Fund to 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$102,277)	(\$106,142)
All Other	(\$6,398)	(\$6,398)
GENERAL FUND TOTAL	(\$108,675)	(\$112,540)

**Developmental Services - Community Z208**

Initiative: Transfers and reallocates one Office Specialist I Manager position from 100% Developmental Services - Community program, General Fund to 64% General Fund and 36% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$69,937)	(\$75,227)
All Other	(\$6,398)	(\$6,398)

GENERAL FUND TOTAL	(\$76,335)	(\$81,625)
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**Developmental Services - Community Z208**

Initiative: Provides funding for an increase to rates for certain services pursuant to Public Law 2017, chapter 460, Part B.

GENERAL FUND	2019-20	2020-21
All Other	\$51,787	\$81,262

GENERAL FUND TOTAL	\$51,787	\$81,262
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**DEVELOPMENTAL SERVICES - COMMUNITY Z208**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	153.000	153.000
Personal Services	\$12,808,048	\$13,457,961
All Other	\$8,015,029	\$8,044,504

GENERAL FUND TOTAL	\$20,823,077	\$21,502,465
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$400,747	\$400,747

OTHER SPECIAL REVENUE FUNDS TOTAL	\$400,747	\$400,747
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**Developmental Services Waiver - MaineCare Z211**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$126,206,779	\$126,206,779

GENERAL FUND TOTAL	\$126,206,779	\$126,206,779
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**Developmental Services Waiver - MaineCare Z211**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

GENERAL FUND	2019-20	2020-21
All Other	\$2,070,467	\$2,823,365

GENERAL FUND TOTAL	\$2,070,467	\$2,823,365
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**Developmental Services Waiver - MaineCare Z211**

Initiative: Adjusts funding to bring appropriation and allocation in line with available resources projected by the Revenue Forecasting Committee.

GENERAL FUND	2019-20	2020-21
All Other	(\$3,668,110)	(\$3,668,110)

GENERAL FUND TOTAL	(\$3,668,110)	(\$3,668,110)
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**Developmental Services Waiver - MaineCare Z211**

Initiative: Provides funding for adding members from the waiting list for community-based services provided under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added pursuant to Public Law 2017, chapter 460.

GENERAL FUND	2019-20	2020-21
All Other	\$2,809,274	\$6,539,268

GENERAL FUND TOTAL	\$2,809,274	\$6,539,268
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**DEVELOPMENTAL SERVICES WAIVER - MAINECARE Z211**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$127,418,410	\$131,901,302

GENERAL FUND TOTAL	\$127,418,410	\$131,901,302
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**Developmental Services Waiver - Supports Z212**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$28,726,262	\$28,726,262

GENERAL FUND TOTAL	\$28,726,262	\$28,726,262
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$86,000	\$86,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$86,000	\$86,000
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**Developmental Services Waiver - Supports Z212**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

GENERAL FUND	2019-20	2020-21
All Other	\$412,913	\$563,063
<b>GENERAL FUND TOTAL</b>	<b>\$412,913</b>	<b>\$563,063</b>

**Developmental Services Waiver - Supports Z212**

Initiative: Adjusts funding to bring appropriation and allocation in line with available resources projected by the Revenue Forecasting Committee.

GENERAL FUND	2019-20	2020-21
All Other	(\$19,000)	(\$19,000)
<b>GENERAL FUND TOTAL</b>	<b>(\$19,000)</b>	<b>(\$19,000)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$19,000	\$19,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$19,000</b>	<b>\$19,000</b>

**DEVELOPMENTAL SERVICES WAIVER - SUPPORTS Z212**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$29,120,175	\$29,270,325
<b>GENERAL FUND TOTAL</b>	<b>\$29,120,175</b>	<b>\$29,270,325</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$105,000	\$105,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$105,000</b>	<b>\$105,000</b>

**Disability Determination - Division of 0208**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	54.000	54.000
Personal Services	\$4,239,058	\$4,487,161
All Other	\$5,147,417	\$5,147,417

FEDERAL EXPENDITURES FUND TOTAL	\$9,386,475	\$9,634,578
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**DISABILITY DETERMINATION - DIVISION OF 0208**

**PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	54.000	54.000
Personal Services	\$4,239,058	\$4,487,161
All Other	\$5,147,417	\$5,147,417
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$9,386,475</b>	<b>\$9,634,578</b>

**Disproportionate Share - Dorothea Dix Psychiatric Center Z225**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
Personal Services	\$6,992,498	\$7,344,045
All Other	\$405,995	\$405,995
<b>GENERAL FUND TOTAL</b>	<b>\$7,398,493</b>	<b>\$7,750,040</b>

**Disproportionate Share - Dorothea Dix Psychiatric Center Z225**

Initiative: Transfers 6 Mental Health Worker I positions from 36% General Fund and 64% Other Special Revenue Funds in the Dorothea Dix Psychiatric Center program to 36% Disproportionate Share - Dorothea Dix Psychiatric Center program, General Fund and 64% Dorothea Dix Psychiatric Center program, Other Special Revenue Funds.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$165,888	\$176,436
<b>GENERAL FUND TOTAL</b>	<b>\$165,888</b>	<b>\$176,436</b>

**Disproportionate Share - Dorothea Dix Psychiatric Center Z225**

Initiative: Establishes 48 positions starting September 1, 2019 for a new 18-bed inpatient unit at the Dorothea Dix Psychiatric Center.

GENERAL FUND	2019-20	2020-21
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Personal Services	\$1,344,189	\$1,735,640
All Other	\$835,335	\$957,292
<b>GENERAL FUND TOTAL</b>	<b>\$2,179,524</b>	<b>\$2,692,932</b>

**DISPROPORTIONATE SHARE - DOROTHEA DIX PSYCHIATRIC CENTER Z225**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$8,502,575	\$9,256,121
All Other	\$1,241,330	\$1,363,287
<b>GENERAL FUND TOTAL</b>	<b>\$9,743,905</b>	<b>\$10,619,408</b>

**Disproportionate Share - Riverview Psychiatric Center Z220**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$11,872,351	\$12,485,756
All Other	\$3,292,140	\$3,292,140
<b>GENERAL FUND TOTAL</b>	<b>\$15,164,491</b>	<b>\$15,777,896</b>

**DISPROPORTIONATE SHARE - RIVERVIEW PSYCHIATRIC CENTER Z220**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$11,872,351	\$12,485,756
All Other	\$3,292,140	\$3,292,140
<b>GENERAL FUND TOTAL</b>	<b>\$15,164,491</b>	<b>\$15,777,896</b>

**Division of Contract Management Z035**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$4,149)	(\$4,149)
<b>GENERAL FUND TOTAL</b>	<b>(\$4,149)</b>	<b>(\$4,149)</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$2,137)	(\$2,137)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$2,137)	(\$2,137)
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**Division of Contract Management Z035**

Initiative: Adjusts funding between the Division of Contract Management program and the Department of Health and Human Services Central Operations program to appropriately reflect All Other costs related to positions.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$4,149	\$4,149
<b>GENERAL FUND TOTAL</b>	<b>\$4,149</b>	<b>\$4,149</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,137	\$2,137

OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,137	\$2,137
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**DIVISION OF CONTRACT MANAGEMENT Z035**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0
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**Division of Licensing and Certification Z036**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	29.000	29.000
Personal Services	\$2,988,767	\$3,129,359
All Other	\$1,232,386	\$1,232,386
<b>GENERAL FUND TOTAL</b>	<b>\$4,221,153</b>	<b>\$4,361,745</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,406,743	\$1,406,743
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,406,743</b>	<b>\$1,406,743</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	87,000	87,000
Personal Services	\$6,915,135	\$7,239,588
All Other	\$2,285,963	\$2,285,963
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$9,201,098</b>	<b>\$9,525,551</b>

**Division of Licensing and Certification Z036**

Initiative: Transfers and reallocates one Public Service Manager I position from 35% General Fund and 65% Other Special Revenue Funds in the Division of Licensing and Certification program to 100% Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$37,512)	(\$40,305)
All Other	(\$2,240)	(\$2,240)
<b>GENERAL FUND TOTAL</b>	<b>(\$39,752)</b>	<b>(\$42,545)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$69,664)	(\$74,848)
All Other	(\$6,583)	(\$6,754)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$76,247)</b>	<b>(\$81,602)</b>

**Division of Licensing and Certification Z036**

Initiative: Transfers and reallocates one Public Service Coordinator I position from 35% General Fund and 65% Other Special Revenue Funds in the Division of Licensing and Certification program to 40% General Fund and 60% Other Special Revenue Funds in the Department of Health and Human Services Central

Operations program. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$36,923)	(\$39,578)
All Other	(\$2,239)	(\$2,239)
<b>GENERAL FUND TOTAL</b>	<b>(\$39,162)</b>	<b>(\$41,817)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$68,573)	(\$73,504)
All Other	(\$6,548)	(\$6,710)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$75,121)</b>	<b>(\$80,214)</b>

**Division of Licensing and Certification Z036**

Initiative: Reallocates one Social Services Program Specialist I position from 100% General Fund to 35% General Fund and 65% Other Special Revenue Funds within the same program. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$50,343)	(\$54,275)
All Other	(\$4,159)	(\$4,159)
<b>GENERAL FUND TOTAL</b>	<b>(\$54,502)</b>	<b>(\$58,434)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$50,343	\$54,275
All Other	\$5,949	\$6,078
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$56,292</b>	<b>\$60,353</b>

**Division of Licensing and Certification Z036**

Initiative: Transfers one Hearings Examiner position, one Management Analyst II position, one Social Services Program Specialist II position and one Office Specialist I position from 35% General Fund and 65% Other Special Revenue Funds in the Maine Center for Disease Control and Prevention program to 35% General Fund and 65% Other Special Revenue Funds in the Division of Licensing and Certification program to align the duties with the proper funding source. Also transfers funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$119,226	\$125,978
All Other	\$8,956	\$8,956
<b>GENERAL FUND TOTAL</b>	<b>\$128,182</b>	<b>\$134,934</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$221,416	\$233,943
All Other	\$24,454	\$24,865
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$245,870</b>	<b>\$258,808</b>

**Division of Licensing and Certification Z036**

Initiative: Transfers one Social Services Program Specialist II position from 65% Other Special Revenue Funds and 35% General Fund in the Division of Licensing and Certification program to 35% General Fund and 65% Other Special Revenue Funds in the Maine Center for Disease Control and Prevention program to align the duties with the proper funding source. Also transfers funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$31,498)	(\$33,983)
All Other	(\$2,239)	(\$2,239)
<b>GENERAL FUND TOTAL</b>	<b>(\$33,737)</b>	<b>(\$36,222)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$58,499)	(\$63,115)
All Other	(\$6,216)	(\$6,368)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$64,715)</b>	<b>(\$69,483)</b>

**Division of Licensing and Certification Z036**

Initiative: Transfers and reallocates one Public Service Manager III position from 60% General Fund and 40% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 35% General Fund and 65% Other Special Revenue Funds in the Division of Licensing and Certi-

fication program. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$47,209	\$51,067
All Other	\$2,240	\$2,240
<b>GENERAL FUND TOTAL</b>	<b>\$49,449</b>	<b>\$53,307</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$87,672	\$94,841
All Other	\$7,176	\$7,411
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$94,848</b>	<b>\$102,252</b>

**DIVISION OF LICENSING AND CERTIFICATION Z036 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	33.000	33.000
Personal Services	\$2,998,926	\$3,138,263
All Other	\$1,232,705	\$1,232,705
<b>GENERAL FUND TOTAL</b>	<b>\$4,231,631</b>	<b>\$4,370,968</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,406,743	\$1,406,743
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,406,743</b>	<b>\$1,406,743</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	85.000	85.000
Personal Services	\$7,077,830	\$7,411,180
All Other	\$2,304,195	\$2,304,485
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$9,382,025</b>	<b>\$9,715,665</b>

**Dorothea Dix Psychiatric Center Z222**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$165,888	\$176,436
All Other	\$2,396,205	\$2,396,205
<b>GENERAL FUND TOTAL</b>	<b>\$2,562,093</b>	<b>\$2,572,641</b>

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	0.000
Personal Services	\$0	\$0
All Other	\$2,396,205	\$2,396,205
<b>GENERAL FUND TOTAL</b>	<b>\$2,396,205</b>	<b>\$2,396,205</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	195.500	195.500
Personal Services	\$12,034,086	\$12,642,811
All Other	\$2,445,240	\$2,445,240
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$14,479,326</b>	<b>\$15,088,051</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	243.500	243.500
Personal Services	\$14,421,745	\$15,692,476
All Other	\$3,417,792	\$3,643,450
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$17,839,537</b>	<b>\$19,335,926</b>

**Dorothea Dix Psychiatric Center Z222**

Initiative: Transfers 6 Mental Health Worker I positions from 36% General Fund and 64% Other Special Revenue Funds in the Dorothea Dix Psychiatric Center program to 36% Disproportionate Share - Dorothea Dix Psychiatric Center program, General Fund and 64% Dorothea Dix Psychiatric Center program, Other Special Revenue Funds.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(6.000)	(6.000)
Personal Services	(\$165,888)	(\$176,436)
<b>GENERAL FUND TOTAL</b>	<b>(\$165,888)</b>	<b>(\$176,436)</b>

**Drinking Water Enforcement 0728**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$587,254	\$613,804
All Other	\$2,112,868	\$2,112,868
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,700,122</b>	<b>\$2,726,672</b>

**Dorothea Dix Psychiatric Center Z222**

Initiative: Establishes 48 positions starting September 1, 2019 for a new 18-bed inpatient unit at the Dorothea Dix Psychiatric Center.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	48.000	48.000
Personal Services	\$2,387,659	\$3,049,665
All Other	\$972,552	\$1,198,210
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,360,211</b>	<b>\$4,247,875</b>

**DRINKING WATER ENFORCEMENT 0728 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$587,254	\$613,804
All Other	\$2,112,868	\$2,112,868
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,700,122</b>	<b>\$2,726,672</b>

**DOROTHEA DIX PSYCHIATRIC CENTER Z222 PROGRAM SUMMARY**

**Driver Education & Evaluation Program - Off Sub Abuse & MH S Z200**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
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**FIRST REGULAR SESSION - 2019**

**PUBLIC LAW, C. 343**

POSITIONS - LEGISLATIVE COUNT	7.000	7.000
Personal Services	\$549,989	\$580,442
All Other	\$1,028,931	\$1,028,931
<b>GENERAL FUND TOTAL</b>	<b>\$1,578,920</b>	<b>\$1,609,373</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**DRIVER EDUCATION & EVALUATION PROGRAM - OFF SUB ABUSE & MH S Z200 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	7.000	7.000
Personal Services	\$549,989	\$580,442
All Other	\$1,028,931	\$1,028,931
<b>GENERAL FUND TOTAL</b>	<b>\$1,578,920</b>	<b>\$1,609,373</b>

**FOOD SUPPLEMENT ADMINISTRATION Z019 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,970,882	\$2,970,882
<b>GENERAL FUND TOTAL</b>	<b>\$2,970,882</b>	<b>\$2,970,882</b>

**Food Supplement Administration Z019 Initiative: BASELINE BUDGET**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,970,882	\$2,970,882
<b>GENERAL FUND TOTAL</b>	<b>\$2,970,882</b>	<b>\$2,970,882</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$7,916,303	\$7,916,303
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$7,916,303</b>	<b>\$7,916,303</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$7,916,303	\$7,916,303
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$7,916,303</b>	<b>\$7,916,303</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$725,500	\$725,500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$725,500</b>	<b>\$725,500</b>

**Food Supplement Administration Z019**

Initiative: Provides funding in the Food Supplement Administration program related to revenue from the collection of federal Supplemental Nutrition Assistance Program overpayments.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$725,000	\$725,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$725,000</b>	<b>\$725,000</b>

**Forensic Services Z203**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$641,406	\$673,918
All Other	\$98,192	\$98,192
<b>GENERAL FUND TOTAL</b>	<b>\$739,598</b>	<b>\$772,110</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Food Supplement Administration Z019**

Initiative: Provides allocation in an Other Special Revenue Funds account for food supplemental overpayments.

**FORENSIC SERVICES Z203 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6,000	6,000
Personal Services	\$641,406	\$673,918
All Other	\$98,192	\$98,192
<b>GENERAL FUND TOTAL</b>	<b>\$739,598</b>	<b>\$772,110</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**General Assistance - Reimbursement to Cities and Towns 0130**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$12,148,875	\$12,148,875
<b>GENERAL FUND TOTAL</b>	<b>\$12,148,875</b>	<b>\$12,148,875</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4,000	4,000
Personal Services	\$313,640	\$332,268
All Other	\$2,053,687	\$2,053,687
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,367,327</b>	<b>\$2,385,955</b>

**GENERAL ASSISTANCE - REIMBURSEMENT TO CITIES AND TOWNS 0130**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$12,148,875	\$12,148,875
<b>GENERAL FUND TOTAL</b>	<b>\$12,148,875</b>	<b>\$12,148,875</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4,000	4,000
Personal Services	\$313,640	\$332,268
All Other	\$2,053,687	\$2,053,687

OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,367,327	\$2,385,955
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**Head Start 0545**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$1,194,458	\$1,194,458

<b>GENERAL FUND TOTAL</b>	<b>\$1,194,458</b>	<b>\$1,194,458</b>
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$107,637	\$107,637

FEDERAL EXPENDITURES FUND TOTAL	\$107,637	\$107,637
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FUND FOR A HEALTHY MAINE	2019-20	2020-21
All Other	\$1,354,580	\$1,354,580

<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$1,354,580</b>	<b>\$1,354,580</b>
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**HEAD START 0545 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$1,194,458	\$1,194,458

<b>GENERAL FUND TOTAL</b>	<b>\$1,194,458</b>	<b>\$1,194,458</b>
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$107,637	\$107,637

FEDERAL EXPENDITURES FUND TOTAL	\$107,637	\$107,637
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FUND FOR A HEALTHY MAINE	2019-20	2020-21
All Other	\$1,354,580	\$1,354,580

<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$1,354,580</b>	<b>\$1,354,580</b>
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**Homeless Youth Program 0923**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$397,807	\$397,807
<b>GENERAL FUND TOTAL</b>	<b>\$397,807</b>	<b>\$397,807</b>

**HOMELESS YOUTH PROGRAM 0923  
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$397,807	\$397,807
<b>GENERAL FUND TOTAL</b>	<b>\$397,807</b>	<b>\$397,807</b>

**Independent Housing with Services 0211**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$2,799,286	\$2,799,286
<b>GENERAL FUND TOTAL</b>	<b>\$2,799,286</b>	<b>\$2,799,286</b>

**Independent Housing with Services 0211**

Initiative: Transfers All Other funding and any remaining unallocated balances as of June 30, 2019 from the Independent Housing with Services program to the Long Term Care - Office of Aging and Disability Services program within the same fund to provide efficiencies in the administration of the program as adopted under Resolve 2011, chapter 71.

GENERAL FUND	2019-20	2020-21
All Other	(\$2,799,286)	(\$2,799,286)
<b>GENERAL FUND TOTAL</b>	<b>(\$2,799,286)</b>	<b>(\$2,799,286)</b>

**INDEPENDENT HOUSING WITH SERVICES  
0211**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**IV-E Foster Care/Adoption Assistance 0137**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$13,974,599	\$13,974,599

GENERAL FUND TOTAL	\$13,974,599	\$13,974,599
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$23,515,358	\$23,515,358

FEDERAL EXPENDITURES FUND TOTAL	\$23,515,358	\$23,515,358
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$529,441	\$529,441

OTHER SPECIAL REVENUE FUNDS TOTAL	\$529,441	\$529,441
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**IV-E Foster Care/Adoption Assistance 0137**

Initiative: Provides funding to reflect an increase in foster home reimbursement rates pursuant to Public Law 2017, chapter 471.

GENERAL FUND	2019-20	2020-21
All Other	\$77,298	\$77,298

GENERAL FUND TOTAL	\$77,298	\$77,298
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$115,948	\$115,948

FEDERAL EXPENDITURES FUND TOTAL	\$115,948	\$115,948
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**IV-E FOSTER CARE/ADOPTION ASSISTANCE  
0137**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$14,051,897	\$14,051,897
<b>GENERAL FUND TOTAL</b>	<b>\$14,051,897</b>	<b>\$14,051,897</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$23,631,306	\$23,631,306

FEDERAL EXPENDITURES FUND TOTAL	\$23,631,306	\$23,631,306
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$529,441	\$529,441
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$529,441</b>	<b>\$529,441</b>

**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$139,525	\$148,449
All Other	\$18,356,662	\$18,356,662
<b>GENERAL FUND TOTAL</b>	<b>\$18,496,187</b>	<b>\$18,505,111</b>

**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: Transfers All Other funding and any remaining unallocated balances as of June 30, 2019 from the Independent Housing with Services program to the Long Term Care - Office of Aging and Disability Services program within the same fund to provide efficiencies in the administration of the program as adopted under Resolve 2011, chapter 71.

GENERAL FUND	2019-20	2020-21
All Other	\$2,799,286	\$2,799,286
<b>GENERAL FUND TOTAL</b>	<b>\$2,799,286</b>	<b>\$2,799,286</b>

**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: Provides funding for an increase to rates for certain services pursuant to Public Law 2017, chapter 460, Part B.

GENERAL FUND	2019-20	2020-21
All Other	\$801,346	\$1,293,051
<b>GENERAL FUND TOTAL</b>	<b>\$801,346</b>	<b>\$1,293,051</b>

**LONG TERM CARE - OFFICE OF AGING AND DISABILITY SERVICES 0420**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000

Personal Services	\$139,525	\$148,449
All Other	\$21,957,294	\$22,448,999
<b>GENERAL FUND TOTAL</b>	<b>\$22,096,819</b>	<b>\$22,597,448</b>

**Low-cost Drugs To Maine's Elderly 0202**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$4,425,803	\$4,425,803
<b>GENERAL FUND TOTAL</b>	<b>\$4,425,803</b>	<b>\$4,425,803</b>

**FUND FOR A HEALTHY MAINE**

	2019-20	2020-21
All Other	\$6,082,095	\$6,082,095
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$6,082,095</b>	<b>\$6,082,095</b>

**Low-cost Drugs To Maine's Elderly 0202**

Initiative: Provides funding for increasing the upper income eligibility level for the Low-cost Drugs To Maine's Elderly program from 175% to 185% of the federal poverty level.

GENERAL FUND	2019-20	2020-21
All Other	\$168,638	\$178,756
<b>GENERAL FUND TOTAL</b>	<b>\$168,638</b>	<b>\$178,756</b>

**Low-cost Drugs To Maine's Elderly 0202**

Initiative: Reduces funding for the closing of the Medicare coverage gap in pharmacy spending.

GENERAL FUND	2019-20	2020-21
All Other	(\$133,023)	(\$227,922)
<b>GENERAL FUND TOTAL</b>	<b>(\$133,023)</b>	<b>(\$227,922)</b>

**LOW-COST DRUGS TO MAINE'S ELDERLY 0202**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$4,461,418	\$4,376,637
<b>GENERAL FUND TOTAL</b>	<b>\$4,461,418</b>	<b>\$4,376,637</b>

**FUND FOR A HEALTHY MAINE**

	<b>2019-20</b>	<b>2020-21</b>
All Other	\$6,082,095	\$6,082,095

FUND FOR A HEALTHY MAINE TOTAL	\$6,082,095	\$6,082,095
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**Maine Center for Disease Control and Prevention 0143**

Initiative: BASELINE BUDGET

**GENERAL FUND**

	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	81.500	81.500
Personal Services	\$5,892,045	\$6,218,308
All Other	\$3,494,575	\$3,494,575

GENERAL FUND TOTAL	\$9,386,620	\$9,712,883
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**FEDERAL EXPENDITURES FUND**

	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	106.500	106.500
Personal Services	\$9,639,494	\$10,139,664
All Other	\$42,791,563	\$42,791,563

FEDERAL EXPENDITURES FUND TOTAL	\$52,431,057	\$52,931,227
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**FUND FOR A HEALTHY MAINE**

	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$811,744	\$860,338
All Other	\$7,822,700	\$7,822,700

FUND FOR A HEALTHY MAINE TOTAL	\$8,634,444	\$8,683,038
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**OTHER SPECIAL REVENUE FUNDS**

	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	68.500	68.500
POSITIONS - FTE COUNT	0.500	0.500
Personal Services	\$7,490,698	\$7,864,185
All Other	\$7,867,885	\$7,867,885

OTHER SPECIAL REVENUE FUNDS TOTAL	\$15,358,583	\$15,732,070
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**FEDERAL BLOCK GRANT FUND**

	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$224,520	\$236,808
All Other	\$1,479,136	\$1,479,136

FEDERAL BLOCK GRANT FUND TOTAL	\$1,703,656	\$1,715,944
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**Maine Center for Disease Control and Prevention 0143**

Initiative: Continues 5 limited-period Environmental Specialist III positions previously continued in Public Law 2017, chapter 284 through June 19, 2021 and provides funding for related All Other costs. Also provides funding for the continuation of lead inspections.

**FUND FOR A HEALTHY MAINE**

	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$461,962	\$489,175
All Other	\$586,612	\$587,235

FUND FOR A HEALTHY MAINE TOTAL	\$1,048,574	\$1,076,410
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**Maine Center for Disease Control and Prevention 0143**

Initiative: Transfers one Environmental Specialist II position and one Environmental Specialist III position from 100% Federal Expenditures Fund to 100% Fund for a Healthy Maine within the same program. Also adjusts funding for related All Other costs.

**FEDERAL EXPENDITURES FUND**

	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(2.000)	(2.000)
Personal Services	(\$158,301)	(\$167,461)
All Other	(\$18,417)	(\$18,717)

FEDERAL EXPENDITURES FUND TOTAL	(\$176,718)	(\$186,178)
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**FUND FOR A HEALTHY MAINE**

POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$158,301	\$167,461
All Other	\$18,417	\$18,717
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$176,718</b>	<b>\$186,178</b>

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Continues one limited-period Chemist II position and one limited-period Chemist III position established by Financial Order 004871 F8 and continued by Financial Order 005138 F9 through June 19, 2021. Also provides funding for related All Other costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$191,463	\$206,507
All Other	\$54,623	\$55,117
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$246,086</b>	<b>\$261,624</b>

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Reallocates one Sanitary Engineer III position and related All Other from 95% Other Special Revenue Funds and 5% Federal Expenditures Fund, one Public Service Manager II position from 90% Other Special Revenue Funds and 10% Federal Expenditures Fund and one Chemist I position and one Inventory and Property Associate I Supervisor position from 75% Other Special Revenue Funds and 25% Federal Expenditures Fund to 100% Other Special Revenue Funds within the same program to align the duties with the proper funding source.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$57,338)	(\$59,657)
All Other	(\$1,884)	(\$1,960)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$59,222)</b>	<b>(\$61,617)</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$57,338	\$59,657
All Other	\$1,883	\$1,960

OTHER SPECIAL	\$59,221	\$61,617
<b>REVENUE FUNDS TOTAL</b>		

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Reallocates one Social Services Program Specialist II position funded 100% General Fund to 50% General Fund and 50% Federal Expenditures Fund within the same program to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$48,464)	(\$51,995)
All Other	(\$3,199)	(\$3,199)
<b>GENERAL FUND TOTAL</b>	<b>(\$51,663)</b>	<b>(\$55,194)</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$48,464	\$51,995
All Other	\$4,896	\$5,012

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$53,360</b>	<b>\$57,007</b>
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**Maine Center for Disease Control and Prevention  
0143**

Initiative: Transfers one Social Services Program Manager position from the Office of Substance Abuse and Mental Health Services program to the Maine Center for Disease Control and Prevention program within the same fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$116,404	\$120,992
All Other	\$6,398	\$6,398
<b>GENERAL FUND TOTAL</b>	<b>\$122,802</b>	<b>\$127,390</b>

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Transfers one part-time Medical Support Specialist Records position from the Maine Center for Disease Control and Prevention program to the Data, Research and Vital Statistics program within the same

fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
Personal Services	(\$35,581)	(\$37,194)
All Other	(\$6,398)	(\$6,398)
<b>GENERAL FUND TOTAL</b>	<b>(\$41,979)</b>	<b>(\$43,592)</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Reallocates one Comprehensive Health Planner I position from 100% Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to 50% Maine Center for Disease Control and Prevention program, Federal Expenditures Fund and 50% Special Children's Services program, Federal Block Grant Fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	(\$40,141)	(\$43,217)
All Other	(\$4,623)	(\$4,724)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$44,764)</b>	<b>(\$47,941)</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Transfers and reallocates one Health Program Manager position from 50% Maine Center for Disease Control and Prevention program, Federal Expenditures Fund and 50% Maternal and Child Health program, Federal Block Grant Fund to 100% Maternal and Child Health program, Federal Block Grant Fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$52,950)	(\$55,020)
All Other	(\$5,043)	(\$5,111)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$57,993)</b>	<b>(\$60,131)</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Transfers one Office Associate II position from Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to the Data, Research and Vital Statistics program, Other Special Revenue Funds to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$66,272)	(\$68,853)
All Other	(\$8,785)	(\$8,870)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$75,057)</b>	<b>(\$77,723)</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Transfers and reallocates one Health Program Manager position from Other Special Revenue Funds to the Federal Expenditures Fund within the same program. Reallocates one Office Associate II position from 90% Federal Expenditures Fund and 10% Other Special Revenue Funds to 30% Federal Expenditures Fund and 70% Other Special Revenue Funds and one Senior Health Program Manager position from 100% Federal Expenditures Fund to 40% Federal Expenditures Fund and 60% Other Special Revenue Funds within the same program to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$7,428	\$5,635
All Other	(\$1,078)	(\$1,137)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$6,350</b>	<b>\$4,498</b>

**OTHER SPECIAL REVENUE FUNDS**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$7,428)	(\$5,635)
All Other	\$1,078	\$1,137
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$6,350)</b>	<b>(\$4,498)</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Transfers one Health Program Manager position from the Maternal and Child Health program, Federal Block Grant Fund to the Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$94,952	\$102,575
All Other	\$9,727	\$9,978
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$104,679</b>	<b>\$112,553</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Transfers and reallocates one Public Service Manager I position from 35% General Fund and 65% Other Special Revenue Funds in the Division of Licensing and Certification program to 100% Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$107,176	\$115,153
All Other	\$10,129	\$10,391
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$117,305</b>	<b>\$125,544</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Provides funding for the proposed reorganization of one State Health Officer and Director Maine Center for Disease Control and Prevention position from range 61 to range 70 to align the compensation with the assigned duties and qualifications. Also provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	\$25,569	\$27,292
<b>GENERAL FUND TOTAL</b>	<b>\$25,569</b>	<b>\$27,292</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$47,484	\$50,683
All Other	\$1,560	\$1,665
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$49,044</b>	<b>\$52,348</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Transfers one Hearings Examiner position, one Management Analyst II position, one Social Services Program Specialist II position and one Office Specialist I position from 35% General Fund and 65% Other Special Revenue Funds in the Maine Center for Disease Control and Prevention program to 35% General Fund and 65% Other Special Revenue Funds in the Division of Licensing and Certification program to align the duties with the proper funding source. Also transfers funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(4.000)	(4.000)
Personal Services	(\$119,226)	(\$125,978)
All Other	(\$8,956)	(\$8,956)
<b>GENERAL FUND TOTAL</b>	<b>(\$128,182)</b>	<b>(\$134,934)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$221,416)	(\$233,943)
All Other	(\$24,454)	(\$24,865)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$245,870)</b>	<b>(\$258,808)</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Transfers one Social Services Program Specialist II position from 65% Other Special Revenue Funds and 35% General Fund in the Division of Licensing and Certification program to 35% General Fund and 65% Other Special Revenue Funds in the Maine Center for Disease Control and Prevention program to align the duties with the proper funding source. Also transfers funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$31,498	\$33,984

All Other	\$2,239	\$2,239
<b>GENERAL FUND TOTAL</b>	<b>\$33,737</b>	<b>\$36,223</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$58,499	\$63,114
All Other	\$6,216	\$6,368
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$64,715</b>	<b>\$69,482</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Establishes 3 limited-period Environmental Specialist III positions through June 19, 2021 and establishes one Public Health Nurse I position, one Office Associate I position, one Chemist I position and one Chemist II position and provides funding for related All Other costs. Also provides funding for contracted environmental lead inspection services and associated laboratory costs for analyses of samples collected by inspections.

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$541,166	\$580,991
All Other	\$320,076	\$499,650
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$861,242</b>	<b>\$1,080,641</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Provides one-time funding to increase health and tobacco cessation interventions.

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,000,000	\$5,000,000
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$5,000,000</b>	<b>\$5,000,000</b>

**MAINE CENTER FOR DISEASE CONTROL AND PREVENTION 0143**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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POSITIONS - LEGISLATIVE COUNT	79.000	79.000
Personal Services	\$5,862,245	\$6,185,409
All Other	\$3,484,659	\$3,484,659
<b>GENERAL FUND TOTAL</b>	<b>\$9,346,904</b>	<b>\$9,670,068</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	105.500	105.500
Personal Services	\$9,522,512	\$10,020,814
All Other	\$42,776,485	\$42,776,425

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$52,298,997</b>	<b>\$52,797,239</b>
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**FUND FOR A HEALTHY MAINE**

POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,973,173	\$2,097,965
All Other	\$13,747,805	\$13,928,302

<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$15,720,978</b>	<b>\$16,026,267</b>
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**OTHER SPECIAL REVENUE FUNDS**

POSITIONS - LEGISLATIVE COUNT	67.500	67.500
POSITIONS - FTE COUNT	0.500	0.500
Personal Services	\$7,616,638	\$8,004,568
All Other	\$7,908,791	\$7,909,267

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$15,525,429</b>	<b>\$15,913,835</b>
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**FEDERAL BLOCK GRANT FUND**

POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$224,520	\$236,808
All Other	\$1,479,136	\$1,479,136

<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$1,703,656</b>	<b>\$1,715,944</b>
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**Maine Children's Growth Council Z074**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$25,000	\$25,000
<b>GENERAL FUND TOTAL</b>	<b>\$25,000</b>	<b>\$25,000</b>
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$2,000	\$2,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,000</b>	<b>\$2,000</b>

**Maine Children's Growth Council Z074**

Initiative: Reduces funding in the Maine Children's Growth Council program.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$2,000)	(\$2,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$2,000)</b>	<b>(\$2,000)</b>

**MAINE CHILDREN'S GROWTH COUNCIL Z074**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$25,000	\$25,000
<b>GENERAL FUND TOTAL</b>	<b>\$25,000</b>	<b>\$25,000</b>
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Maine Rx Plus Program 0927**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$135,786	\$135,786
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$135,786</b>	<b>\$135,786</b>

**MAINE RX PLUS PROGRAM 0927**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$135,786	\$135,786
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$135,786</b>	<b>\$135,786</b>

**Maine School Oral Health Fund Z025**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$23,405	\$23,405
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$23,405</b>	<b>\$23,405</b>

**MAINE SCHOOL ORAL HEALTH FUND Z025**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$23,405	\$23,405
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$23,405</b>	<b>\$23,405</b>

**Maine Water Well Drilling Program 0697**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$21,519	\$23,260
All Other	\$44,389	\$44,389
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$65,908</b>	<b>\$67,649</b>

**MAINE WATER WELL DRILLING PROGRAM 0697**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$21,519	\$23,260

All Other	\$44,389	\$44,389
OTHER SPECIAL REVENUE FUNDS TOTAL	\$65,908	\$67,649

**Maternal and Child Health 0191**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$7,454,746	\$7,454,746
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$7,454,746</b>	<b>\$7,454,746</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	17.000	17.000
Personal Services	\$1,576,242	\$1,667,687
All Other	\$600,954	\$600,954
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$2,177,196</b>	<b>\$2,268,641</b>

**Maternal and Child Health 0191**

Initiative: Transfers and reallocates one Health Program Manager position from 50% Maine Center for Disease Control and Prevention program, Federal Expenditures Fund and 50% Maternal and Child Health program, Federal Block Grant Fund to 100% Maternal and Child Health program, Federal Block Grant Fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$52,950	\$55,020
All Other	\$5,043	\$5,111
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$57,993</b>	<b>\$60,131</b>

**Maternal and Child Health 0191**

Initiative: Transfers one Health Program Manager position from the Maternal and Child Health program, Federal Block Grant Fund to the Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to align the duties with the proper

funding source. Also adjusts funding for related All Other costs.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$94,952)	(\$102,575)
All Other	(\$9,727)	(\$9,978)
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>(\$104,679)</b>	<b>(\$112,553)</b>

**MATERNAL AND CHILD HEALTH 0191 PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$7,454,746	\$7,454,746
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$7,454,746</b>	<b>\$7,454,746</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	17.000	17.000
Personal Services	\$1,534,240	\$1,620,132
All Other	\$596,270	\$596,087
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$2,130,510</b>	<b>\$2,216,219</b>

**Maternal and Child Health Block Grant Match Z008**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$428,132	\$449,904
All Other	\$4,892,116	\$4,892,116
<b>GENERAL FUND TOTAL</b>	<b>\$5,320,248</b>	<b>\$5,342,020</b>

**MATERNAL AND CHILD HEALTH BLOCK GRANT MATCH Z008**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000

Personal Services	\$428,132	\$449,904
All Other	\$4,892,116	\$4,892,116
<b>GENERAL FUND TOTAL</b>	<b>\$5,320,248</b>	<b>\$5,342,020</b>

**Medicaid Services - Developmental Services Z210**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$25,682,003	\$25,682,003
<b>GENERAL FUND TOTAL</b>	<b>\$25,682,003</b>	<b>\$25,682,003</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$25,736,920	\$25,736,920
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$25,736,920</b>	<b>\$25,736,920</b>

**Medicaid Services - Developmental Services Z210**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$401,120	\$546,981
<b>GENERAL FUND TOTAL</b>	<b>\$401,120</b>	<b>\$546,981</b>

**Medicaid Services - Developmental Services Z210**

Initiative: Adjusts funding to bring appropriation and allocation in line with available resources projected by the Revenue Forecasting Committee.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$377,814)	(\$377,814)
<b>GENERAL FUND TOTAL</b>	<b>(\$377,814)</b>	<b>(\$377,814)</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$3,838,924	\$3,838,924
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,838,924</b>	<b>\$3,838,924</b>

**Medicaid Services - Developmental Services Z210**

Initiative: Provides funding for adding members from the waiting list for community-based services provided

under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added pursuant to Public Law 2017, chapter 460.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$545,704	\$1,299,192
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$545,704</b>	<b>\$1,299,192</b>

**MEDICAID SERVICES - DEVELOPMENTAL SERVICES Z210 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$25,705,309	\$25,851,170
<b>GENERAL FUND TOTAL</b>	<b>\$25,705,309</b>	<b>\$25,851,170</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$30,121,548	\$30,875,036
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$30,121,548</b>	<b>\$30,875,036</b>

**Medicaid Waiver for Brain Injury Residential /Community Serv Z218**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$7,267,164	\$7,267,164
<b>GENERAL FUND TOTAL</b>	<b>\$7,267,164</b>	<b>\$7,267,164</b>

**Medicaid Waiver for Brain Injury Residential /Community Serv Z218**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$101,260	\$138,081
<b>GENERAL FUND TOTAL</b>	<b>\$101,260</b>	<b>\$138,081</b>

**MEDICAID WAIVER FOR BRAIN INJURY RESIDENTIAL /COMMUNITY SERV Z218 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$7,368,424	\$7,405,245
<b>GENERAL FUND TOTAL</b>	<b>\$7,368,424</b>	<b>\$7,405,245</b>

**Medicaid Waiver for Other Related Conditions Z217**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$2,942,946	\$2,942,946
<b>GENERAL FUND TOTAL</b>	<b>\$2,942,946</b>	<b>\$2,942,946</b>

**Medicaid Waiver for Other Related Conditions Z217**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

GENERAL FUND	2019-20	2020-21
All Other	\$41,007	\$55,918
<b>GENERAL FUND TOTAL</b>	<b>\$41,007</b>	<b>\$55,918</b>

**MEDICAID WAIVER FOR OTHER RELATED CONDITIONS Z217**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$2,983,953	\$2,998,864
<b>GENERAL FUND TOTAL</b>	<b>\$2,983,953</b>	<b>\$2,998,864</b>

**Medical Care - Payments to Providers 0147**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$423,566,052	\$423,566,052
<b>GENERAL FUND TOTAL</b>	<b>\$423,566,052</b>	<b>\$423,566,052</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,705,725,863	\$1,705,725,863
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,705,725,863</b>	<b>\$1,705,725,863</b>

FUND FOR A HEALTHY MAINE	2019-20	2020-21
All Other	\$31,036,930	\$31,036,930
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$31,036,930</b>	<b>\$31,036,930</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$182,037,358	\$182,037,358
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$182,037,358</b>	<b>\$182,037,358</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$36,772,281	\$36,772,281
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$36,772,281</b>	<b>\$36,772,281</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for an increase in rates for Federally Qualified Health Centers and Rural Health Clinics as required by the federal Centers for Medicare and Medicaid Services.

GENERAL FUND	2019-20	2020-21
All Other	\$225,456	\$455,883
<b>GENERAL FUND TOTAL</b>	<b>\$225,456</b>	<b>\$455,883</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$400,462	\$803,463
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$400,462</b>	<b>\$803,463</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding in the Medical Care - Payments to Providers program for a federally mandated increase in the premium rate for those eligible individuals enrolled in Medicare Part B.

GENERAL FUND	2019-20	2020-21
All Other	\$1,203,801	\$1,928,150
<b>GENERAL FUND TOTAL</b>	<b>\$1,203,801</b>	<b>\$1,928,150</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$2,128,803	\$3,398,236
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,128,803</b>	<b>\$3,398,236</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for the federally mandated rate increases for the state contribution to prescription drug costs for eligible individuals enrolled in the Medicare Part D program.

GENERAL FUND	2019-20	2020-21
All Other	\$2,123,572	\$4,419,491
<b>GENERAL FUND TOTAL</b>	<b>\$2,123,572</b>	<b>\$4,419,491</b>

**Medical Care - Payments to Providers 0147**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

GENERAL FUND	2019-20	2020-21
All Other	\$7,917,145	\$10,737,311
<b>GENERAL FUND TOTAL</b>	<b>\$7,917,145</b>	<b>\$10,737,311</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	(\$12,184,617)	(\$16,556,590)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$12,184,617)</b>	<b>(\$16,556,590)</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for an increase in school subsidy payments for the state share of MaineCare expenditures for school-based services.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$2,000,000	\$2,000,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,000,000</b>	<b>\$2,000,000</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for supplemental payments to providers.

GENERAL FUND	2019-20	2020-21
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All Other	\$3,893,174	\$4,056,761
<b>GENERAL FUND TOTAL</b>	<b>\$3,893,174</b>	<b>\$4,056,761</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$6,915,194	\$7,149,761
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$6,915,194</b>	<b>\$7,149,761</b>

**Medical Care - Payments to Providers 0147**

Initiative: Adjusts funding to bring appropriation and allocation in line with available resources projected by the Revenue Forecasting Committee.

GENERAL FUND	2019-20	2020-21
All Other	(\$2,033,934)	(\$2,438,445)
<b>GENERAL FUND TOTAL</b>	<b>(\$2,033,934)</b>	<b>(\$2,438,445)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$2,033,934	\$2,438,445
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,033,934</b>	<b>\$2,438,445</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for adding members from the waiting list for community-based services provided under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added pursuant to Public Law 2017, chapter 460.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$5,740,097	\$13,814,760
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,740,097</b>	<b>\$13,814,760</b>

**Medical Care - Payments to Providers 0147**

Initiative: Adjusts allocation between the Medical Care - Payments to Providers program and the Nursing Facilities program within the same fund to correct allocation approved in Public Law 2017, chapter 460.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
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All Other	(\$27,235,438)	(\$36,082,855)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$27,235,438)</b>	<b>(\$36,082,855)</b>

**Medical Care - Payments to Providers 0147**

Initiative: Adjusts funding in the Medical Care - Payments to Providers program between the General Fund and Other Special Revenue Funds related to rebasing the hospital tax year from fiscal year 2013-14 to 2015-16.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$13,279,871)	(\$13,279,871)
<b>GENERAL FUND TOTAL</b>	<b>(\$13,279,871)</b>	<b>(\$13,279,871)</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$13,279,871	\$13,279,871
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$13,279,871</b>	<b>\$13,279,871</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding in the General Fund and Federal Expenditures Fund within the same program for the reimbursement of chiropractic evaluations and management examinations to be reimbursed under the MaineCare program per Public Law 2017, chapter 421.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$22,578	\$22,578
<b>GENERAL FUND TOTAL</b>	<b>\$22,578</b>	<b>\$22,578</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$40,685	\$40,685
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$40,685</b>	<b>\$40,685</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding in the General Fund and Federal Expenditures Fund within the same program for the reimbursement to hospitals other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility per Public Law 2017, chapter 454.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$17,700	\$17,700
<b>GENERAL FUND TOTAL</b>	<b>\$17,700</b>	<b>\$17,700</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$31,922	\$31,922
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$31,922</b>	<b>\$31,922</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for an increase to rates for certain services pursuant to Public Law 2017, chapter 460, Part B.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,313,379	\$8,158,013
<b>GENERAL FUND TOTAL</b>	<b>\$5,313,379</b>	<b>\$8,158,013</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$26,948,201	\$39,125,834
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$26,948,201</b>	<b>\$39,125,834</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$698,751	\$1,069,932
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$698,751</b>	<b>\$1,069,932</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for the increase in Medicaid claims related to the implementation of Medicaid expansion.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$47,251,319	\$77,874,303
<b>GENERAL FUND TOTAL</b>	<b>\$47,251,319</b>	<b>\$77,874,303</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$283,801,838	\$417,145,427

FEDERAL EXPENDITURES \$283,801,838 \$417,145,427  
 FUND TOTAL

**Medical Care - Payments to Providers 0147**

Initiative: Adjusts funding between the General Fund and Other Special Revenue Funds within the same program to reflect the drug rebates received annually.

GENERAL FUND	2019-20	2020-21
All Other	(\$12,620,914)	(\$12,620,914)
<b>GENERAL FUND TOTAL</b>	<b>(\$12,620,914)</b>	<b>(\$12,620,914)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$12,620,914	\$12,620,914
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,620,914</b>	<b>\$12,620,914</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for the increase in the weekly reimbursement rate for medication-assisted treatment.

GENERAL FUND	2019-20	2020-21
All Other	\$474,201	\$476,571
<b>GENERAL FUND TOTAL</b>	<b>\$474,201</b>	<b>\$476,571</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$2,159,724	\$2,153,648
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,159,724</b>	<b>\$2,153,648</b>

**Medical Care - Payments to Providers 0147**

Initiative: Adjusts funding as a result of the decrease in the State Children's Health Insurance Program Federal Medical Assistance Percentage for federal fiscal year 2020.

GENERAL FUND	2019-20	2020-21
All Other	\$2,211,931	\$4,615,740
<b>GENERAL FUND TOTAL</b>	<b>\$2,211,931</b>	<b>\$4,615,740</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	(\$2,211,931)	(\$4,615,740)

FEDERAL BLOCK GRANT	(\$2,211,931)	(\$4,615,740)
<b>FUND TOTAL</b>		

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding in the Medical Care - Payments to Providers program for the increase of income eligibility levels for the Medicare savings program.

GENERAL FUND	2019-20	2020-21
All Other	\$2,006,412	\$2,076,932
<b>GENERAL FUND TOTAL</b>	<b>\$2,006,412</b>	<b>\$2,076,932</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$3,563,860	\$3,660,448
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$3,563,860</b>	<b>\$3,660,448</b>

**Medical Care - Payments to Providers 0147**

Initiative: Establishes 3 limited-period Environmental Specialist III positions through June 19, 2021 and establishes one Public Health Nurse I position, one Office Associate I position, one Chemist I position and one Chemist II position and provides funding for related All Other costs. Also provides funding for contracted environmental lead inspection services and associated laboratory costs for analyses of samples collected by inspections.

GENERAL FUND	2019-20	2020-21
All Other	\$2,449	\$4,269
<b>GENERAL FUND TOTAL</b>	<b>\$2,449</b>	<b>\$4,269</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$69,753	\$117,517
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$69,753</b>	<b>\$117,517</b>

**MEDICAL CARE - PAYMENTS TO PROVIDERS 0147**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$468,294,450	\$510,070,524

GENERAL FUND TOTAL	\$468,294,450	\$510,070,524
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,998,036,594	\$2,140,410,602
FEDERAL EXPENDITURES FUND TOTAL	\$1,998,036,594	\$2,140,410,602

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$31,036,930	\$31,036,930
FUND FOR A HEALTHY MAINE TOTAL	\$31,036,930	\$31,036,930

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$212,670,828	\$213,446,520
OTHER SPECIAL REVENUE FUNDS TOTAL	\$212,670,828	\$213,446,520

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$34,630,103	\$32,274,058
FEDERAL BLOCK GRANT FUND TOTAL	\$34,630,103	\$32,274,058

**Mental Health Services - Child Medicaid Z207**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$34,262,243	\$34,262,243
GENERAL FUND TOTAL	\$34,262,243	\$34,262,243

**Mental Health Services - Child Medicaid Z207**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$492,483	\$671,568
GENERAL FUND TOTAL	\$492,483	\$671,568

**MENTAL HEALTH SERVICES - CHILD MEDICAID Z207**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$34,754,726	\$34,933,811
GENERAL FUND TOTAL	\$34,754,726	\$34,933,811

**Mental Health Services - Children Z206**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	31.000	31.000
Personal Services	\$2,764,474	\$2,887,136
All Other	\$11,912,897	\$11,912,897
GENERAL FUND TOTAL	\$14,677,371	\$14,800,033

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$969,091	\$969,091
FEDERAL EXPENDITURES FUND TOTAL	\$969,091	\$969,091

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$901,156	\$901,156
FEDERAL BLOCK GRANT FUND TOTAL	\$901,156	\$901,156

**Mental Health Services - Children Z206**

Initiative: Provides allocation to align funding with available resources.

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$350,000	\$350,000
FEDERAL BLOCK GRANT FUND TOTAL	\$350,000	\$350,000

**Mental Health Services - Children Z206**

Initiative: Transfers and reallocates 2 Social Services Program Specialist I positions and one Social Services Program Specialist II position from 100% Mental Health Services - Children, General Fund to 72% General Fund and 28% Other Special Revenue Funds

within the Office of Child and Family Services - Central program. Also transfers funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(3,000)	(3,000)
Personal Services	(\$244,857)	(\$257,087)
All Other	(\$19,194)	(\$19,194)
<b>GENERAL FUND TOTAL</b>	<b>(\$264,051)</b>	<b>(\$276,281)</b>

**Mental Health Services - Children Z206**

Initiative: Establishes one limited-period Social Services Program Specialist II position through September 30, 2023 to work with the Department of Education to implement the Advancing Wellness and Resiliency in Education project. Also provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$89,409	\$96,477
All Other	\$11,138	\$11,487
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$100,547</b>	<b>\$107,964</b>

**MENTAL HEALTH SERVICES - CHILDREN Z206**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	28,000	28,000
Personal Services	\$2,519,617	\$2,630,049
All Other	\$11,893,703	\$11,893,703
<b>GENERAL FUND TOTAL</b>	<b>\$14,413,320</b>	<b>\$14,523,752</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$89,409	\$96,477
All Other	\$980,229	\$980,578
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,069,638</b>	<b>\$1,077,055</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$1,251,156	\$1,251,156

FEDERAL BLOCK GRANT	\$1,251,156	\$1,251,156
<b>FUND TOTAL</b>		

**Mental Health Services - Community Z198**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	46,000	46,000
Personal Services	\$4,155,029	\$4,388,310
All Other	\$21,222,449	\$21,222,449
<b>GENERAL FUND TOTAL</b>	<b>\$25,377,478</b>	<b>\$25,610,759</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$10,977,731	\$10,977,731
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$10,977,731</b>	<b>\$10,977,731</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$81,286	\$87,750
All Other	\$970,498	\$970,498
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$1,051,784</b>	<b>\$1,058,248</b>

**Mental Health Services - Community Z198**

Initiative: Transfers one Social Service Program Specialist II position and one part-time Behavioral Health Program Coordinator position from the Department of Health and Human Services, Mental Health Services - Community program, General Fund to the Department of Administrative and Financial Services, Financial and Personnel Services - Division of program, Financial and Personnel Services Fund. Also increases funding in the Department of Health and Human Services Central Operations program to pay for the services

now provided by the Department of Administrative and Financial Services.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(2,000)	(2,000)
Personal Services	(\$148,675)	(\$160,691)
All Other	(\$12,796)	(\$12,796)
<b>GENERAL FUND TOTAL</b>	<b>(\$161,471)</b>	<b>(\$173,487)</b>

**MENTAL HEALTH SERVICES - COMMUNITY Z198**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	44,000	44,000
Personal Services	\$4,006,354	\$4,227,619
All Other	\$21,209,653	\$21,209,653
<b>GENERAL FUND TOTAL</b>	<b>\$25,216,007</b>	<b>\$25,437,272</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$10,977,731	\$10,977,731
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$10,977,731</b>	<b>\$10,977,731</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$81,286	\$87,750
All Other	\$970,498	\$970,498
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$1,051,784</b>	<b>\$1,058,248</b>

**Mental Health Services - Community Medicaid Z201**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$39,547,419	\$39,547,419
<b>GENERAL FUND TOTAL</b>	<b>\$39,547,419</b>	<b>\$39,547,419</b>
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$7,118,536	\$7,118,536
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$7,118,536</b>	<b>\$7,118,536</b>

**Mental Health Services - Community Medicaid Z201**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

GENERAL FUND	2019-20	2020-21
All Other	\$650,236	\$886,686
<b>GENERAL FUND TOTAL</b>	<b>\$650,236</b>	<b>\$886,686</b>

**Mental Health Services - Community Medicaid Z201**

Initiative: Adjusts funding to bring appropriation and allocation in line with available resources projected by the Revenue Forecasting Committee.

GENERAL FUND	2019-20	2020-21
All Other	\$225,970	\$225,970
<b>GENERAL FUND TOTAL</b>	<b>\$225,970</b>	<b>\$225,970</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$225,970)	(\$225,970)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$225,970)</b>	<b>(\$225,970)</b>

**MENTAL HEALTH SERVICES - COMMUNITY MEDICAID Z201**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$40,423,625	\$40,660,075
<b>GENERAL FUND TOTAL</b>	<b>\$40,423,625</b>	<b>\$40,660,075</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$6,892,566	\$6,892,566
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$6,892,566</b>	<b>\$6,892,566</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$234,344,126	\$234,344,126
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$234,344,126</b>	<b>\$234,344,126</b>

**Multicultural Services Z034**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$109,520	\$118,415
All Other	\$18,707	\$18,707
<b>GENERAL FUND TOTAL</b>	<b>\$128,227</b>	<b>\$137,122</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$39,090,326	\$39,090,326
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$39,090,326</b>	<b>\$39,090,326</b>

**Nursing Facilities 0148**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,469,748	\$1,469,748
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,469,748</b>	<b>\$1,469,748</b>

GENERAL FUND	2019-20	2020-21
All Other	\$1,921,191	\$2,619,806
<b>GENERAL FUND TOTAL</b>	<b>\$1,921,191</b>	<b>\$2,619,806</b>

**MULTICULTURAL SERVICES Z034 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$109,520	\$118,415
All Other	\$18,707	\$18,707
<b>GENERAL FUND TOTAL</b>	<b>\$128,227</b>	<b>\$137,122</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	(\$1,921,191)	(\$2,619,806)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$1,921,191)</b>	<b>(\$2,619,806)</b>

**Nursing Facilities 0148**

Initiative: Adjusts funding to bring appropriation and allocation in line with available resources projected by the Revenue Forecasting Committee.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,469,748	\$1,469,748
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,469,748</b>	<b>\$1,469,748</b>

GENERAL FUND	2019-20	2020-21
All Other	\$2,680,403	\$1,882,945
<b>GENERAL FUND TOTAL</b>	<b>\$2,680,403</b>	<b>\$1,882,945</b>

**Nursing Facilities 0148**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$98,789,118	\$98,789,118
<b>GENERAL FUND TOTAL</b>	<b>\$98,789,118</b>	<b>\$98,789,118</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$2,680,403)	(\$1,882,945)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$2,680,403)</b>	<b>(\$1,882,945)</b>

**Nursing Facilities 0148**

Initiative: Adjusts allocation between the Medical Care - Payments to Providers program and the Nursing Facilities program within the same fund to correct allocation approved in Public Law 2017, chapter 460.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$27,235,438	\$36,082,855
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$27,235,438</b>	<b>\$36,082,855</b>

**Nursing Facilities 0148**

Initiative: Provides funding for an increase to rates for certain services pursuant to Public Law 2017, chapter 460, Part B.

GENERAL FUND	2019-20	2020-21
All Other	\$7,426,036	\$13,555,106
<b>GENERAL FUND TOTAL</b>	<b>\$7,426,036</b>	<b>\$13,555,106</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,501,243	\$2,298,701
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,501,243</b>	<b>\$2,298,701</b>

**Nursing Facilities 0148**

Initiative: Provides funding for a cost-of-living adjustment in fiscal year 2019-20 and rebasing in fiscal year 2020-21 in the Nursing Facilities program.

GENERAL FUND	2019-20	2020-21
All Other	\$1,960,155	\$6,501,908
<b>GENERAL FUND TOTAL</b>	<b>\$1,960,155</b>	<b>\$6,501,908</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$4,177,571	\$13,735,818
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$4,177,571</b>	<b>\$13,735,818</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$391,770	\$1,291,770

OTHER SPECIAL REVENUE FUNDS TOTAL	\$391,770	\$1,291,770
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**NURSING FACILITIES 0148 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$112,776,903	\$123,348,883
<b>GENERAL FUND TOTAL</b>	<b>\$112,776,903</b>	<b>\$123,348,883</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$263,835,944	\$281,542,993
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$263,835,944</b>	<b>\$281,542,993</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$38,302,936	\$40,797,852
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$38,302,936</b>	<b>\$40,797,852</b>

**Office for Family Independence Z020**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	19.000	19.000
Personal Services	\$2,034,106	\$2,148,989
All Other	\$4,907,376	\$4,907,376
<b>GENERAL FUND TOTAL</b>	<b>\$6,941,482</b>	<b>\$7,056,365</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	29.000	29.000
Personal Services	\$2,071,158	\$2,187,557
All Other	\$9,873,083	\$9,873,083

OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,944,241	\$12,060,640
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**Office for Family Independence Z020**

Initiative: Transfers and reallocates one Senior Planner position from 100% Additional Support for People in Retraining and Employment program, Federal Block Grant Fund to 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence program; transfers and reallocates one Family Independence Program Manager position from 50% General Fund and 50% Other Special Revenue Funds to 100% Other Special Revenue Funds in the Office for Family Independence program; and reallocates one Family Independence Program Manager position from 50% Other Special Revenue Funds and 50% General Fund to 100% Other Special Revenue Funds in the Office for Family Independence program. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$56,793)	(\$57,147)
All Other	(\$3,199)	(\$3,199)
<b>GENERAL FUND TOTAL</b>	<b>(\$59,992)</b>	<b>(\$60,346)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$142,993	\$150,031
All Other	\$14,610	\$14,835
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$157,603</b>	<b>\$164,866</b>

**Office for Family Independence Z020**

Initiative: Transfers and reallocates 4 Eligibility Specialist positions from 55% Other Special Revenue Funds and 45% General Fund in the Office for Family Independence - District program to 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence program. Transfers and reallocates 2 Eligibility Specialist positions from 45% General Fund and 55% Other Special Revenue Funds in the Office for Family Independence - District program to 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence program. Also transfers funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$213,744	\$226,301
All Other	\$19,194	\$19,194
<b>GENERAL FUND TOTAL</b>	<b>\$232,938</b>	<b>\$245,495</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$213,713	\$226,282
All Other	\$26,845	\$27,258
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$240,558</b>	<b>\$253,540</b>

**Office for Family Independence Z020**

Initiative: Transfers and reallocates one Office Assistant II position from 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence program to 45% General Fund and 55% Other Special Revenue Funds in the Office for Family Independence - District program. Transfers and reallocates 2 Eligibility Specialist positions from 50% Other Special Revenue Funds and 50% General Fund in the Office for Family Independence program to 45% General Fund and 55% Other Special Revenue Funds in the Office for Family Independence - District program. Also transfers funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$101,264)	(\$106,848)
All Other	(\$9,597)	(\$9,597)
<b>GENERAL FUND TOTAL</b>	<b>(\$110,861)</b>	<b>(\$116,445)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(2.000)	(2.000)
Personal Services	(\$101,272)	(\$106,848)
All Other	(\$13,239)	(\$13,422)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$114,511)</b>	<b>(\$120,270)</b>

**OFFICE FOR FAMILY INDEPENDENCE Z020 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	24.000	24.000
Personal Services	\$2,089,793	\$2,211,295
All Other	\$4,913,774	\$4,913,774
<b>GENERAL FUND TOTAL</b>	<b>\$7,003,567</b>	<b>\$7,125,069</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	28.000	28.000
Personal Services	\$2,326,592	\$2,457,022
All Other	\$9,901,299	\$9,901,754
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,227,891</b>	<b>\$12,358,776</b>

Personal Services	\$873,751	\$913,357
All Other	\$164,290	\$165,591
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,038,041</b>	<b>\$1,078,948</b>

**Office for Family Independence - District 0453**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	235.000	235.000
Personal Services	\$14,536,214	\$15,396,795
All Other	\$1,484,265	\$1,484,265
<b>GENERAL FUND TOTAL</b>	<b>\$16,020,479</b>	<b>\$16,881,060</b>

**Office for Family Independence - District 0453**

Initiative: Transfers and reallocates 4 Eligibility Specialist positions from 55% Other Special Revenue Funds and 45% General Fund in the Office for Family Independence - District program to 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence program. Transfers and reallocates 2 Eligibility Specialist positions from 45% General Fund and 55% Other Special Revenue Funds in the Office for Family Independence - District program to 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence program. Also transfers funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(2.000)	(2.000)
Personal Services	(\$192,354)	(\$203,662)
All Other	(\$17,275)	(\$17,275)
<b>GENERAL FUND TOTAL</b>	<b>(\$209,629)</b>	<b>(\$220,937)</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	214.000	214.000
Personal Services	\$17,654,367	\$18,697,207
All Other	\$3,720,583	\$3,720,583
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$21,374,950</b>	<b>\$22,417,790</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(4.000)	(4.000)
Personal Services	(\$235,103)	(\$248,921)
All Other	(\$29,530)	(\$29,984)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$264,633)</b>	<b>(\$278,905)</b>

**Office for Family Independence - District 0453**

Initiative: Transfers 21 positions from 50% General Fund and 50% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence - District program. Also adjusts funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	21.000	21.000
Personal Services	\$873,831	\$913,425
All Other	\$131,275	\$131,275
<b>GENERAL FUND TOTAL</b>	<b>\$1,005,106</b>	<b>\$1,044,700</b>

**Office for Family Independence - District 0453**

Initiative: Eliminates one part-time Eligibility Specialist position from the Office for Family Independence - District program. Also increases funding by increasing the hours of one part-time Eligibility Specialist position from 40 hours biweekly to 80 hours biweekly.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	(\$580)	(\$1,004)
<b>GENERAL FUND TOTAL</b>	<b>(\$580)</b>	<b>(\$1,004)</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
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	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
Personal Services	(\$711)	(\$1,231)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$711)</b>	<b>(\$1,231)</b>

All Other	\$4,257,924	\$751,398
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,257,924</b>	<b>\$751,398</b>

**OFFICE FOR FAMILY INDEPENDENCE - DISTRICT 0453**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	257.500	257.500
Personal Services	\$15,308,251	\$16,201,723
All Other	\$3,306,903	\$1,906,903
<b>GENERAL FUND TOTAL</b>	<b>\$18,615,154</b>	<b>\$18,108,626</b>

**Office for Family Independence - District 0453**

Initiative: Transfers and reallocates one Office Assistant II position from 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence program to 45% General Fund and 55% Other Special Revenue Funds in the Office for Family Independence - District program. Transfers and reallocates 2 Eligibility Specialist positions from 50% Other Special Revenue Funds and 50% General Fund in the Office for Family Independence program to 45% General Fund and 55% Other Special Revenue Funds in the Office for Family Independence - District program. Also transfers funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$91,140	\$96,169
All Other	\$8,638	\$8,638
<b>GENERAL FUND TOTAL</b>	<b>\$99,778</b>	<b>\$104,807</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	209.500	209.500
Personal Services	\$18,403,700	\$19,477,939
All Other	\$8,127,830	\$4,622,353
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$26,531,530</b>	<b>\$24,100,292</b>

**Office of Advocacy - BDS Z209**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$326,815	\$326,815
<b>GENERAL FUND TOTAL</b>	<b>\$326,815</b>	<b>\$326,815</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$111,396	\$117,527
All Other	\$14,563	\$14,765
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$125,959</b>	<b>\$132,292</b>

**OFFICE OF ADVOCACY - BDS Z209**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$326,815	\$326,815
<b>GENERAL FUND TOTAL</b>	<b>\$326,815</b>	<b>\$326,815</b>

**Office for Family Independence - District 0453**

Initiative: Provides one-time funding in the Office for Family Independence - District program for technology upgrades to the public assistance web portal.

GENERAL FUND	2019-20	2020-21
All Other	\$1,700,000	\$300,000
<b>GENERAL FUND TOTAL</b>	<b>\$1,700,000</b>	<b>\$300,000</b>

**Office of Aging and Disability Services Adult Protective Services Z040**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	75.000	75.000

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
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**FIRST REGULAR SESSION - 2019**

**PUBLIC LAW, C. 343**

Personal Services	\$6,557,421	\$6,880,323
All Other	\$1,067,092	\$1,067,092
<b>GENERAL FUND TOTAL</b>	<b>\$7,624,513</b>	<b>\$7,947,415</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$126,528	\$126,528
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$126,528</b>	<b>\$126,528</b>

**Office of Aging and Disability Services Adult Protective Services Z040**

Initiative: Adjusts appropriation between the Developmental Services - Community program and the Office of Aging and Disability Services Adult Protective Services program to support disability services delivered through the Adult Protective Services program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$100,000	\$100,000
<b>GENERAL FUND TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>

**OFFICE OF AGING AND DISABILITY SERVICES ADULT PROTECTIVE SERVICES Z040**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	75.000	75.000
Personal Services	\$6,557,421	\$6,880,323
All Other	\$1,167,092	\$1,167,092
<b>GENERAL FUND TOTAL</b>	<b>\$7,724,513</b>	<b>\$8,047,415</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$126,528	\$126,528
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$126,528</b>	<b>\$126,528</b>

**Office of Aging and Disability Services Central Office 0140**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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POSITIONS - LEGISLATIVE COUNT	16.000	16.000
Personal Services	\$1,415,474	\$1,498,504
All Other	\$2,792,748	\$2,792,748

<b>GENERAL FUND TOTAL</b>	<b>\$4,208,222</b>	<b>\$4,291,252</b>
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$394,468	\$414,034
All Other	\$10,616,476	\$10,616,476

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$11,010,944</b>	<b>\$11,030,510</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>
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<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$415,000	\$415,000

<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$415,000</b>	<b>\$415,000</b>
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**Office of Aging and Disability Services Central Office 0140**

Initiative: Adjusts funding between the General Fund and Federal Expenditures Fund in the Office of Aging and Disability Services Central Office program to continue long-term care ombudsman services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$286,586	\$286,586
<b>GENERAL FUND TOTAL</b>	<b>\$286,586</b>	<b>\$286,586</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$286,586)	(\$286,586)

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$286,586)</b>	<b>(\$286,586)</b>
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**Office of Aging and Disability Services Central Office 0140**

Initiative: Provides one-time funding to provide meals to homebound individuals and to leverage all federal funds available.

GENERAL FUND	2019-20	2020-21
All Other	\$750,000	\$750,000
<b>GENERAL FUND TOTAL</b>	<b>\$750,000</b>	<b>\$750,000</b>

**OFFICE OF AGING AND DISABILITY SERVICES CENTRAL OFFICE 0140 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16.000	16.000
Personal Services	\$1,415,474	\$1,498,504
All Other	\$3,829,334	\$3,829,334
<b>GENERAL FUND TOTAL</b>	<b>\$5,244,808</b>	<b>\$5,327,838</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$394,468	\$414,034
All Other	\$10,329,890	\$10,329,890
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$10,724,358</b>	<b>\$10,743,924</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$415,000	\$415,000
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$415,000</b>	<b>\$415,000</b>

**Office of Child and Family Services - Central 0307**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	70.000	70.000
Personal Services	\$4,574,761	\$4,792,972
All Other	\$1,758,740	\$1,758,740
<b>GENERAL FUND TOTAL</b>	<b>\$6,333,501</b>	<b>\$6,551,712</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$896,668	\$896,668
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$896,668</b>	<b>\$896,668</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$1,779,044	\$1,863,890
All Other	\$931,738	\$931,738
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,710,782</b>	<b>\$2,795,628</b>

**Office of Child and Family Services - Central 0307**

Initiative: Transfers and reallocates one Office Assistant II position funded 64% General Fund and 36% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 72% General Fund and 28% Other Special Revenue Funds in the Office of Child and Family Services - Central program. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$40,639	\$43,592
All Other	\$4,607	\$4,607
<b>GENERAL FUND TOTAL</b>	<b>\$45,246</b>	<b>\$48,199</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$15,805	\$16,952
All Other	\$2,661	\$2,718
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$18,466</b>	<b>\$19,670</b>

**Office of Child and Family Services - Central 0307**

Initiative: Transfers and reallocates 2 Social Services Program Specialist I positions and one Social Services Program Specialist II position from 100% Mental Health Services - Children, General Fund to 72% General Fund and 28% Other Special Revenue Funds within the Office of Child and Family Services - Central program. Also transfers funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$176,294	\$185,101
All Other	\$13,819	\$13,819
<b>GENERAL FUND TOTAL</b>	<b>\$190,113</b>	<b>\$198,920</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$68,563	\$71,986
All Other	\$9,032	\$9,202
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$77,595</b>	<b>\$81,188</b>

**Office of Child and Family Services - Central 0307**

Initiative: Provides funding for services for children in foster parent care through the Howard and Espa Michaud Charitable Trust Fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$22,000	\$22,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$22,000</b>	<b>\$22,000</b>

**OFFICE OF CHILD AND FAMILY SERVICES - CENTRAL 0307**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	74.000	74.000
Personal Services	\$4,791,694	\$5,021,665
All Other	\$1,777,166	\$1,777,166
<b>GENERAL FUND TOTAL</b>	<b>\$6,568,860</b>	<b>\$6,798,831</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$896,668	\$896,668

FEDERAL EXPENDITURES FUND TOTAL	\$896,668	\$896,668
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$1,863,412	\$1,952,828
All Other	\$965,431	\$965,658
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,828,843</b>	<b>\$2,918,486</b>

**Office of Child and Family Services - District 0452**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	553.000	553.000
Personal Services	\$41,182,901	\$43,420,911
All Other	\$4,804,107	\$4,804,107
<b>GENERAL FUND TOTAL</b>	<b>\$45,987,008</b>	<b>\$48,225,018</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$9,088,026	\$9,582,894
All Other	\$908,605	\$908,605
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$9,996,631</b>	<b>\$10,491,499</b>

**Office of Child and Family Services - District 0452**

Initiative: Reallocates 549 positions from 82% General Fund and 18% Other Special Revenue Funds, 3 positions from 77% General Fund and 23% Other Special Revenue Funds and 2 positions from 100% General Fund and transfers and reallocates one Office Associate II Supervisor position from 100% Other Special Revenue Funds to 79% General Fund and 21% Other Special Revenue Funds within the same program. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	(\$1,464,616)	(\$1,543,050)
All Other	(\$493,375)	(\$493,375)
<b>GENERAL FUND TOTAL</b>	<b>(\$1,957,991)</b>	<b>(\$2,036,425)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	\$1,464,616	\$1,543,050
All Other	\$557,692	\$560,271
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,022,308</b>	<b>\$2,103,321</b>

**Office of Child and Family Services - District 0452**

Initiative: Establishes 11 Child Protective Services Caseworker positions and 2 Child Protective Services Caseworker Supervisor positions starting September 1, 2019 funded 79% General Fund and 21% Other Special Revenue Funds in the Office of Child and Family Services - District program to decrease wait times within the child abuse and neglect intake unit. Also provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	13.000	13.000
Personal Services	\$789,673	\$1,018,998
All Other	\$54,757	\$65,708
<b>GENERAL FUND TOTAL</b>	<b>\$844,430</b>	<b>\$1,084,706</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$209,926	\$270,847
All Other	\$21,930	\$26,937
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$231,856</b>	<b>\$297,784</b>

**Office of Child and Family Services - District 0452**

Initiative: Establishes 5 Child Protective Services Caseworker positions and one Customer Representative Associate II - Human Services position starting September 1, 2019 funded 79% General Fund and 21% Other Special Revenue Funds in the Office of Child and Family Services - District program to meet demand and ensure child safety. Also provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$339,754	\$438,573
All Other	\$25,273	\$30,327

GENERAL FUND TOTAL	\$365,027	\$468,900
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$90,319	\$116,572
All Other	\$9,906	\$12,188

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$100,225</b>	<b>\$128,760</b>
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**Office of Child and Family Services - District 0452**

Initiative: Establishes 33 Child Protective Services Caseworker positions, 6 Child Protective Services Caseworker Supervisor positions and 4 Customer Representative Associate II - Human Services positions starting September 1, 2019 funded 79% General Fund and 21% Other Special Revenue Funds in the Office of Child and Family Services - District program to increase the quality of assessments and response times and provide caseworkers with the capacity to devote time to the families and children. Also provides funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	43.000	43.000
Personal Services	\$2,538,575	\$3,276,646
All Other	\$181,117	\$217,340

<b>GENERAL FUND TOTAL</b>	<b>\$2,719,692</b>	<b>\$3,493,986</b>
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$674,854	\$870,929
All Other	\$71,896	\$88,282

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$746,750</b>	<b>\$959,211</b>
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**OFFICE OF CHILD AND FAMILY SERVICES - DISTRICT 0452**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	616.000	616.000
Personal Services	\$43,386,287	\$46,612,078
All Other	\$4,571,879	\$4,624,107

<b>GENERAL FUND TOTAL</b>	<b>\$47,958,166</b>	<b>\$51,236,185</b>
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	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	0.000	0.000
Personal Services	\$11,527,741	\$12,384,292
All Other	\$1,570,029	\$1,596,283
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$13,097,770</b>	<b>\$13,980,575</b>

**Office of MaineCare Services 0129**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	35.000	35.000
Personal Services	\$5,125,059	\$5,396,577
All Other	\$23,040,480	\$23,040,480
<b>GENERAL FUND TOTAL</b>	<b>\$28,165,539</b>	<b>\$28,437,057</b>

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
POSITIONS - LEGISLATIVE COUNT	88.500	88.500
Personal Services	\$6,032,856	\$6,342,421
All Other	\$82,225,826	\$82,225,826
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$88,258,682</b>	<b>\$88,568,247</b>

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$1,245,917	\$1,245,917
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,245,917</b>	<b>\$1,245,917</b>

	2019-20	2020-21
<b>FEDERAL BLOCK GRANT FUND</b>		
All Other	\$5,370,561	\$5,370,561
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$5,370,561</b>	<b>\$5,370,561</b>

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND ARRA</b>		
All Other	\$1,505,768	\$1,505,768

FEDERAL EXPENDITURES FUND ARRA TOTAL	\$1,505,768	\$1,505,768
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**Office of MaineCare Services 0129**

Initiative: Transfers and reallocates one Office Associate II position from 60% General Fund and 40% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program; transfers and reallocates one Medical Surveillance and Utility Supervisor position from 25% General Fund and 75% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program. Also transfers related All Other costs. Position detail is on file with the Bureau of the Budget.

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	14.000	14.000
Personal Services	\$574,799	\$613,436
All Other	\$44,786	\$44,786
<b>GENERAL FUND TOTAL</b>	<b>\$619,585</b>	<b>\$658,222</b>

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
Personal Services	\$574,723	\$613,382
All Other	\$65,137	\$66,407
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$639,860</b>	<b>\$679,789</b>

**Office of MaineCare Services 0129**

Initiative: Provides funding due to increases in costs for financial, accounting and human resource management services provided by the Department of Administrative and Financial Services.

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$70,000	\$90,000
<b>GENERAL FUND TOTAL</b>	<b>\$70,000</b>	<b>\$90,000</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$72,300	\$92,957
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$72,300</b>	<b>\$92,957</b>

All Other	(\$32,050)	(\$32,485)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$353,910)</b>	<b>(\$367,591)</b>

**Office of MaineCare Services 0129**

Initiative: Transfers and reallocates one Social Services Manager I position from 100% Developmental Services - Community program, General Fund to 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$51,141	\$53,072
All Other	\$3,199	\$3,199
<b>GENERAL FUND TOTAL</b>	<b>\$54,340</b>	<b>\$56,271</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$51,136	\$53,070
All Other	\$4,984	\$5,047
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$56,120</b>	<b>\$58,117</b>

**Office of MaineCare Services 0129**

Initiative: Reallocates one Assistant Director Division of Medicaid/Medicare Services position, one Comprehensive Health Planner II position, 7 Health Services Consultant positions, 2 Health Services Supervisor positions, one Public Service Coordinator I position and one Social Services Program Manager position from 25% General Fund and 75% Federal Expenditures Fund to 50% General Fund and 50% Federal Expenditures Fund within the same program to align position funding with projected federal reimbursement. Also adjusts related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$321,860	\$335,106
All Other	\$20,794	\$20,794
<b>GENERAL FUND TOTAL</b>	<b>\$342,654</b>	<b>\$355,900</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$321,860)	(\$335,106)

**Office of MaineCare Services 0129**

Initiative: Transfers and reallocates one Deputy Director Office of Adult Mental Health Services position from 50% General Fund and 50% Federal Expenditures Fund within the Office of MaineCare Services program to 60% General Fund and 40% Other Special Revenue Funds within the Department of Health and Human Services Central Operations program to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$92,182)	(\$95,691)
All Other	(\$3,199)	(\$3,199)
<b>GENERAL FUND TOTAL</b>	<b>(\$95,381)</b>	<b>(\$98,890)</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$92,178)	(\$95,687)
All Other	(\$6,332)	(\$6,447)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$98,510)</b>	<b>(\$102,134)</b>

**Office of MaineCare Services 0129**

Initiative: Transfers and reallocates one Management Analyst I position from the Department of Health and Human Services, Office of MaineCare Services program, 50% General Fund and 50% Federal Expenditures Fund to the Department of Administrative and Financial Services, Financial and Personnel Services - Division of program, 100% Financial and Personnel Services Fund. Also increases funding in All Other in an equivalent amount by 60% General Fund and 40% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to pay for the services now provided by the Department of Administrative and Financial Services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$41,000)	(\$42,620)
<b>GENERAL FUND TOTAL</b>	<b>(\$41,000)</b>	<b>(\$42,620)</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$41,005)	(\$42,625)
All Other	(\$1,347)	(\$1,400)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$42,352)</b>	<b>(\$44,025)</b>

**OFFICE OF MAINECARE SERVICES 0129 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	49,000	49,000
Personal Services	\$5,939,677	\$6,259,880
All Other	\$23,176,060	\$23,196,060
<b>GENERAL FUND TOTAL</b>	<b>\$29,115,737</b>	<b>\$29,455,940</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	87,500	87,500
Personal Services	\$6,203,672	\$6,535,455
All Other	\$82,328,518	\$82,349,905
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$88,532,190</b>	<b>\$88,885,360</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,245,917	\$1,245,917
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,245,917</b>	<b>\$1,245,917</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$5,370,561	\$5,370,561
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$5,370,561</b>	<b>\$5,370,561</b>

FEDERAL EXPENDITURES FUND ARRA	2019-20	2020-21
All Other	\$1,505,768	\$1,505,768

FEDERAL EXPENDITURES FUND ARRA TOTAL	\$1,505,768	\$1,505,768
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**Office of Substance Abuse & Mental Health Srv - Medicaid Seed Z202**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$4,979,486	\$4,979,486
<b>GENERAL FUND TOTAL</b>	<b>\$4,979,486</b>	<b>\$4,979,486</b>

FUND FOR A HEALTHY MAINE	2019-20	2020-21
All Other	\$1,306,059	\$1,306,059
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$1,306,059</b>	<b>\$1,306,059</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$625,716	\$625,716
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$625,716</b>	<b>\$625,716</b>

**Office of Substance Abuse & Mental Health Srv - Medicaid Seed Z202**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

GENERAL FUND	2019-20	2020-21
All Other	\$96,300	\$131,319
<b>GENERAL FUND TOTAL</b>	<b>\$96,300</b>	<b>\$131,319</b>

**Office of Substance Abuse & Mental Health Srv - Medicaid Seed Z202**

Initiative: Adjusts funding to bring appropriation and allocation in line with available resources projected by the Revenue Forecasting Committee.

GENERAL FUND	2019-20	2020-21
All Other	(\$174,284)	(\$174,284)
<b>GENERAL FUND TOTAL</b>	<b>(\$174,284)</b>	<b>(\$174,284)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21

All Other	\$174,284	\$174,284
OTHER SPECIAL REVENUE FUNDS TOTAL	\$174,284	\$174,284

**Office of Substance Abuse & Mental Health Srv - Medicaid Seed Z202**

Initiative: Provides funding for the increase in the weekly reimbursement rate for medication-assisted treatment.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$741,699	\$745,405
GENERAL FUND TOTAL	\$741,699	\$745,405

**OFFICE OF SUBSTANCE ABUSE & MENTAL HEALTH SRV - MEDICAID SEED Z202**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,643,201	\$5,681,926
GENERAL FUND TOTAL	\$5,643,201	\$5,681,926

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,306,059	\$1,306,059
FUND FOR A HEALTHY MAINE TOTAL	\$1,306,059	\$1,306,059

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$800,000	\$800,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$800,000	\$800,000

**Office of Substance Abuse and Mental Health Services Z199**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$843,792	\$901,185
All Other	\$18,924,948	\$18,924,948
GENERAL FUND TOTAL	\$19,768,740	\$19,826,133

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$163,291	\$171,964
All Other	\$2,909,216	\$2,909,216
FEDERAL EXPENDITURES FUND TOTAL	\$3,072,507	\$3,081,180

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,070,802	\$1,070,802
FUND FOR A HEALTHY MAINE TOTAL	\$1,070,802	\$1,070,802

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$99,127	\$99,127
OTHER SPECIAL REVENUE FUNDS TOTAL	\$99,127	\$99,127

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$399,201	\$421,546
All Other	\$6,778,394	\$6,778,394
FEDERAL BLOCK GRANT FUND TOTAL	\$7,177,595	\$7,199,940

**Office of Substance Abuse and Mental Health Services Z199**

Initiative: Transfers one Social Services Program Manager position from the Office of Substance Abuse and Mental Health Services program to the Maine Center for Disease Control and Prevention program within the same fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$116,404)	(\$120,992)
All Other	(\$6,398)	(\$6,398)

GENERAL FUND TOTAL	(\$122,802)	(\$127,390)
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**Office of Substance Abuse and Mental Health Services Z199**

Initiative: Transfers and reallocates one Supervisor Data and Research position, 2 Statistician I positions, one Comprehensive Health Planner II position and one Business Data Analytics position from 60% General Fund and 40% Other Special Revenue Funds in the Department of Health and Human Services Central Operations program to 100% Office of Substance Abuse and Mental Health Services program, General Fund. Also adjusts funding for related All Other costs.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$415,490	\$438,459
All Other	\$31,990	\$31,990
<b>GENERAL FUND TOTAL</b>	<b>\$447,480</b>	<b>\$470,449</b>

**Office of Substance Abuse and Mental Health Services Z199**

Initiative: Provides allocation to align with available resources.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$2,039,029	\$2,039,029
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,039,029</b>	<b>\$2,039,029</b>

**Office of Substance Abuse and Mental Health Services Z199**

Initiative: Provides one-time funding for combatting the opioid crisis.

FUND FOR A HEALTHY MAINE	2019-20	2020-21
All Other	\$2,000,000	\$3,500,000
<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$2,000,000</b>	<b>\$3,500,000</b>

**OFFICE OF SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES Z199**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,142,878	\$1,218,652
All Other	\$18,950,540	\$18,950,540

<b>GENERAL FUND TOTAL</b>	<b>\$20,093,418</b>	<b>\$20,169,192</b>
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**FEDERAL EXPENDITURES FUND**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$163,291	\$171,964
All Other	\$4,948,245	\$4,948,245

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,111,536</b>	<b>\$5,120,209</b>
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**FUND FOR A HEALTHY MAINE**

	2019-20	2020-21
All Other	\$3,070,802	\$4,570,802

<b>FUND FOR A HEALTHY MAINE TOTAL</b>	<b>\$3,070,802</b>	<b>\$4,570,802</b>
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
All Other	\$99,127	\$99,127

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$99,127</b>	<b>\$99,127</b>
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**FEDERAL BLOCK GRANT FUND**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$399,201	\$421,546
All Other	\$6,778,394	\$6,778,394

<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$7,177,595</b>	<b>\$7,199,940</b>
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**Plumbing - Control Over 0205**

Initiative: BASELINE BUDGET

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$385,598	\$404,307

All Other	\$332,020	\$332,020
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$717,618</b>	<b>\$736,327</b>

**PLUMBING - CONTROL OVER 0205  
PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$385,598	\$404,307
All Other	\$332,020	\$332,020
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$717,618</b>	<b>\$736,327</b>

**PNMI Room and Board Z009**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$15,956,731	\$15,956,731
<b>GENERAL FUND TOTAL</b>	<b>\$15,956,731</b>	<b>\$15,956,731</b>

**PNMI Room and Board Z009**

Initiative: Provides funding for an increase to rates for certain services pursuant to Public Law 2017, chapter 460, Part B.

GENERAL FUND	2019-20	2020-21
All Other	\$932,050	\$1,426,958
<b>GENERAL FUND TOTAL</b>	<b>\$932,050</b>	<b>\$1,426,958</b>

**PNMI ROOM AND BOARD Z009  
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$16,888,781	\$17,383,689
<b>GENERAL FUND TOTAL</b>	<b>\$16,888,781</b>	<b>\$17,383,689</b>

**Prescription Drug Academic Detailing Z055**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$206,253	\$206,253

OTHER SPECIAL REVENUE FUNDS TOTAL	\$206,253	\$206,253
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**PRESCRIPTION DRUG ACADEMIC  
DETAILING Z055  
PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$206,253	\$206,253
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$206,253</b>	<b>\$206,253</b>

**Private Well Safe Drinking Water Fund Z255**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$52,840	\$52,840
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$52,840</b>	<b>\$52,840</b>

**PRIVATE WELL SAFE DRINKING WATER  
FUND Z255**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$52,840	\$52,840
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$52,840</b>	<b>\$52,840</b>

**Purchased Social Services 0228**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$48,916	\$50,781
All Other	\$6,625,590	\$6,625,590
<b>GENERAL FUND TOTAL</b>	<b>\$6,674,506</b>	<b>\$6,676,371</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$85,364	\$91,764
All Other	\$6,882,844	\$6,882,844

FEDERAL EXPENDITURES FUND TOTAL	\$6,968,208	\$6,974,608
<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,971,118	\$1,971,118
FUND FOR A HEALTHY MAINE TOTAL	\$1,971,118	\$1,971,118

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$48,913	\$50,776
All Other	\$71,266	\$71,266
OTHER SPECIAL REVENUE FUNDS TOTAL	\$120,179	\$122,042

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$79,811	\$82,885
All Other	\$5,486,384	\$5,486,384
FEDERAL BLOCK GRANT FUND TOTAL	\$5,566,195	\$5,569,269

**Purchased Social Services 0228**

Initiative: Provides allocation to align funding with available resources.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,203,868	\$1,203,868
FEDERAL EXPENDITURES FUND TOTAL	\$1,203,868	\$1,203,868

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$8,010,829	\$8,010,829
FEDERAL BLOCK GRANT FUND TOTAL	\$8,010,829	\$8,010,829

**Purchased Social Services 0228**

Initiative: Adjusts funding to ensure victims of crime receive appropriate crime support and advocacy services.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$16,600)	(\$16,600)
FEDERAL EXPENDITURES FUND TOTAL	(\$16,600)	(\$16,600)

**Purchased Social Services 0228**

Initiative: Provides one-time funding for sexual assault and domestic violence prevention and victim services.

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,500,000	\$2,500,000
FUND FOR A HEALTHY MAINE TOTAL	\$2,500,000	\$2,500,000

**PURCHASED SOCIAL SERVICES 0228  
PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$48,916	\$50,781
All Other	\$6,625,590	\$6,625,590
GENERAL FUND TOTAL	\$6,674,506	\$6,676,371

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$85,364	\$91,764
All Other	\$8,070,112	\$8,070,112
FEDERAL EXPENDITURES FUND TOTAL	\$8,155,476	\$8,161,876

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$4,471,118	\$4,471,118
FUND FOR A HEALTHY MAINE TOTAL	\$4,471,118	\$4,471,118

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$48,913	\$50,776

All Other	\$71,266	\$71,266
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$120,179</b>	<b>\$122,042</b>
<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$79,811	\$82,885
All Other	\$13,497,213	\$13,497,213
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$13,577,024</b>	<b>\$13,580,098</b>

**Rape Crisis Control 0488**

Initiative: BASELINE BUDGET

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$32,720	\$32,720
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$32,720</b>	<b>\$32,720</b>

**RAPE CRISIS CONTROL 0488**

**PROGRAM SUMMARY**

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$32,720	\$32,720
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$32,720</b>	<b>\$32,720</b>

**Residential Treatment Facilities Assessment Z197**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,658,000	\$1,658,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,658,000</b>	<b>\$1,658,000</b>

**Residential Treatment Facilities Assessment Z197**

Initiative: Adjusts funding to bring appropriation and allocation in line with available resources projected by the Revenue Forecasting Committee.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$207,000	\$207,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$207,000</b>	<b>\$207,000</b>

**RESIDENTIAL TREATMENT FACILITIES ASSESSMENT Z197**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,865,000	\$1,865,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,865,000</b>	<b>\$1,865,000</b>

**Riverview Psychiatric Center Z219**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$814,682	\$863,801
All Other	\$6,932,005	\$6,932,005
<b>GENERAL FUND TOTAL</b>	<b>\$7,746,687</b>	<b>\$7,795,806</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	354.500	354.500
POSITIONS - FTE COUNT	0.363	0.363
Personal Services	\$19,930,101	\$20,959,387
All Other	\$1,152,509	\$1,152,509

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$21,082,610</b>	<b>\$22,111,896</b>
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**Riverview Psychiatric Center Z219**

Initiative: Provides funding for security services at Riverview Psychiatric Center provided by the Capitol Police within the Department of Public Safety.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$241,507	\$241,507
<b>GENERAL FUND TOTAL</b>	<b>\$241,507</b>	<b>\$241,507</b>

**Riverview Psychiatric Center Z219**

Initiative: Provides for the transfer of forensic patients to a facility capable of handling the difficulty of their severe needs.

GENERAL FUND	2019-20	2020-21
All Other	\$360,029	\$360,029
<b>GENERAL FUND TOTAL</b>	<b>\$360,029</b>	<b>\$360,029</b>

**RIVERVIEW PSYCHIATRIC CENTER Z219**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$814,682	\$863,801
All Other	\$7,533,541	\$7,533,541
<b>GENERAL FUND TOTAL</b>	<b>\$8,348,223</b>	<b>\$8,397,342</b>

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	354.500	354.500
POSITIONS - FTE COUNT	0.363	0.363
Personal Services	\$19,930,101	\$20,959,387
All Other	\$1,152,509	\$1,152,509
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$21,082,610</b>	<b>\$22,111,896</b>

**Special Children's Services 0204**

Initiative: BASELINE BUDGET

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$800,382	\$838,377
All Other	\$117,574	\$117,574
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$917,956</b>	<b>\$955,951</b>

**Special Children's Services 0204**

Initiative: Reallocates one Comprehensive Health Planner I position from 100% Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to 50% Maine Center for Disease Control and Prevention program, Federal Expenditures

Fund and 50% Special Children's Services program, Federal Block Grant Fund to align the duties with the proper funding source. Also adjusts funding for related All Other costs.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
Personal Services	\$40,141	\$43,217
All Other	\$4,623	\$4,724
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$44,764</b>	<b>\$47,941</b>

**Special Children's Services 0204**

Initiative: Provides funding for the approved reclassification of one Public Health Educator II position to a Children Special Health Needs Coordinator position. Also provides funding for related STA-CAP charges.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
Personal Services	\$14,102	\$11,087
All Other	\$463	\$364
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$14,565</b>	<b>\$11,451</b>

**Special Children's Services 0204**

Initiative: Provides funding for the approved reclassification of one Microbiologist I position to a Microbiologist II position. Also provides funding for related STA-CAP charges.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
Personal Services	\$17,873	\$16,244
All Other	\$587	\$533
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$18,460</b>	<b>\$16,777</b>

**SPECIAL CHILDREN'S SERVICES 0204**

**PROGRAM SUMMARY**

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$872,498	\$908,925
All Other	\$123,247	\$123,195
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$995,745</b>	<b>\$1,032,120</b>

**State Supplement to Federal Supplemental Security Income 0131**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$6,632,011	\$6,632,011
<b>GENERAL FUND TOTAL</b>	<b>\$6,632,011</b>	<b>\$6,632,011</b>

**STATE SUPPLEMENT TO FEDERAL SUPPLEMENTAL SECURITY INCOME 0131**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$6,632,011	\$6,632,011
<b>GENERAL FUND TOTAL</b>	<b>\$6,632,011</b>	<b>\$6,632,011</b>

**State-funded Foster Care/Adoption Assistance 0139**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$518,216	\$544,598
All Other	\$43,282,333	\$43,282,333
<b>GENERAL FUND TOTAL</b>	<b>\$43,800,549</b>	<b>\$43,826,931</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$2,282,748	\$2,282,748
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,282,748</b>	<b>\$2,282,748</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$222,103	\$233,399
All Other	\$519,416	\$519,416
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$741,519</b>	<b>\$752,815</b>

**State-funded Foster Care/Adoption Assistance 0139**

Initiative: Provides funding to reflect an increase in foster home reimbursement rates pursuant to Public Law 2017, chapter 471.

GENERAL FUND	2019-20	2020-21
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All Other	\$517,386	\$517,386
<b>GENERAL FUND TOTAL</b>	<b>\$517,386</b>	<b>\$517,386</b>

**State-funded Foster Care/Adoption Assistance 0139**

Initiative: Provides funding for the increase in the weekly reimbursement rate for medication-assisted treatment.

GENERAL FUND	2019-20	2020-21
All Other	\$35,443	\$35,443
<b>GENERAL FUND TOTAL</b>	<b>\$35,443</b>	<b>\$35,443</b>

**STATE-FUNDED FOSTER CARE/ADOPTION ASSISTANCE 0139**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$518,216	\$544,598
All Other	\$43,835,162	\$43,835,162
<b>GENERAL FUND TOTAL</b>	<b>\$44,353,378</b>	<b>\$44,379,760</b>

**FEDERAL EXPENDITURES FUND**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$2,282,748	\$2,282,748
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,282,748</b>	<b>\$2,282,748</b>

**OTHER SPECIAL REVENUE FUNDS**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$222,103	\$233,399
All Other	\$519,416	\$519,416
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$741,519</b>	<b>\$752,815</b>

**Temporary Assistance for Needy Families 0138**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$22,163,821	\$22,163,821
<b>GENERAL FUND TOTAL</b>	<b>\$22,163,821</b>	<b>\$22,163,821</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$271,605	\$292,526
All Other	\$79,046,976	\$79,046,976
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$79,318,581</b>	<b>\$79,339,502</b>

**Temporary Assistance for Needy Families 0138**

Initiative: Increases funding in the Temporary Assistance for Needy Families program related to revenue from the collection of Aid to Families with Dependent Children overpayments.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$231,000	\$4,300
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$231,000</b>	<b>\$4,300</b>

**TEMPORARY ASSISTANCE FOR NEEDY FAMILIES 0138**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$22,163,821	\$22,163,821
<b>GENERAL FUND TOTAL</b>	<b>\$22,163,821</b>	<b>\$22,163,821</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$231,000	\$4,300
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$231,000</b>	<b>\$4,300</b>

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$271,605	\$292,526
All Other	\$79,046,976	\$79,046,976
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$79,318,581</b>	<b>\$79,339,502</b>

**Traumatic Brain Injury Seed Z214**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$120,964	\$120,964
<b>GENERAL FUND TOTAL</b>	<b>\$120,964</b>	<b>\$120,964</b>

**Traumatic Brain Injury Seed Z214**

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2020.

GENERAL FUND	2019-20	2020-21
All Other	\$1,686	\$2,298
<b>GENERAL FUND TOTAL</b>	<b>\$1,686</b>	<b>\$2,298</b>

**TRAUMATIC BRAIN INJURY SEED Z214**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$122,650	\$123,262
<b>GENERAL FUND TOTAL</b>	<b>\$122,650</b>	<b>\$123,262</b>

**Universal Childhood Immunization Program Z121**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$12,427,340	\$12,427,340

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,427,340</b>	<b>\$12,427,340</b>
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**UNIVERSAL CHILDHOOD IMMUNIZATION PROGRAM Z121**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$12,427,340	\$12,427,340
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,427,340</b>	<b>\$12,427,340</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
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<b>GENERAL FUND</b>	<b>\$1,321,751,320</b>	<b>\$1,388,590,917</b>
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<b>FEDERAL EXPENDITURES FUND</b>	<b>\$2,510,978,376</b>	<b>\$2,672,832,357</b>
<b>FUND FOR A HEALTHY MAINE</b>	<b>\$63,042,562</b>	<b>\$64,847,851</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$561,752,380</b>	<b>\$568,416,610</b>
<b>FEDERAL BLOCK GRANT FUND</b>	<b>\$205,252,745</b>	<b>\$203,226,709</b>
<b>FEDERAL EXPENDITURES FUND ARRA</b>	<b>\$1,505,768</b>	<b>\$1,505,768</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$4,664,283,151</b>	<b>\$4,899,420,212</b>

**Sec. A-30. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HEALTH DATA ORGANIZATION, MAINE**

**Maine Health Data Organization 0848**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$580,762	\$596,551
All Other	\$1,462,940	\$1,462,940
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,043,702</b>	<b>\$2,059,491</b>

**MAINE HEALTH DATA ORGANIZATION 0848**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$580,762	\$596,551
All Other	\$1,462,940	\$1,462,940
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,043,702</b>	<b>\$2,059,491</b>

**Sec. A-31. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HISTORIC PRESERVATION COMMISSION, MAINE**

**Historic Commercial Rehabilitation Fund Z067**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**HISTORIC COMMERCIAL REHABILITATION FUND Z067**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Historic Preservation Commission 0036**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$342,496	\$345,156
All Other	\$26,513	\$26,513
<b>GENERAL FUND TOTAL</b>	<b>\$369,009</b>	<b>\$371,669</b>

**FEDERAL EXPENDITURES FUND**

POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$475,612	\$489,123
All Other	\$317,206	\$317,206
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$792,818</b>	<b>\$806,329</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
POSITIONS - FTE COUNT	4.731	4.731
Personal Services	\$558,258	\$573,997
All Other	\$117,120	\$117,120

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$675,378</b>	<b>\$691,117</b>
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**Historic Preservation Commission 0036**

Initiative: Provides funding for supporting All Other expenditures related to the State Historian's activities.

GENERAL FUND	2019-20	2020-21
All Other	\$3,000	\$3,000
<b>GENERAL FUND TOTAL</b>	<b>\$3,000</b>	<b>\$3,000</b>

**HISTORIC PRESERVATION COMMISSION 0036**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$342,496	\$345,156
All Other	\$29,513	\$29,513
<b>GENERAL FUND TOTAL</b>	<b>\$372,009</b>	<b>\$374,669</b>

**FEDERAL EXPENDITURES FUND**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$475,612	\$489,123
All Other	\$317,206	\$317,206
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$792,818</b>	<b>\$806,329</b>

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
POSITIONS - FTE COUNT	4.731	4.731
Personal Services	\$558,258	\$573,997
All Other	\$117,120	\$117,120
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$675,378</b>	<b>\$691,117</b>

**Historic Preservation Revolving Fund Z109**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500

OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500
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**HISTORIC PRESERVATION REVOLVING FUND Z109**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**HISTORIC PRESERVATION COMMISSION, MAINE**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$372,009	\$374,669
FEDERAL EXPENDITURES FUND	\$792,818	\$806,329
OTHER SPECIAL REVENUE FUNDS	\$676,378	\$692,117
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$1,841,205</b>	<b>\$1,873,115</b>

**Sec. A-32. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HISTORICAL SOCIETY, MAINE**

**Historical Society 0037**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$44,864	\$44,864
<b>GENERAL FUND TOTAL</b>	<b>\$44,864</b>	<b>\$44,864</b>

**HISTORICAL SOCIETY 0037**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$44,864	\$44,864
<b>GENERAL FUND TOTAL</b>	<b>\$44,864</b>	<b>\$44,864</b>

**Sec. A-33. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HOSPICE COUNCIL, MAINE**

**Maine Hospice Council 0663**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$63,506	\$63,506
<b>GENERAL FUND TOTAL</b>	<b>\$63,506</b>	<b>\$63,506</b>

**MAINE HOSPICE COUNCIL 0663**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$63,506	\$63,506
<b>GENERAL FUND TOTAL</b>	<b>\$63,506</b>	<b>\$63,506</b>

**Sec. A-34. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HOUSING AUTHORITY, MAINE STATE**

**Home Modification Certification Program Z231**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$50,000	\$50,000
<b>GENERAL FUND TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

**HOME MODIFICATION CERTIFICATION PROGRAM Z231**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$50,000	\$50,000
<b>GENERAL FUND TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

**Housing Authority - State 0442**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$11,175,488	\$11,175,488
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$11,175,488</b>	<b>\$11,175,488</b>

**Housing Authority - State 0442**

Initiative: Allocates funds to reflect increased revenue projections per the December 2018 report of the Revenue Forecasting Committee.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$7,601,146	\$7,788,414
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$7,601,146</b>	<b>\$7,788,414</b>

**HOUSING AUTHORITY - STATE 0442**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$18,776,634	\$18,963,902
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$18,776,634</b>	<b>\$18,963,902</b>

**Low-income Home Energy Assistance - MSHA 0708**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$545	\$545
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$545</b>	<b>\$545</b>

**LOW-INCOME HOME ENERGY ASSISTANCE - MSHA 0708**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$545	\$545
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$545</b>	<b>\$545</b>

**Maine Energy, Housing and Economic Recovery Program Z124**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$4,316,237	\$4,316,237

OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,316,237	\$4,316,237
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DEPARTMENT TOTAL - ALL FUNDS	\$25,643,179	\$25,830,147
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**Maine Energy, Housing and Economic Recovery Program Z124**

Initiative: Reduces funding to bring debt service payments in accordance with the repayment schedule.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$237)	(\$537)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$237)	(\$537)

**MAINE ENERGY, HOUSING AND ECONOMIC RECOVERY PROGRAM Z124**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$4,316,000	\$4,315,700
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,316,000	\$4,315,700

**Shelter Operating Subsidy 0661**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$2,500,000	\$2,500,000
GENERAL FUND TOTAL	\$2,500,000	\$2,500,000

**SHELTER OPERATING SUBSIDY 0661 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$2,500,000	\$2,500,000
GENERAL FUND TOTAL	\$2,500,000	\$2,500,000

**HOUSING AUTHORITY, MAINE STATE**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$2,550,000	\$2,550,000
OTHER SPECIAL REVENUE FUNDS	\$23,093,179	\$23,280,147

**Sec. A-35. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HUMAN RIGHTS COMMISSION, MAINE**

**Human Rights Commission - Regulation 0150**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$847,426	\$862,649
All Other	\$26,936	\$26,936
GENERAL FUND TOTAL	\$874,362	\$889,585

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$347,878	\$353,561
All Other	\$210,252	\$210,252
FEDERAL EXPENDITURES FUND TOTAL	\$558,130	\$563,813

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$41,338	\$41,338
OTHER SPECIAL REVENUE FUNDS TOTAL	\$41,338	\$41,338

**Human Rights Commission - Regulation 0150**

Initiative: Increases funding for commission seminars.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$56,526	\$56,526
OTHER SPECIAL REVENUE FUNDS TOTAL	\$56,526	\$56,526

**Human Rights Commission - Regulation 0150**

Initiative: Provides funding for the cost of security for monthly public hearings.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$4,200	\$4,200
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$4,200	\$4,200

**Human Rights Commission - Regulation 0150**

Initiative: Establishes one Maine Human Rights Investigator position to address and resolve charges filed with the Maine Human Rights Commission. Also provides funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$82,051	\$85,905
All Other	\$2,981	\$2,981
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$85,032	\$88,886

**Human Rights Commission - Regulation 0150**

Initiative: Provides funding for an increase in the cost of mediation services.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$10,000	\$10,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,000	\$10,000

**Human Rights Commission - Regulation 0150**

Initiative: Provides funding for the cost of a case management system with a self-service customer portal.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$10,000	\$10,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$10,000	\$10,000

**Human Rights Commission - Regulation 0150**

Initiative: Provides funding for the approved range change of one Executive Director Human Rights position from range 32 to range 38 effective March 15, 2019.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$15,090	\$12,198
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$15,090	\$12,198

**HUMAN RIGHTS COMMISSION - REGULATION 0150**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	9,000	9,000
Personal Services	\$944,567	\$960,752
All Other	\$44,117	\$44,117

GENERAL FUND TOTAL	\$988,684	\$1,004,869
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**FEDERAL EXPENDITURES FUND**

POSITIONS - LEGISLATIVE COUNT	5,000	5,000
Personal Services	\$347,878	\$353,561
All Other	\$210,252	\$210,252

FEDERAL EXPENDITURES FUND TOTAL	\$558,130	\$563,813
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**OTHER SPECIAL REVENUE FUNDS**

All Other	\$107,864	\$107,864
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$107,864	\$107,864

**HUMAN RIGHTS COMMISSION, MAINE**

**DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>\$988,684</b>	<b>\$1,004,869</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$558,130</b>	<b>\$563,813</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$107,864</b>	<b>\$107,864</b>

DEPARTMENT TOTAL - ALL FUNDS	\$1,654,678	\$1,676,546
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**Sec. A-36. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HUMANITIES COUNCIL, MAINE**

**Humanities Council 0942**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$53,357	\$53,357

GENERAL FUND TOTAL	\$53,357	\$53,357
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**HUMANITIES COUNCIL 0942  
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$53,357	\$53,357
GENERAL FUND TOTAL	\$53,357	\$53,357

**Sec. A-37. Appropriations and allocations.**  
The following appropriations and allocations are made.

**INDIAN TRIBAL-STATE COMMISSION,  
MAINE**

**Maine Indian Tribal-state Commission 0554**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$111,614	\$111,614
GENERAL FUND TOTAL	\$111,614	\$111,614

**MAINE INDIAN TRIBAL-STATE  
COMMISSION 0554**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$111,614	\$111,614
GENERAL FUND TOTAL	\$111,614	\$111,614

**Sec. A-38. Appropriations and allocations.**  
The following appropriations and allocations are made.

**INDIGENT LEGAL SERVICES, MAINE  
COMMISSION ON**

**Maine Commission on Indigent Legal Services  
Z112**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	(\$58,000)	(\$58,000)
GENERAL FUND TOTAL	(\$58,000)	(\$58,000)

**Maine Commission on Indigent Legal Services  
Z112**

Initiative: Transfers one Executive Director of Maine Indigent Legal Services position, one Public Service Manager II position, one Accountant Technician position, one Office Associate I position and 9 Financial Screener positions and related All Other costs from the Reserve for Indigent Legal Services program, Other Special Revenue Funds to the Maine Commission on Indigent Legal Services program, General Fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	11.500
Personal Services	\$0	\$924,373
All Other	\$0	\$15,509,725
GENERAL FUND TOTAL	\$0	\$16,434,098

**Maine Commission on Indigent Legal Services  
Z112**

Initiative: Transfers All Other funding from the Reserve for Indigent Legal Services program, Other Special Revenue Funds to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds for reimbursement of counsel fees and conference training fees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$793,497
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$793,497

**Maine Commission on Indigent Legal Services  
Z112**

Initiative: Provides funding for increased revenue collections from reimbursement of counsel fees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$363,503
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$363,503

**Maine Commission on Indigent Legal Services  
Z112**

Initiative: Provides funding to offset the ongoing negative baseline in this account.

GENERAL FUND	2019-20	2020-21
All Other	\$58,000	\$58,000
GENERAL FUND TOTAL	\$58,000	\$58,000

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	11.500
Personal Services	\$0	\$924,373
All Other	\$0	\$15,509,725
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$16,434,098</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$1,157,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$1,157,000</b>

**Reserve for Indigent Legal Services Z258**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.500	11.500
Personal Services	\$824,486	\$843,374
All Other	\$16,361,222	\$16,361,222
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$17,185,708</b>	<b>\$17,204,596</b>

**Reserve for Indigent Legal Services Z258**

Initiative: Transfers one Executive Director of Maine Indigent Legal Services position, one Public Service Manager II position, one Accountant Technician position, one Office Associate I position and 9 Financial Screener positions and related All Other costs from the Reserve for Indigent Legal Services program, Other Special Revenue Funds to the Maine Commission on Indigent Legal Services program, General Fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	(11.500)
Personal Services	\$0	(\$924,373)
All Other	\$0	(\$15,567,725)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>(\$16,492,098)</b>

**Reserve for Indigent Legal Services Z258**

Initiative: Transfers All Other funding from the Reserve for Indigent Legal Services program, Other Special Revenue Funds to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds for reimbursement of counsel fees and conference training fees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	(\$793,497)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>(\$793,497)</b>

**Reserve for Indigent Legal Services Z258**

Initiative: Provides funding for the approved reclassification of range change of 9 Financial Screener positions from range 12 to range 18. This approved range change has an effective date of November 2017.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$192,192	\$80,999
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$192,192</b>	<b>\$80,999</b>

**Reserve for Indigent Legal Services Z258**

Initiative: Provides funding for increased revenue collections from reimbursement of counsel fees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$363,503	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$363,503</b>	<b>\$0</b>

**Reserve for Indigent Legal Services Z258**

Initiative: Adjusts allocation in the first year only to reflect anticipated revenues into the account.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$58,000)	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$58,000)</b>	<b>\$0</b>

**RESERVE FOR INDIGENT LEGAL SERVICES Z258**

**PROGRAM SUMMARY**

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	11.500	0.000
Personal Services	\$1,016,678	\$0
All Other	\$16,666,725	\$0
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$17,683,403	\$0
<b>INDIGENT LEGAL SERVICES, MAINE COMMISSION ON</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	\$0	\$16,434,098
OTHER SPECIAL REVENUE FUNDS	\$17,683,403	\$1,157,000
	<hr/>	<hr/>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$17,683,403</b>	<b>\$17,591,098</b>

**Sec. A-39. Appropriations and allocations.**  
The following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

**Administrative Services - Inland Fisheries and Wildlife 0530**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$321,488	\$330,722
All Other	\$302,000	\$302,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$623,488	\$632,722
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$11,659	\$11,659
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,659	\$11,659

**ADMINISTRATIVE SERVICES - INLAND FISHERIES AND WILDLIFE 0530 PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$321,488	\$330,722
All Other	\$302,000	\$302,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$623,488	\$632,722

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$11,659	\$11,659
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,659	\$11,659

**ATV Safety and Educational Program 0559**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$23,170	\$23,170
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$23,170	\$23,170

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$145,188	\$145,188
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$145,188	\$145,188

**ATV SAFETY AND EDUCATIONAL PROGRAM 0559**

**PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$23,170	\$23,170
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$23,170	\$23,170

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$145,188	\$145,188
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$145,188	\$145,188

**Boating Access Sites 0631**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$43,616	\$43,616
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$43,616</b>	<b>\$43,616</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$58,932	\$61,089
All Other	\$122,233	\$122,233
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$181,165</b>	<b>\$183,322</b>

**Boating Access Sites 0631**

Initiative: Provides funding to purchase and improve land for boat launch facilities throughout the State.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Capital Expenditures	\$575,000	\$575,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$575,000</b>	<b>\$575,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$175,000	\$175,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$175,000</b>	<b>\$175,000</b>

**Boating Access Sites 0631**

Initiative: Provides funding for improvements and maintenance activities at publicly owned boat launch facilities on inland waters.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$90,000	\$90,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$90,000</b>	<b>\$90,000</b>

**BOATING ACCESS SITES 0631 PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$43,616	\$43,616
Capital Expenditures	\$575,000	\$575,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$618,616</b>	<b>\$618,616</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$58,932	\$61,089
All Other	\$122,233	\$122,233
Capital Expenditures	\$265,000	\$265,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$446,165</b>	<b>\$448,322</b>

**Camp North Woods Fund Z193**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$25,000	\$25,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$25,000</b>	<b>\$25,000</b>

**CAMP NORTH WOODS FUND Z193 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$25,000	\$25,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$25,000</b>	<b>\$25,000</b>

**Endangered Nongame Operations 0536**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$20,933	\$21,912
All Other	\$4,731	\$4,731
<b>GENERAL FUND TOTAL</b>	<b>\$25,664</b>	<b>\$26,643</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$410,111	\$419,479
All Other	\$622,534	\$622,534
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,032,645</b>	<b>\$1,042,013</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$296,903	\$302,048
All Other	\$128,138	\$128,138
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$425,041</b>	<b>\$430,186</b>

**Endangered Nongame Operations 0536**

Initiative: Provides funding for the approved reclassification of one Biology Specialist position to an Inland Fisheries and Wildlife Senior Biologist position, 7 Biology Specialist positions to Inland Fisheries and Wildlife Resource Technician positions, 25 Biologist I positions to Inland Fisheries and Wildlife Resource Biologist positions, 6 Biologist I positions to Inland Fisheries and Wildlife Senior Resource Biologist positions, 19 Biologist II positions to Inland Fisheries and Wildlife Resource Supervisor positions, 5 Biologist II positions to Inland Fisheries and Wildlife Senior Resource Biologist positions and 5 Biologist III positions to Inland Fisheries and Wildlife Resource Supervisor positions.

GENERAL FUND	2019-20	2020-21
Personal Services	\$1,278	\$1,253
<b>GENERAL FUND TOTAL</b>	<b>\$1,278</b>	<b>\$1,253</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$35,843	\$26,183
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$35,843</b>	<b>\$26,183</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$22,553	\$17,350

OTHER SPECIAL REVENUE FUNDS TOTAL	\$22,553	\$17,350
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**ENDANGERED NONGAME OPERATIONS 0536 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$22,211	\$23,165
All Other	\$4,731	\$4,731
<b>GENERAL FUND TOTAL</b>	<b>\$26,942</b>	<b>\$27,896</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$445,954	\$445,662
All Other	\$622,534	\$622,534

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,068,488</b>	<b>\$1,068,196</b>
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$319,456	\$319,398
All Other	\$128,138	\$128,138

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$447,594</b>	<b>\$447,536</b>
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**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	125.000	125.000
POSITIONS - FTE COUNT	0.500	0.500
Personal Services	\$13,352,956	\$13,511,799
All Other	\$2,752,975	\$2,752,975

<b>GENERAL FUND TOTAL</b>	<b>\$16,105,931</b>	<b>\$16,264,774</b>
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
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POSITIONS - FTE COUNT	1,232	1,232
Personal Services	\$852,450	\$861,082
All Other	\$583,041	\$583,041
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,435,491</b>	<b>\$1,444,123</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$203,632	\$207,515
All Other	\$281,847	\$281,847
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$485,479</b>	<b>\$489,362</b>

**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: Provides funding for operating expenses for the Warden Service Aircraft Fund.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$16,600	\$16,600
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$16,600</b>	<b>\$16,600</b>

**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: Provides funding for increased fees from the Department of Public Safety for dispatch services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$104,610	\$130,707
<b>GENERAL FUND TOTAL</b>	<b>\$104,610</b>	<b>\$130,707</b>

**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: Reorganizes 5 Office Associate II positions to Office Specialist I positions and one Office Associate II position to a Secretary Associate position.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$51,911	\$28,412
<b>GENERAL FUND TOTAL</b>	<b>\$51,911</b>	<b>\$28,412</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$3,561	\$2,247
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$3,561</b>	<b>\$2,247</b>

**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: Provides funding to increase the number of weeks of one Chaplain I position from 26 weeks to 52 weeks.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
POSITIONS - FTE COUNT	(0.500)	(0.500)
Personal Services	\$41,540	\$43,458
<b>GENERAL FUND TOTAL</b>	<b>\$41,540</b>	<b>\$43,458</b>

**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: Reorganizes one Game Warden position to a Game Warden Specialist position and reallocates the cost from 100% Enforcement Operations - Inland Fisheries and Wildlife program, General Fund to 95% Enforcement Operations - Inland Fisheries and Wildlife program, General Fund and 5% Landowner Relations program, Other Special Revenue Funds and adjusts All Other costs to fund the position changes.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$460)	(\$227)
All Other	\$460	\$227
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: Provides funding for the replacement of 20 snowmobiles.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$104,000	\$104,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$104,000</b>	<b>\$104,000</b>

**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: Reallocates one Game Warden Specialist position from 100% Whitewater Rafting - Inland Fisheries and Wildlife program, Other Special Revenue Funds to 50% Enforcement Operations - Inland Fisheries and Wildlife program, General Fund and 50% Whitewater Rafting - Inland Fisheries and Wildlife program, Other Special Revenue Funds.

GENERAL FUND	2019-20	2020-21
Personal Services	\$57,440	\$57,926
<b>GENERAL FUND TOTAL</b>	<b>\$57,440</b>	<b>\$57,926</b>

**ENFORCEMENT OPERATIONS - INLAND FISHERIES AND WILDLIFE 0537**  
**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	126.000	126.000
POSITIONS - FTE COUNT	0.000	0.000
Personal Services	\$13,503,387	\$13,641,368
All Other	\$2,858,045	\$2,883,909
<b>GENERAL FUND TOTAL</b>	<b>\$16,361,432</b>	<b>\$16,525,277</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - FTE COUNT	1.232	1.232
Personal Services	\$856,011	\$863,329
All Other	\$583,041	\$583,041
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,439,052</b>	<b>\$1,446,370</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$203,632	\$207,515
All Other	\$298,447	\$298,447
Capital Expenditures	\$104,000	\$104,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$606,079</b>	<b>\$609,962</b>

**Fisheries and Hatcheries Operations 0535**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	59.000	59.000
POSITIONS - FTE COUNT	0.577	0.577
Personal Services	\$3,311,390	\$3,373,507
All Other	\$917,591	\$917,591
<b>GENERAL FUND TOTAL</b>	<b>\$4,228,981</b>	<b>\$4,291,098</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$2,054,062	\$2,091,059
All Other	\$1,049,643	\$1,049,643
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$3,103,705</b>	<b>\$3,140,702</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$21,518	\$22,563
All Other	\$156,526	\$156,526
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$178,044</b>	<b>\$179,089</b>

**Fisheries and Hatcheries Operations 0535**

Initiative: Transfers funding for All Other costs from the Office of the Commissioner - Inland Fisheries and Wildlife program to the Resource Management Services - Inland Fisheries and Wildlife program and the Fisheries and Hatcheries Operations program within the same fund.

GENERAL FUND	2019-20	2020-21
All Other	\$189,664	\$189,664
<b>GENERAL FUND TOTAL</b>	<b>\$189,664</b>	<b>\$189,664</b>

**Fisheries and Hatcheries Operations 0535**

Initiative: Transfers one-time funding from All Other to Capital Expenditures for the replacement of 2 one-ton fish stocking trucks, 2 2-ton fish stocking trucks, 2 fish stocking truck beds and 2 sets of fish stocking tanks.

GENERAL FUND	2019-20	2020-21
All Other	(\$125,000)	(\$125,000)
Capital Expenditures	\$125,000	\$125,000

GENERAL FUND TOTAL	\$0	\$0
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**Fisheries and Hatcheries Operations 0535**

Initiative: Reorganizes one Public Service Executive II position from range 34 to range 36, 2 Public Service Manager II positions to Public Service Manager III positions and one Public Service Manager I position to a Public Service Manager II position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$3,709	\$3,672

GENERAL FUND TOTAL	\$3,709	\$3,672
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$15,570	\$10,913

FEDERAL EXPENDITURES FUND TOTAL	\$15,570	\$10,913
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**Fisheries and Hatcheries Operations 0535**

Initiative: Transfers one-time funding from All Other to Capital Expenditures for the replacement of 10 snowmobiles, 2 boat motors, one all-terrain vehicle and one electrofishing backpack.

GENERAL FUND	2019-20	2020-21
All Other	(\$9,625)	(\$9,875)
Capital Expenditures	\$9,625	\$9,875

GENERAL FUND TOTAL	\$0	\$0
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	(\$28,875)	(\$29,625)
Capital Expenditures	\$28,875	\$29,625

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0
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**Fisheries and Hatcheries Operations 0535**

Initiative: Provides funding for the approved reclassification of one Biology Specialist position to an Inland Fisheries and Wildlife Senior Biologist position, 7 Biology Specialist positions to Inland Fisheries and Wildlife Resource Technician positions, 25 Biologist I positions to Inland Fisheries and Wildlife Resource Biologist positions, 6 Biologist I positions to Inland Fisheries and Wildlife Senior Resource Biologist posi-

tions, 19 Biologist II positions to Inland Fisheries and Wildlife Resource Supervisor positions, 5 Biologist II positions to Inland Fisheries and Wildlife Senior Resource Biologist positions and 5 Biologist III positions to Inland Fisheries and Wildlife Resource Supervisor positions.

GENERAL FUND	2019-20	2020-21
Personal Services	\$76,620	\$56,169

GENERAL FUND TOTAL	\$76,620	\$56,169
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$184,641	\$133,614

FEDERAL EXPENDITURES FUND TOTAL	\$184,641	\$133,614
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$1,613	\$1,430

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,613	\$1,430
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**Fisheries and Hatcheries Operations 0535**

Initiative: Reorganizes one Inland Fisheries and Wildlife Promotional Coordinator position to a Public Service Manager II position. Transfers and reallocates the cost of the position from 16.5% Resource Management Services - Inland Fisheries and Wildlife program, General Fund, 16.5% Fisheries and Hatcheries Operations program, General Fund, 33.5% Resource Management Services - Inland Fisheries and Wildlife program, Federal Expenditures Fund, 33.5% Fisheries and Hatcheries Operations program, Federal Expenditures Fund to 70% Public Information and Education, Division of program, General Fund and 30% Public Information and Education, Division of program, Other Special Revenue Funds.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$14,526)	(\$14,591)

GENERAL FUND TOTAL	(\$14,526)	(\$14,591)
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	(\$29,490)	(\$29,622)

FEDERAL EXPENDITURES	(\$29,490)	(\$29,622)
FUND TOTAL		

**Fisheries and Hatcheries Operations 0535**

Initiative: Reorganizes 3 Biologist III positions to Public Service Manager II positions by eliminating the 3 Biologist III positions and establishing 3 Public Service Manager II positions. The employees in the 3 affected Biologist III positions are to be transferred to the 3 newly established Public Service Manager II positions.

GENERAL FUND	2019-20	2020-21
Personal Services	\$2,633	\$2,800
<b>GENERAL FUND TOTAL</b>	<b>\$2,633</b>	<b>\$2,800</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$7,114	\$7,563
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$7,114</b>	<b>\$7,563</b>

**FISHERIES AND HATCHERIES OPERATIONS 0535**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	58.000	58.000
POSITIONS - FTE COUNT	0.577	0.577
Personal Services	\$3,379,826	\$3,421,557
All Other	\$972,630	\$972,380
Capital Expenditures	\$134,625	\$134,875
<b>GENERAL FUND TOTAL</b>	<b>\$4,487,081</b>	<b>\$4,528,812</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$2,231,897	\$2,213,527
All Other	\$1,020,768	\$1,020,018
Capital Expenditures	\$28,875	\$29,625
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$3,281,540</b>	<b>\$3,263,170</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$23,131	\$23,993
All Other	\$156,526	\$156,526

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$179,657</b>	<b>\$180,519</b>
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**Landowner Relations Fund Z140**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$4,302	\$4,354
All Other	\$102,657	\$102,657

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$106,959</b>	<b>\$107,011</b>
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**Landowner Relations Fund Z140**

Initiative: Provides funding to the Landowner Relations Fund to improve or maintain good relationships between landowners and outdoor recreationists.

GENERAL FUND	2019-20	2020-21
All Other	\$150,000	\$150,000
<b>GENERAL FUND TOTAL</b>	<b>\$150,000</b>	<b>\$150,000</b>

**Landowner Relations Fund Z140**

Initiative: Reorganizes one Game Warden position to a Game Warden Specialist position and reallocates the cost from 100% Enforcement Operations - Inland Fisheries and Wildlife program, General Fund to 95% Enforcement Operations - Inland Fisheries and Wildlife program, General Fund and 5% Landowner Relations program, Other Special Revenue Funds and adjusts All Other costs to fund the position changes.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$4,117	\$4,443
All Other	(\$4,117)	(\$4,443)

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>
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**LANDOWNER RELATIONS FUND Z140**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$150,000	\$150,000

GENERAL FUND TOTAL	\$150,000	\$150,000
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$8,419	\$8,797
All Other	\$98,540	\$98,214
OTHER SPECIAL REVENUE FUNDS TOTAL	\$106,959	\$107,011

**Licensing Services - Inland Fisheries and Wildlife 0531**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	14.000	14.000
Personal Services	\$971,668	\$989,871
All Other	\$566,466	\$566,466
GENERAL FUND TOTAL	\$1,538,134	\$1,556,337

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$76,328	\$76,328
FEDERAL EXPENDITURES FUND TOTAL	\$76,328	\$76,328

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$133,840	\$137,089
All Other	\$371,248	\$371,248
OTHER SPECIAL REVENUE FUNDS TOTAL	\$505,088	\$508,337

**Licensing Services - Inland Fisheries and Wildlife 0531**

Initiative: Reorganizes one Public Service Executive II position from range 34 to range 36, 2 Public Service Manager II positions to Public Service Manager III positions and one Public Service Manager I position to a Public Service Manager II position.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$28,161	\$16,940

GENERAL FUND TOTAL	\$28,161	\$16,940
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**LICENSING SERVICES - INLAND FISHERIES AND WILDLIFE 0531**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	14.000	14.000
Personal Services	\$999,829	\$1,006,811
All Other	\$566,466	\$566,466
GENERAL FUND TOTAL	\$1,566,295	\$1,573,277

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$76,328	\$76,328
FEDERAL EXPENDITURES FUND TOTAL	\$76,328	\$76,328

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$133,840	\$137,089
All Other	\$371,248	\$371,248
OTHER SPECIAL REVENUE FUNDS TOTAL	\$505,088	\$508,337

**Maine Outdoor Heritage Fund 0829**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$1,500	\$1,500
All Other	\$796,906	\$796,906
OTHER SPECIAL REVENUE FUNDS TOTAL	\$798,406	\$798,406

**MAINE OUTDOOR HERITAGE FUND 0829**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$1,500	\$1,500
All Other	\$796,906	\$796,906

OTHER SPECIAL	\$798,406	\$798,406
REVENUE FUNDS TOTAL		

GENERAL FUND TOTAL	\$89,090	\$91,981
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**Office of the Commissioner - Inland Fisheries and Wildlife 0529**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$429,931	\$436,044
All Other	\$2,559,240	\$2,559,240

GENERAL FUND TOTAL	\$2,989,171	\$2,995,284
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$378,607	\$381,654
All Other	\$1,137,674	\$1,137,674

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,516,281	\$1,519,328
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**Office of the Commissioner - Inland Fisheries and Wildlife 0529**

Initiative: Transfers funding for All Other costs from the Office of the Commissioner - Inland Fisheries and Wildlife program to the Resource Management Services - Inland Fisheries and Wildlife program and the Fisheries and Hatcheries Operations program within the same fund.

GENERAL FUND	2019-20	2020-21
All Other	(\$388,655)	(\$388,655)

GENERAL FUND TOTAL	(\$388,655)	(\$388,655)
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**Office of the Commissioner - Inland Fisheries and Wildlife 0529**

Initiative: Transfers one Assistant to the Commissioner position from 100% Public Information and Education, Division of program, General Fund to 100% Office of the Commissioner - Inland Fisheries and Wildlife program, General Fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$89,090	\$91,981

**OFFICE OF THE COMMISSIONER - INLAND FISHERIES AND WILDLIFE 0529 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$519,021	\$528,025
All Other	\$2,170,585	\$2,170,585

GENERAL FUND TOTAL	\$2,689,606	\$2,698,610
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$378,607	\$381,654
All Other	\$1,137,674	\$1,137,674

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,516,281	\$1,519,328
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**Public Information and Education, Division of 0729**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$442,632	\$453,726
All Other	\$234,441	\$234,441

GENERAL FUND TOTAL	\$677,073	\$688,167
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$330,040	\$337,776
All Other	\$628,736	\$628,736

OTHER SPECIAL REVENUE FUNDS TOTAL	\$958,776	\$966,512
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**Public Information and Education, Division of 0729**

Initiative: Provides funding for operating expenses for the youth conservation education program.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$27,000	\$27,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$27,000</b>	<b>\$27,000</b>

**Public Information and Education, Division of 0729**

Initiative: Provides funding to increase the existing contract with InforME for additional web support.

GENERAL FUND	2019-20	2020-21
All Other	\$80,000	\$80,000
<b>GENERAL FUND TOTAL</b>	<b>\$80,000</b>	<b>\$80,000</b>

**Public Information and Education, Division of 0729**

Initiative: Provides funding to support the promotion and marketing of the department.

GENERAL FUND	2019-20	2020-21
All Other	\$250,000	\$250,000
<b>GENERAL FUND TOTAL</b>	<b>\$250,000</b>	<b>\$250,000</b>

**Public Information and Education, Division of 0729**

Initiative: Reorganizes one Inland Fisheries and Wildlife Promotional Coordinator position to a Public Service Manager II position. Transfers and reallocates the cost of the position from 16.5% Resource Management Services - Inland Fisheries and Wildlife program, General Fund, 16.5% Fisheries and Hatcheries Operations program, General Fund, 33.5% Resource Management Services - Inland Fisheries and Wildlife program, Federal Expenditures Fund, 33.5% Fisheries and Hatcheries Operations program, Federal Expenditures Fund to 70% Public Information and Education, Division of program, General Fund and 30% Public Information and Education, Division of rogram, Other Special Revenue Funds.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$65,361	\$68,234
<b>GENERAL FUND TOTAL</b>	<b>\$65,361</b>	<b>\$68,234</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$28,012	\$29,242

OTHER SPECIAL REVENUE FUNDS TOTAL	\$28,012	\$29,242
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**Public Information and Education, Division of 0729**

Initiative: Reallocates one Inland Fisheries and Wildlife Education Coordinator position from 70% Licensing Services Inland Fisheries and Wildlife, Other Special Revenue Funds and 30% Public Information and Education, Division of program, Other Special Revenue Funds to 70% Licensing Services Inland Fisheries and Wildlife, Other Special Revenue Funds and 30% Public Information and Education, Division of program, General Fund.

GENERAL FUND	2019-20	2020-21
Personal Services	\$30,182	\$30,289
<b>GENERAL FUND TOTAL</b>	<b>\$30,182</b>	<b>\$30,289</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$30,182)	(\$30,289)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$30,182)	(\$30,289)
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**Public Information and Education, Division of 0729**

Initiative: Transfers one Assistant to the Commissioner position from 100% Public Information and Education, Division of program, General Fund to 100% Office of the Commissioner - Inland Fisheries and Wildlife program, General Fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$89,090)	(\$91,981)
<b>GENERAL FUND TOTAL</b>	<b>(\$89,090)</b>	<b>(\$91,981)</b>

**PUBLIC INFORMATION AND EDUCATION, DIVISION OF 0729**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$449,085	\$460,268
All Other	\$564,441	\$564,441
<b>GENERAL FUND TOTAL</b>	<b>\$1,013,526</b>	<b>\$1,024,709</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4,000	4,000
Personal Services	\$327,870	\$336,729
All Other	\$655,736	\$655,736
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$983,606</b>	<b>\$992,465</b>

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11,000	11,000
Personal Services	\$1,529,790	\$1,551,547
All Other	\$224,117	\$224,117
<b>GENERAL FUND TOTAL</b>	<b>\$1,753,907</b>	<b>\$1,775,664</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	35,000	35,000
POSITIONS - FTE COUNT	4,568	4,568
Personal Services	\$3,084,822	\$3,123,877
All Other	\$2,258,125	\$2,258,125
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,342,947</b>	<b>\$5,382,002</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$283,988	\$288,234
All Other	\$749,766	\$749,766
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,033,754</b>	<b>\$1,038,000</b>

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: Provides funding for operating expenses for the Steve Powell Wildlife Management Area.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$17,900	\$17,900
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$17,900</b>	<b>\$17,900</b>

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: Transfers funding for All Other costs from the Office of the Commissioner - Inland Fisheries and Wildlife program to the Resource Management Services - Inland Fisheries and Wildlife program and the Fisheries and Hatcheries Operations program within the same fund.

GENERAL FUND	2019-20	2020-21
All Other	\$198,991	\$198,991
<b>GENERAL FUND TOTAL</b>	<b>\$198,991</b>	<b>\$198,991</b>

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: Reorganizes one Public Service Executive II position from range 34 to range 36, 2 Public Service Manager II positions to Public Service Manager III positions and one Public Service Manager I position to a Public Service Manager II position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$11,138	\$6,787
<b>GENERAL FUND TOTAL</b>	<b>\$11,138</b>	<b>\$6,787</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$17,627	\$12,055
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$17,627</b>	<b>\$12,055</b>

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: Transfers one-time funding from All Other to Capital Expenditures for the replacement of 10 snowmobiles, 2 boat motors, one all-terrain vehicle and one electrofishing backpack.

GENERAL FUND	2019-20	2020-21
All Other	(\$8,500)	(\$4,250)
Capital Expenditures	\$8,500	\$4,250

GENERAL FUND TOTAL	\$0	\$0
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$25,500)	(\$12,750)
Capital Expenditures	\$25,500	\$12,750
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: Provides one-time funding for one all-terrain vehicle and transfers All Other to Capital Expenditures to fund the expense.

GENERAL FUND	2019-20	2020-21
All Other	(\$2,125)	\$0
Capital Expenditures	\$2,125	\$0
GENERAL FUND TOTAL	\$0	\$0
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$6,375)	\$0
Capital Expenditures	\$6,375	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: Provides funding for the approved reclassification of one Biology Specialist position to an Inland Fisheries and Wildlife Senior Biologist position, 7 Biology Specialist positions to Inland Fisheries and Wildlife Resource Technician positions, 25 Biologist I positions to Inland Fisheries and Wildlife Resource Biologist positions, 6 Biologist I positions to Inland Fisheries and Wildlife Senior Resource Biologist positions, 19 Biologist II positions to Inland Fisheries and Wildlife Resource Supervisor positions, 5 Biologist II positions to Inland Fisheries and Wildlife Senior Resource Biologist positions and 5 Biologist III positions to Inland Fisheries and Wildlife Resource Supervisor positions.

GENERAL FUND	2019-20	2020-21
Personal Services	\$114,109	\$79,981
GENERAL FUND TOTAL	\$114,109	\$79,981

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$248,864	\$176,406
FEDERAL EXPENDITURES FUND TOTAL	\$248,864	\$176,406
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$36,098	\$24,491
OTHER SPECIAL REVENUE FUNDS TOTAL	\$36,098	\$24,491

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: Reorganizes one Inland Fisheries and Wildlife Promotional Coordinator position to a Public Service Manager II position. Transfers and reallocates the cost of the position from 16.5% Resource Management Services - Inland Fisheries and Wildlife program, General Fund, 16.5% Fisheries and Hatcheries Operations program, General Fund, 33.5% Resource Management Services - Inland Fisheries and Wildlife program, Federal Expenditures Fund, 33.5% Fisheries and Hatcheries Operations program, Federal Expenditures Fund to 70% Public Information and Education, Division of program, General Fund and 30% Public Information and Education, Division of program, Other Special Revenue Funds.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$14,526)	(\$14,591)
GENERAL FUND TOTAL	(\$14,526)	(\$14,591)
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$29,491)	(\$29,623)
FEDERAL EXPENDITURES FUND TOTAL	(\$29,491)	(\$29,623)

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: Reorganizes 3 Biologist III positions to Public Service Manager II positions by eliminating the 3 Biologist III positions and establishing 3 Public Service Manager II positions. The employees in the 3 affected Biologist III positions shall be transferred to the 3 newly established Public Service Manager II positions.

GENERAL FUND	2019-20	2020-21
Personal Services	\$3,610	\$6,445
<b>GENERAL FUND TOTAL</b>	<b>\$3,610</b>	<b>\$6,445</b>
FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$8,414	\$15,037
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$8,414</b>	<b>\$15,037</b>

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: Provides funding for the approved reclassification of one Recreational Safety and Vehicle Coordinator position to a Recreation and Emergency Response Supervisor position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$19,853	\$7,627
<b>GENERAL FUND TOTAL</b>	<b>\$19,853</b>	<b>\$7,627</b>
FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$29,781	\$11,443
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$29,781</b>	<b>\$11,443</b>

**Resource Management Services - Inland Fisheries and Wildlife 0534**

Initiative: Provides funding for the approved reclassification of one Biologist II position to a Biologist III position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$9,251	\$2,996
<b>GENERAL FUND TOTAL</b>	<b>\$9,251</b>	<b>\$2,996</b>
FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$21,589	\$6,993
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$21,589</b>	<b>\$6,993</b>

**RESOURCE MANAGEMENT SERVICES - INLAND FISHERIES AND WILDLIFE 0534**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$1,673,225	\$1,640,792
All Other	\$412,483	\$418,858
Capital Expenditures	\$10,625	\$4,250
<b>GENERAL FUND TOTAL</b>	<b>\$2,096,333</b>	<b>\$2,063,900</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	35.000	35.000
POSITIONS - FTE COUNT	4.568	4.568
Personal Services	\$3,381,606	\$3,316,188
All Other	\$2,226,250	\$2,245,375
Capital Expenditures	\$31,875	\$12,750
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,639,731</b>	<b>\$5,574,313</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$320,086	\$312,725
All Other	\$767,666	\$767,666
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,087,752</b>	<b>\$1,080,391</b>

**Search and Rescue 0538**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$371,177	\$372,060
All Other	\$120,220	\$120,220
<b>GENERAL FUND TOTAL</b>	<b>\$491,397</b>	<b>\$492,280</b>

**SEARCH AND RESCUE 0538**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$371,177	\$372,060
All Other	\$120,220	\$120,220
<b>GENERAL FUND TOTAL</b>	<b>\$491,397</b>	<b>\$492,280</b>

FEDERAL EXPENDITURES FUND TOTAL	\$3,325,000	\$3,325,000
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$83,085	\$83,085
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$83,085</b>	<b>\$83,085</b>

**Waterfowl Habitat Acquisition and Management 0561**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,525,000	\$1,525,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,525,000</b>	<b>\$1,525,000</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$83,085	\$83,085
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$83,085</b>	<b>\$83,085</b>

**Whitewater Rafting - Inland Fisheries and Wildlife 0539**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
POSITIONS - FTE COUNT	0.616	0.616
Personal Services	\$152,003	\$154,527
All Other	\$43,694	\$43,694
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$195,697</b>	<b>\$198,221</b>

**Waterfowl Habitat Acquisition and Management 0561**

Initiative: Provides funding to purchase land for wildlife habitat.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$1,800,000	\$1,800,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,800,000</b>	<b>\$1,800,000</b>

**Whitewater Rafting - Inland Fisheries and Wildlife 0539**

Initiative: Reallocates one Game Warden Specialist position from 100% Whitewater Rafting - Inland Fisheries and Wildlife program, Other Special Revenue Funds to 50% Enforcement Operations - Inland Fisheries and Wildlife Program, General Fund and 50% Whitewater Rafting - Inland Fisheries and Wildlife Program, Other Special Revenue Funds.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$57,440)	(\$57,926)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$57,440)</b>	<b>(\$57,926)</b>

**WATERFOWL HABITAT ACQUISITION AND MANAGEMENT 0561**

**PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,525,000	\$1,525,000
Capital Expenditures	\$1,800,000	\$1,800,000

**WHITewater RAFTING - INLAND FISHERIES AND WILDLIFE 0539**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000

**FIRST REGULAR SESSION - 2019**

**PUBLIC LAW, C. 343**

POSITIONS - FTE COUNT	0.616	0.616
Personal Services	\$94,563	\$96,601
All Other	\$43,694	\$43,694
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$138,257</b>	<b>\$140,295</b>

POSITIONS - LEGISLATIVE COUNT	518.500	518.500
Personal Services	\$48,640,328	\$51,327,085
All Other	\$18,037,497	\$18,037,497
<b>GENERAL FUND TOTAL</b>	<b>\$66,677,825</b>	<b>\$69,364,582</b>

**Whitewater Rafting Fund 0533**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$18,404	\$18,404
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$18,404</b>	<b>\$18,404</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.500	1.500
Personal Services	\$87,864	\$93,739
All Other	\$1,088,789	\$1,088,789
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,176,653</b>	<b>\$1,182,528</b>

**WHITEWATER RAFTING FUND 0533  
PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$18,404	\$18,404
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$18,404</b>	<b>\$18,404</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	17.000	17.000
Personal Services	\$3,726,993	\$3,971,947
All Other	\$3,889,961	\$3,889,961
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$7,616,954</b>	<b>\$7,861,908</b>

**INLAND FISHERIES AND  
WILDLIFE,  
DEPARTMENT OF  
DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>\$29,529,270</b>	<b>\$29,740,653</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$15,448,755</b>	<b>\$15,371,993</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$7,099,180</b>	<b>\$7,115,908</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$52,077,205</b>	<b>\$52,228,554</b>

**Courts - Supreme, Superior and District 0063**

Initiative: Continues one limited-period Program Specialist CIP & JV Case Processing position and one limited-period Administrative Assistant position through June 19, 2021. These positions were previously authorized in Public Law 2017, chapter 284.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$208,731	\$224,941
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$208,731</b>	<b>\$224,941</b>

**Sec. A-40. Appropriations and allocations.**  
The following appropriations and allocations are made.

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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**Courts - Supreme, Superior and District 0063**

Initiative: Continues 2 limited-period Collections Clerk positions and one Court Fine Screener position through June 19, 2021. These positions were previously authorized in Public Law 2017, chapter 284.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$233,459	\$249,881

OTHER SPECIAL	\$233,459	\$249,881
REVENUE FUNDS TOTAL		

**Courts - Supreme, Superior and District 0063**

Initiative: Continues one Service Center/Violations Bureau Assistant Clerk position and makes the position permanent. This position was previously authorized in Public Law 2017, chapter 284.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$68,198	\$73,591
OTHER SPECIAL REVENUE FUNDS TOTAL	\$68,198	\$73,591

**Courts - Supreme, Superior and District 0063**

Initiative: Continues 2 limited-period Service Center/Violations Bureau Assistant Clerk positions through June 19, 2021. These positions were previously authorized in Public Law 2017, chapter 284.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$136,396	\$147,182
OTHER SPECIAL REVENUE FUNDS TOTAL	\$136,396	\$147,182

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for an increase in the need for active retired judges.

GENERAL FUND	2019-20	2020-21
Personal Services	\$91,560	\$91,560
GENERAL FUND TOTAL	\$91,560	\$91,560

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for the increase in juror costs.

GENERAL FUND	2019-20	2020-21
All Other	\$213,842	\$213,842
GENERAL FUND TOTAL	\$213,842	\$213,842

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for an increase in psychological exam costs.

GENERAL FUND	2019-20	2020-21
All Other	\$310,502	\$310,502
GENERAL FUND TOTAL	\$310,502	\$310,502

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for the increase in the Lincoln District Court lease.

GENERAL FUND	2019-20	2020-21
All Other	\$18,928	\$18,928
GENERAL FUND TOTAL	\$18,928	\$18,928

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for increases in contracted court security.

GENERAL FUND	2019-20	2020-21
All Other	\$29,395	\$29,395
GENERAL FUND TOTAL	\$29,395	\$29,395

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding to maintain, upgrade or replace security equipment.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$70,000
GENERAL FUND TOTAL	\$0	\$70,000

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for the increase in insurance costs.

GENERAL FUND	2019-20	2020-21
All Other	\$35,128	\$35,128
GENERAL FUND TOTAL	\$35,128	\$35,128

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding to support judicial branch capital expenditures for courthouse facilities throughout the State.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$300,000	\$300,000

OTHER SPECIAL	\$300,000	\$300,000
REVENUE FUNDS TOTAL		

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for the increase in interpreter costs.

GENERAL FUND	2019-20	2020-21
All Other	\$65,500	\$50,500
GENERAL FUND TOTAL	\$65,500	\$50,500

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for facility operations increases to operate 38 facilities across the State.

GENERAL FUND	2019-20	2020-21
All Other	\$300,000	\$300,000
GENERAL FUND TOTAL	\$300,000	\$300,000

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding to meet current rates developed by the Department of Administrative and Financial Services, Office of Information Technology for network access.

GENERAL FUND	2019-20	2020-21
All Other	\$245,648	\$245,648
GENERAL FUND TOTAL	\$245,648	\$245,648

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding to meet revised State Forensic Services examiner rates.

GENERAL FUND	2019-20	2020-21
All Other	\$324,265	\$324,265
GENERAL FUND TOTAL	\$324,265	\$324,265

**Courts - Supreme, Superior and District 0063**

Initiative: Transfers funding received for active retired judges in Public Law 2017, chapter 460, Part J from All Other to Personal Services.

GENERAL FUND	2019-20	2020-21
Personal Services	\$10,800	\$10,800
All Other	(\$10,800)	(\$10,800)

GENERAL FUND TOTAL	\$0	\$0
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**Courts - Supreme, Superior and District 0063**

Initiative: Continues 7 Deputy Marshal positions and one Sergeant position established by Financial Order JJ1801 F8 and continued by JJ1900 F9.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$625,026	\$674,588
GENERAL FUND TOTAL	\$625,026	\$674,588

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for maintenance and operational fees of the case management system.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,098,360	\$1,473,360
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,098,360	\$1,473,360

**Courts - Supreme, Superior and District 0063**

Initiative: Eliminates one part-time Administrative/Data Assistant position and increases the hours of one part-time Administrative/Data Assistant position from 40 hours biweekly to 80 hours biweekly and re-allocates the position from 100% General Fund to 50% General Fund and 50% Federal Expenditures Fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	(\$240)	(\$247)
GENERAL FUND TOTAL	(\$240)	(\$247)

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
Personal Services	(\$414)	(\$431)
FEDERAL EXPENDITURES FUND TOTAL	(\$414)	(\$431)

**Courts - Supreme, Superior and District 0063**

Initiative: Continues one limited-period Facility Engineer position through June 19, 2021. This position was previously authorized in Public Law 2017, chapter 284.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$107,299	\$116,003
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$107,299</b>	<b>\$116,003</b>

**Courts - Supreme, Superior and District 0063**

Initiative: Continues 2 limited-period Court Appointed Special Advocate Legal Services Advisor positions through June 19, 2021. These positions were previously authorized in Public Law 2017, chapter 284.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$228,956	\$247,638
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$228,956</b>	<b>\$247,638</b>

**Courts - Supreme, Superior and District 0063**

Initiative: Reorganizes one Judicial Administrative Assistant to the Trial Courts position to a Law Clerk position, one Assistant Clerk position to a Financial Clerk position, one Associate Clerk position to an Administrative Clerk position, 2 Assistant Clerk positions to Associate Clerk positions, one Transcript Production Associate position to a Supervisor, Transcript Production position, one Judicial Administrative Assistant to the Chief position to a Law Clerk position, one Assistant Systems Administrator position to a Windows Administrator position, one IT Field Technician position to a Field Technician Lead position and one Deputy Marshal position to a Judicial Marshal Administrative Assistant position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$107,691	\$123,163
<b>GENERAL FUND TOTAL</b>	<b>\$107,691</b>	<b>\$123,163</b>

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for increased guardian ad litem costs due to an increase in child protection case filings.

GENERAL FUND	2019-20	2020-21
All Other	\$255,398	\$255,398

<b>GENERAL FUND TOTAL</b>	<b>\$255,398</b>	<b>\$255,398</b>
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**Courts - Supreme, Superior and District 0063**

Initiative: Continues 4 limited-period Law Clerk positions through June 19, 2021. These positions were previously authorized in Public Law 2017, chapter 284.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$371,096	\$397,652
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$371,096</b>	<b>\$397,652</b>

**Courts - Supreme, Superior and District 0063**

Initiative: Continues one Legal Publications Specialist position and makes the position permanent. This position was previously authorized in Public Law 2017, chapter 284.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$115,965	\$124,394
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$115,965</b>	<b>\$124,394</b>

**COURTS - SUPREME, SUPERIOR AND DISTRICT 0063**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	527.000	527.000
Personal Services	\$49,475,165	\$52,226,949
All Other	\$19,825,303	\$19,880,303
<b>GENERAL FUND TOTAL</b>	<b>\$69,300,468</b>	<b>\$72,107,252</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$525,137	\$565,887
All Other	\$1,088,789	\$1,088,789

	2019-20	2020-21
FEDERAL EXPENDITURES FUND TOTAL	\$1,613,926	\$1,654,676
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	19,000	19,000
Personal Services	\$4,759,406	\$5,080,650
All Other	\$4,988,321	\$5,363,321
Capital Expenditures	\$300,000	\$300,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$10,047,727</b>	<b>\$10,743,971</b>

**Judicial - Debt Service Z097**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$17,089,584	\$17,089,584
<b>GENERAL FUND TOTAL</b>	<b>\$17,089,584</b>	<b>\$17,089,584</b>

**JUDICIAL - DEBT SERVICE Z097  
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$17,089,584	\$17,089,584
<b>GENERAL FUND TOTAL</b>	<b>\$17,089,584</b>	<b>\$17,089,584</b>

**JUDICIAL DEPARTMENT  
DEPARTMENT TOTALS**

	2019-20	2020-21
GENERAL FUND	\$86,390,052	\$89,196,836
FEDERAL EXPENDITURES FUND	\$1,613,926	\$1,654,676
OTHER SPECIAL REVENUE FUNDS	\$10,047,727	\$10,743,971
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$98,051,705</b>	<b>\$101,595,483</b>

**Sec. A-41. Appropriations and allocations.**  
The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Administration - Bureau of Labor Standards 0158**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$78,315	\$80,348
All Other	\$31,350	\$31,350
<b>GENERAL FUND TOTAL</b>	<b>\$109,665</b>	<b>\$111,698</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$80,829	\$82,717
All Other	\$35,876	\$35,876

FEDERAL EXPENDITURES FUND TOTAL	\$116,705	\$118,593
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$200,000	\$200,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$200,000</b>	<b>\$200,000</b>

**Administration - Bureau of Labor Standards 0158**

Initiative: Provides funding in All Other line to align expenditures with anticipated increases in federal revenue.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$19,905	\$19,905

FEDERAL EXPENDITURES FUND TOTAL	\$19,905	\$19,905
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**Administration - Bureau of Labor Standards 0158**

Initiative: Reallocates the cost of one Director, Bureau of Labor Standards position and one Public Service Manager II position from 34.5% Administration - Bureau of Labor Standards program, General Fund, 60% Safety Education and Training Programs program, Other Special Revenue Funds and 5.5% Administration - Bureau of Labor Standards program, Federal Expenditures Fund to 34.5% Administration - Bureau of Labor Standards program, General Fund and 65.5% Safety Education and Training Programs program, Other Special Revenue Funds and adjusts All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	(\$12,487)	(\$12,807)

All Other	\$12,487	\$12,807
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FEDERAL EXPENDITURES	\$0	\$0
FUND TOTAL		

**Administration - Bureau of Labor Standards 0158**

Initiative: Transfers and reallocates the cost of one Statistical Program Supervisor position from 100% Safety Education and Training Programs program, Other Special Revenue Funds to 55% Administration - Bureau of Labor Standards program, Federal Expenditures Fund and 45% Safety Education and Training Programs program, Other Special Revenue Funds.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$42,783	\$44,818
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FEDERAL EXPENDITURES FUND TOTAL	\$42,783	\$44,818

**ADMINISTRATION - BUREAU OF LABOR STANDARDS 0158**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$78,315	\$80,348
All Other	\$31,350	\$31,350
<hr/>		
GENERAL FUND TOTAL	\$109,665	\$111,698
FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$111,125	\$114,728
All Other	\$68,268	\$68,588
<hr/>		
FEDERAL EXPENDITURES FUND TOTAL	\$179,393	\$183,316

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$200,000	\$200,000
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$200,000	\$200,000

**Administration - Labor 0030**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$214,300	\$215,745
All Other	\$282,907	\$282,907
<hr/>		
GENERAL FUND TOTAL	\$497,207	\$498,652
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$1,077,754	\$1,091,597
All Other	\$2,891,665	\$2,891,665
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,969,419	\$3,983,262

**Administration - Labor 0030**

Initiative: Establishes one Office Associate II position to provide reception services for the Department of Labor.

GENERAL FUND	2019-20	2020-21
Personal Services	\$4,991	\$5,238
<hr/>		
GENERAL FUND TOTAL	\$4,991	\$5,238
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$59,838	\$62,804
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$59,838	\$62,804

**ADMINISTRATION - LABOR 0030 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$219,291	\$220,983
All Other	\$282,907	\$282,907
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GENERAL FUND TOTAL	\$502,198	\$503,890

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$1,137,592	\$1,154,401
All Other	\$2,891,665	\$2,891,665
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,029,257</b>	<b>\$4,046,066</b>

Personal Services	\$220,260	\$223,803
All Other	(\$220,260)	(\$223,803)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$220,260)	(\$223,803)
All Other	\$220,260	\$223,803

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>
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**Blind and Visually Impaired - Division for the 0126**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$767,831	\$774,956
All Other	\$2,818,103	\$2,818,103
<b>GENERAL FUND TOTAL</b>	<b>\$3,585,934</b>	<b>\$3,593,059</b>

**Blind and Visually Impaired - Division for the 0126**

Initiative: Provides funding for contracted summer instructional services.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$14,000	\$14,000

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	21.500	21.500
Personal Services	\$2,044,235	\$2,072,548
All Other	\$2,101,425	\$2,101,425
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$4,145,660</b>	<b>\$4,173,973</b>

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$14,000</b>	<b>\$14,000</b>
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**Blind and Visually Impaired - Division for the 0126**

Initiative: Provides additional funding to contract for one Teacher for the Visually Impaired position.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$90,000	\$90,000

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$108,601	\$109,252
All Other	\$108,044	\$108,044
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$216,645</b>	<b>\$217,296</b>

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$90,000</b>	<b>\$90,000</b>
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**BLIND AND VISUALLY IMPAIRED - DIVISION FOR THE 0126**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$988,091	\$998,759
All Other	\$2,597,843	\$2,594,300

<b>GENERAL FUND TOTAL</b>	<b>\$3,585,934</b>	<b>\$3,593,059</b>
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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**Blind and Visually Impaired - Division for the 0126**

Initiative: Reallocates the cost of 5 Rehabilitation Counselor I positions from 100% Federal Expenditures Fund to 60% General Fund and 40% Federal Expenditures Fund within the same program and transfers All Other to Personal Services to fund the reallocation.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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POSITIONS - LEGISLATIVE COUNT	21.500	21.500
Personal Services	\$1,823,975	\$1,848,745
All Other	\$2,321,685	\$2,325,228
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$4,145,660</b>	<b>\$4,173,973</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$108,601	\$109,252
All Other	\$212,044	\$212,044
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$320,645</b>	<b>\$321,296</b>

**Employment Security Services 0245**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	115.000	115.000
Personal Services	\$11,085,090	\$11,381,664
All Other	\$15,700,840	\$15,700,840
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$26,785,930</b>	<b>\$27,082,504</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	50.000	50.000
Personal Services	\$1,984,545	\$2,040,267
All Other	\$1,373,146	\$1,373,146
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,357,691</b>	<b>\$3,413,413</b>

<b>EMPLOYMENT SECURITY TRUST FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$174,350,000	\$174,350,000
<b>EMPLOYMENT SECURITY TRUST FUND TOTAL</b>	<b>\$174,350,000</b>	<b>\$174,350,000</b>

**EMPLOYMENT SECURITY SERVICES 0245**

**PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	115.000	115.000
Personal Services	\$11,085,090	\$11,381,664
All Other	\$15,700,840	\$15,700,840

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$26,785,930</b>	<b>\$27,082,504</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	50.000	50.000
Personal Services	\$1,984,545	\$2,040,267
All Other	\$1,373,146	\$1,373,146

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,357,691</b>	<b>\$3,413,413</b>
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<b>EMPLOYMENT SECURITY TRUST FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$174,350,000	\$174,350,000
<b>EMPLOYMENT SECURITY TRUST FUND TOTAL</b>	<b>\$174,350,000</b>	<b>\$174,350,000</b>

**Employment Services Activity 0852**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$653,832	\$666,654
All Other	\$325,368	\$325,368

<b>GENERAL FUND TOTAL</b>	<b>\$979,200</b>	<b>\$992,022</b>
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	99.000	99.000
Personal Services	\$6,832,354	\$7,046,120
All Other	\$17,219,040	\$17,219,040

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$24,051,394</b>	<b>\$24,265,160</b>
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	15.000	15.000
Personal Services	\$1,438,123	\$1,466,914
All Other	\$1,793,591	\$1,793,591
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,231,714</b>	<b>\$3,260,505</b>

COMPETITIVE SKILLS SCHOLARSHIP FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$644,799	\$661,151
All Other	\$2,586,161	\$2,586,161
<b>COMPETITIVE SKILLS SCHOLARSHIP FUND TOTAL</b>	<b>\$3,230,960</b>	<b>\$3,247,312</b>

**Employment Services Activity 0852**

Initiative: Transfers and reallocates the cost of various positions between the General Fund, Federal Expenditures Fund, Other Special Revenue Funds and Competitive Skills Scholarship Fund within the Employment Services Activity program to better align positions with work activity. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$435)	(\$398)
<b>GENERAL FUND TOTAL</b>	<b>(\$435)</b>	<b>(\$398)</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$14,937	\$13,121
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$14,937</b>	<b>\$13,121</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(9.000)	(9.000)
Personal Services	(\$566,733)	(\$579,524)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$566,733)	(\$579,524)
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COMPETITIVE SKILLS SCHOLARSHIP FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$552,231	\$566,801

<b>COMPETITIVE SKILLS SCHOLARSHIP FUND TOTAL</b>	<b>\$552,231</b>	<b>\$566,801</b>
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**Employment Services Activity 0852**

Initiative: Reduces allocation to align with available resources.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$1,050,000)	(\$1,075,000)

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$1,050,000)</b>	<b>(\$1,075,000)</b>
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**Employment Services Activity 0852**

Initiative: Reduces allocation in the Employment Services Activity program to align with available resources.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	(\$1,300,000)	(\$1,300,000)

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$1,300,000)</b>	<b>(\$1,300,000)</b>
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**EMPLOYMENT SERVICES ACTIVITY 0852 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$653,397	\$666,256
All Other	\$325,368	\$325,368

<b>GENERAL FUND TOTAL</b>	<b>\$978,765</b>	<b>\$991,624</b>
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	105.000	105.000
Personal Services	\$6,847,291	\$7,059,241
All Other	\$15,919,040	\$15,919,040
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$22,766,331</b>	<b>\$22,978,281</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$871,390	\$887,390
All Other	\$743,591	\$718,591
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,614,981</b>	<b>\$1,605,981</b>

<b>COMPETITIVE SKILLS SCHOLARSHIP FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	7.000	7.000
Personal Services	\$1,197,030	\$1,227,952
All Other	\$2,586,161	\$2,586,161
<b>COMPETITIVE SKILLS SCHOLARSHIP FUND TOTAL</b>	<b>\$3,783,191</b>	<b>\$3,814,113</b>

**Labor Relations Board 0160**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$414,024	\$420,250
All Other	\$24,617	\$24,617
<b>GENERAL FUND TOTAL</b>	<b>\$438,641</b>	<b>\$444,867</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$95,000	\$95,000
All Other	\$45,477	\$45,477
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$140,477</b>	<b>\$140,477</b>

**LABOR RELATIONS BOARD 0160**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$414,024	\$420,250
All Other	\$24,617	\$24,617
<b>GENERAL FUND TOTAL</b>	<b>\$438,641</b>	<b>\$444,867</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$95,000	\$95,000
All Other	\$45,477	\$45,477
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$140,477</b>	<b>\$140,477</b>

**Regulation and Enforcement 0159**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$693,432	\$710,078
All Other	\$170,296	\$170,296
<b>GENERAL FUND TOTAL</b>	<b>\$863,728</b>	<b>\$880,374</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$1,075,222	\$1,089,139
All Other	\$76,731	\$76,731
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,151,953</b>	<b>\$1,165,870</b>

**Regulation and Enforcement 0159**

Initiative: Provides funding in All Other line to align expenditures with anticipated increases in federal revenue.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$36,190	\$36,190
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$36,190</b>	<b>\$36,190</b>

**Regulation and Enforcement 0159**

Initiative: Reallocates the cost of one Director Wage and Hour Division position from 100% Regulation and Enforcement program, General Fund to 92% Regulation and Enforcement program, General Fund and 8% Safety Education and Training Programs program, Other Special Revenue Funds.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$9,020)	(\$9,094)
<b>GENERAL FUND TOTAL</b>	<b>(\$9,020)</b>	<b>(\$9,094)</b>

**Regulation and Enforcement 0159**

Initiative: Provides funding for the pending reorganization of one Occupational Safety Engineer position to an Occupational Health and Safety Program Supervisor position, 2 Occupational Safety Engineer positions to Occupational Health Specialist positions and one Planning and Research Associate II position to a Substance Abuse Program Specialist position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$5,337	\$9,112
<b>GENERAL FUND TOTAL</b>	<b>\$5,337</b>	<b>\$9,112</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$8,621	\$12,473
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$8,621</b>	<b>\$12,473</b>

**Regulation and Enforcement 0159**

Initiative: Provides funding for the proposed reorganization of one Director Wage and Hour Division position to a Director Industrial Safety position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$6,101	\$9,624
<b>GENERAL FUND TOTAL</b>	<b>\$6,101</b>	<b>\$9,624</b>

**REGULATION AND ENFORCEMENT 0159**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$695,850	\$719,720
All Other	\$170,296	\$170,296

GENERAL FUND TOTAL	\$866,146	\$890,016
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$1,083,843	\$1,101,612
All Other	\$112,921	\$112,921

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,196,764</b>	<b>\$1,214,533</b>
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**Rehabilitation Services 0799**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	19.000	19.000
Personal Services	\$1,414,307	\$1,448,873
All Other	\$3,242,485	\$3,242,485

<b>GENERAL FUND TOTAL</b>	<b>\$4,656,792</b>	<b>\$4,691,358</b>
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	97.000	97.000
Personal Services	\$7,626,713	\$7,799,228
All Other	\$9,779,442	\$9,779,442

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$17,406,155</b>	<b>\$17,578,670</b>
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$73,828	\$76,227
All Other	\$209,267	\$209,267

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$283,095</b>	<b>\$285,494</b>
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**Rehabilitation Services 0799**

Initiative: Continues one limited-period Rehabilitation Services Manager position and 3 limited-period Rehabilitation Counselor I positions previously established by Public Law 2017, chapter 284, Part A through June 12, 2021 and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$327,102	\$331,235
All Other	\$1,470,482	\$1,574,059
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,797,584</b>	<b>\$1,905,294</b>

**Rehabilitation Services 0799**

Initiative: Transfers 2 Rehabilitation Counselor I positions from 100% General Fund to 100% Federal Expenditures Fund within the same program. Transfers the savings from Personal Services in the General Fund to All Other in the Federal Expenditures Fund to offset the cost to Personal Services from the transfer of the positions.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(2.000)	(2.000)
Personal Services	(\$122,157)	(\$127,461)
All Other	\$122,157	\$127,461
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$122,157	\$127,461
All Other	(\$122,157)	(\$127,461)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Rehabilitation Services 0799**

Initiative: Provides funding for contractual counseling services performed jointly by the Department of Labor and the Department of Health and Human Services.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$181,842	\$181,842
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$181,842</b>	<b>\$181,842</b>

**Rehabilitation Services 0799**

Initiative: Establishes one Rehabilitation Consultant position.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$82,904	\$86,758
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$82,904</b>	<b>\$86,758</b>

**REHABILITATION SERVICES 0799 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	17.000	17.000
Personal Services	\$1,292,150	\$1,321,412
All Other	\$3,364,642	\$3,369,946
<b>GENERAL FUND TOTAL</b>	<b>\$4,656,792</b>	<b>\$4,691,358</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	100.000	100.000
Personal Services	\$8,158,876	\$8,344,682
All Other	\$11,127,767	\$11,226,040
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$19,286,643</b>	<b>\$19,570,722</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$73,828	\$76,227
All Other	\$391,109	\$391,109
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$464,937</b>	<b>\$467,336</b>

**Safety Education and Training Programs 0161**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	15.000	15.000
Personal Services	\$1,135,466	\$1,161,232
All Other	\$1,094,010	\$1,094,010
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,229,476</b>	<b>\$2,255,242</b>

**Safety Education and Training Programs 0161**

Initiative: Reallocates the cost of one Director Wage and Hour Division position from 100% Regulation and Enforcement program, General Fund to 92% Regulation and Enforcement program, General Fund and 8% Safety Education and Training Programs program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$9,020	\$9,094
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$9,020	\$9,094

**Safety Education and Training Programs 0161**

Initiative: Reallocates the cost of one Director, Bureau of Labor Standards position and one Public Service Manager II position from 34.5% Administration - Bureau of Labor Standards program, General Fund, 60% Safety Education and Training Programs program, Other Special Revenue Funds and 5.5% Administration - Bureau of Labor Standards program, Federal Expenditures Fund to 34.5% Administration - Bureau of Labor Standards program, General Fund and 65.5% Safety Education and Training Programs program, Other Special Revenue Funds and adjusts All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$12,487	\$12,807
All Other	(\$12,487)	(\$12,807)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**Safety Education and Training Programs 0161**

Initiative: Provides funding for the pending reorganization of one Occupational Safety Engineer position to an Occupational Health and Safety Program Supervisor position, 2 Occupational Safety Engineer positions to Occupational Health Specialist positions and one Planning and Research Associate II position to a Substance Abuse Program Specialist position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$5,959	\$5,914
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,959	\$5,914

**Safety Education and Training Programs 0161**

Initiative: Provides funding for the proposed reorganization of one Director Wage and Hour Division position to a Director Industrial Safety position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$532	\$836
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$532	\$836

**Safety Education and Training Programs 0161**

Initiative: Transfers and reallocates the cost of one Statistical Program Supervisor position from 100% Safety Education and Training Programs program, Other Special Revenue Funds to 55% Administration - Bureau of Labor Standards program, Federal Expenditures Fund and 45% Safety Education and Training Programs program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$42,783)	(\$44,818)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$42,783)	(\$44,818)

**Safety Education and Training Programs 0161**

Initiative: Establishes one Staff Development Coordinator position and reduces All Other to fund the position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$89,672	\$94,010
All Other	(\$89,672)	(\$94,010)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**SAFETY EDUCATION AND TRAINING PROGRAMS 0161 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	15,000	15,000
Personal Services	\$1,210,353	\$1,239,075

All Other	\$991,851	\$987,193
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,202,204	\$2,226,268

**State Workforce Investment Board Z158**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$352,992	\$360,711
All Other	\$52,751	\$52,751
FEDERAL EXPENDITURES FUND TOTAL	\$405,743	\$413,462

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$81,708	\$81,708
OTHER SPECIAL REVENUE FUNDS TOTAL	\$81,708	\$81,708

**State Workforce Investment Board Z158**

Initiative: Reduces allocation to reflect a decrease in funding support provided by other state agencies to the State Workforce Investment Board program.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$78,708)	(\$78,708)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$78,708)	(\$78,708)

**STATE WORKFORCE INVESTMENT BOARD Z158**

**PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$352,992	\$360,711
All Other	\$52,751	\$52,751
FEDERAL EXPENDITURES FUND TOTAL	\$405,743	\$413,462

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$3,000	\$3,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,000	\$3,000

**Workforce Research Z164**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$164,058	\$168,778
All Other	\$184,011	\$184,011
GENERAL FUND TOTAL	\$348,069	\$352,789

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16.500	16.500
Personal Services	\$1,446,655	\$1,481,379
All Other	\$1,030,681	\$1,030,681
FEDERAL EXPENDITURES FUND TOTAL	\$2,477,336	\$2,512,060

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$54,379	\$54,379
OTHER SPECIAL REVENUE FUNDS TOTAL	\$54,379	\$54,379

**Workforce Research Z164**

Initiative: Transfers and reallocates the cost of one Senior Economic Research Analyst position from 100% Federal Expenditures Fund to 80% General Fund and 20% Federal Expenditures Fund and transfers one vacant Statistical Program Supervisor position from the General Fund to the Federal Expenditures Fund within the same program. Also adjusts the Personal Services savings to All Other.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$15,843)	(\$16,562)
All Other	\$15,843	\$16,562
GENERAL FUND TOTAL	\$0	\$0

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$15,843	\$16,562
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$15,843</b>	<b>\$16,562</b>

**WORKFORCE RESEARCH Z164 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$148,215	\$152,216
All Other	\$199,854	\$200,573
<b>GENERAL FUND TOTAL</b>	<b>\$348,069</b>	<b>\$352,789</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16.500	16.500
Personal Services	\$1,462,498	\$1,497,941
All Other	\$1,030,681	\$1,030,681
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,493,179</b>	<b>\$2,528,622</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$54,379	\$54,379
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$54,379</b>	<b>\$54,379</b>

LABOR, DEPARTMENT OF DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$11,486,210	\$11,579,301
FEDERAL EXPENDITURES FUND	\$77,259,643	\$78,145,413
OTHER SPECIAL REVENUE FUNDS	\$12,387,571	\$12,478,216
EMPLOYMENT SECURITY TRUST FUND	\$174,350,000	\$174,350,000
COMPETITIVE SKILLS SCHOLARSHIP FUND	\$3,783,191	\$3,814,113

DEPARTMENT TOTAL - ALL FUNDS	2019-20	2020-21
	\$279,266,615	\$280,367,043

**Sec. A-42. Appropriations and allocations.**  
The following appropriations and allocations are made.

**LAW AND LEGISLATIVE REFERENCE LIBRARY**

**Law and Legislative Reference Library 0636**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	14.000	14.000
Personal Services	\$1,310,661	\$1,354,004
All Other	\$356,757	\$356,757
<b>GENERAL FUND TOTAL</b>	<b>\$1,667,418</b>	<b>\$1,710,761</b>

**LAW AND LEGISLATIVE REFERENCE LIBRARY 0636**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	14.000	14.000
Personal Services	\$1,310,661	\$1,354,004
All Other	\$356,757	\$356,757
<b>GENERAL FUND TOTAL</b>	<b>\$1,667,418</b>	<b>\$1,710,761</b>

**Sec. A-43. Appropriations and allocations.**  
The following appropriations and allocations are made.

**LEGISLATURE**

**Citizen Trade Policy Commission Z173**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
Personal Services	\$1,320	\$1,320
All Other	\$36,300	\$26,300
<b>GENERAL FUND TOTAL</b>	<b>\$37,620</b>	<b>\$27,620</b>

**CITIZEN TRADE POLICY COMMISSION Z173**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
Personal Services	\$1,320	\$1,320

All Other	\$36,300	\$26,300
GENERAL FUND TOTAL	\$37,620	\$27,620

**Interstate Cooperation - Commission on 0053**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$209,557	\$209,557
GENERAL FUND TOTAL	\$209,557	\$209,557

**INTERSTATE COOPERATION - COMMISSION ON 0053**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$209,557	\$209,557
GENERAL FUND TOTAL	\$209,557	\$209,557

**Legislative Apportionment Commission 0722**

Initiative: Provides funding due to the constitutional requirement that House and Senate districts be apportioned in 2021 and that the Legislature establish a budget for the apportioning commission to conduct its work.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$0	\$24,000
All Other	\$0	\$256,000
GENERAL FUND TOTAL	\$0	\$280,000

**LEGISLATIVE APPORTIONMENT COMMISSION 0722**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$0	\$24,000
All Other	\$0	\$256,000
GENERAL FUND TOTAL	\$0	\$280,000

**Legislature 0081**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	151.500	151.500
POSITIONS - FTE COUNT	29.946	29.946

Personal Services	\$22,941,534	\$24,910,264
All Other	\$4,209,368	\$4,569,132
GENERAL FUND TOTAL	\$27,150,902	\$29,479,396

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$10,000	\$10,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,000	\$10,000

**Legislature 0081**

Initiative: Provides funding for Department of Administrative and Financial Services, Office of Information Technology charges to connect security cameras, sensors and other devices to the network.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$22,902	\$22,902
GENERAL FUND TOTAL	\$22,902	\$22,902

**Legislature 0081**

Initiative: Establishes one Legislative Aide position.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$74,920	\$81,599
GENERAL FUND TOTAL	\$74,920	\$81,599

**Legislature 0081**

Initiative: Establishes one Senior Systems Support Coordinator position.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$83,375	\$96,249
GENERAL FUND TOTAL	\$83,375	\$96,249

**Legislature 0081**

Initiative: Establishes one Digital Director position.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000

**FIRST REGULAR SESSION - 2019**

**PUBLIC LAW, C. 343**

Personal Services	\$74,920	\$81,599
<b>GENERAL FUND TOTAL</b>	<b>\$74,920</b>	<b>\$81,599</b>

All Other	\$67,834	\$67,834
<b>GENERAL FUND TOTAL</b>	<b>\$67,834</b>	<b>\$67,834</b>

**Legislature 0081**

Initiative: Increases the number of weeks authorized for one Executive Secretary position from 42 to 52 weeks.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
POSITIONS - FTE COUNT	(0.808)	(0.808)
Personal Services	\$8,792	\$9,195
<b>GENERAL FUND TOTAL</b>	<b>\$8,792</b>	<b>\$9,195</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**STATE HOUSE AND CAPITOL PARK COMMISSION 0615 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$67,834	\$67,834
<b>GENERAL FUND TOTAL</b>	<b>\$67,834</b>	<b>\$67,834</b>

**Legislature 0081**

Initiative: Provides one-time funds for an independent review of Maine's early childhood special education services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$200,000	\$300,000
<b>GENERAL FUND TOTAL</b>	<b>\$200,000</b>	<b>\$300,000</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**LEGISLATURE 0081 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	155.500	155.500
POSITIONS - FTE COUNT	29.138	29.138
Personal Services	\$23,183,541	\$25,178,906
All Other	\$4,432,270	\$4,892,034
<b>GENERAL FUND TOTAL</b>	<b>\$27,615,811</b>	<b>\$30,070,940</b>

**Study Commissions - Funding 0444**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$3,725	\$3,725
All Other	\$6,275	\$6,275
<b>GENERAL FUND TOTAL</b>	<b>\$10,000</b>	<b>\$10,000</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$10,000	\$10,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$10,000</b>	<b>\$10,000</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**State House and Capitol Park Commission 0615**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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**STUDY COMMISSIONS - FUNDING 0444 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$3,725	\$3,725
All Other	\$6,275	\$6,275

GENERAL FUND TOTAL	\$10,000	\$10,000
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

**Uniform State Laws - Commission on 0242**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$10,000	\$10,000
GENERAL FUND TOTAL	\$10,000	\$10,000

**UNIFORM STATE LAWS - COMMISSION ON 0242**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$10,000	\$10,000
GENERAL FUND TOTAL	\$10,000	\$10,000

<b>LEGISLATURE DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	\$27,950,822	\$30,675,951
OTHER SPECIAL REVENUE FUNDS	\$11,000	\$11,000
DEPARTMENT TOTAL - ALL FUNDS	\$27,961,822	\$30,686,951

**Sec. A-44. Appropriations and allocations.**  
The following appropriations and allocations are made.

**LIBRARY, MAINE STATE**

**Administration - Library 0215**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$163,786	\$164,543
All Other	\$85,938	\$85,938

GENERAL FUND TOTAL	\$249,724	\$250,481
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**ADMINISTRATION - LIBRARY 0215**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$163,786	\$164,543
All Other	\$85,938	\$85,938

GENERAL FUND TOTAL	\$249,724	\$250,481
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**Maine Public Library Fund Z144**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$32,000	\$32,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$32,000	\$32,000

**Maine Public Library Fund Z144**

Initiative: Provides funding to align increase in revenue collections.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$20,000	\$20,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,000	\$20,000

**MAINE PUBLIC LIBRARY FUND Z144**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$52,000	\$52,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$52,000	\$52,000

**Maine State Library 0217**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	29.000	29.000

Personal Services	\$2,239,545	\$2,262,437
All Other	\$909,225	\$909,225
<b>GENERAL FUND TOTAL</b>	<b>\$3,148,770</b>	<b>\$3,171,662</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$875,367	\$891,745
All Other	\$453,971	\$453,971
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,329,338</b>	<b>\$1,345,716</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$719,977	\$719,977
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$719,977</b>	<b>\$719,977</b>

**Maine State Library 0217**

Initiative: Provides appropriation in the Maine State Library program to modernize to radio frequency identification for the collection to enable self-scanning and stronger inventory controls.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$200,000	\$50,000
<b>GENERAL FUND TOTAL</b>	<b>\$200,000</b>	<b>\$50,000</b>

**Maine State Library 0217**

Initiative: Provides a one-time appropriation in the Maine State Library program to make enhancements to an electronic content database.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$50,000	\$50,000
<b>GENERAL FUND TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

**Maine State Library 0217**

Initiative: Provides funding for an annual federal grant award from the National Endowment for the Humanities for media digitization.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$127,000	\$127,000

FEDERAL EXPENDITURES FUND TOTAL	\$127,000	\$127,000
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**Maine State Library 0217**

Initiative: Provides funding for the full subscription and support of 13 public computers.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$20,000	\$20,000
<b>GENERAL FUND TOTAL</b>	<b>\$20,000</b>	<b>\$20,000</b>

**Maine State Library 0217**

Initiative: Provides funding for the increased costs associated with the interlibrary-lending van delivery program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$16,214	\$16,214
<b>GENERAL FUND TOTAL</b>	<b>\$16,214</b>	<b>\$16,214</b>

**Maine State Library 0217**

Initiative: Provides funding for the reorganization of one Librarian I position to a Librarian Generalist position and increases the hours from 5 hours to 80 hours biweekly.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$62,020	\$64,769
<b>GENERAL FUND TOTAL</b>	<b>\$62,020</b>	<b>\$64,769</b>

**Maine State Library 0217**

Initiative: Eliminates one part-time Customer Representative Associate I position to fund the approved reorganization of one Librarian III position to a Librarian Specialized Services position.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$216)	(\$482)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$216)</b>	<b>(\$482)</b>

**MAINE STATE LIBRARY 0217**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	30.000	30.000
Personal Services	\$2,301,565	\$2,327,206
All Other	\$1,195,439	\$1,045,439
<b>GENERAL FUND TOTAL</b>	<b>\$3,497,004</b>	<b>\$3,372,645</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$875,151	\$891,263
All Other	\$580,971	\$580,971
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,456,122</b>	<b>\$1,472,234</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$719,977	\$719,977
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$719,977</b>	<b>\$719,977</b>

**Statewide Library Information System 0185**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$242,786	\$242,786
<b>GENERAL FUND TOTAL</b>	<b>\$242,786</b>	<b>\$242,786</b>

**STATEWIDE LIBRARY INFORMATION SYSTEM 0185**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$242,786	\$242,786
<b>GENERAL FUND TOTAL</b>	<b>\$242,786</b>	<b>\$242,786</b>

**LIBRARY, MAINE STATE DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>\$3,989,514</b>	<b>\$3,865,912</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$1,456,122</b>	<b>\$1,472,234</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$771,977</b>	<b>\$771,977</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$6,217,613</b>	<b>\$6,110,123</b>
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**Sec. A-45. Appropriations and allocations.**  
The following appropriations and allocations are made.

**MAINE LOBSTER MARKETING COLLABORATIVE**

**Lobster Promotion Fund 0701**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$998,500	\$998,500

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$998,500</b>	<b>\$998,500</b>
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**Lobster Promotion Fund 0701**

Initiative: Provides funding to align allocation with projected available resources as amended by Public Law 2017, chapter 368.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,687,500	\$1,687,500

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,687,500</b>	<b>\$1,687,500</b>
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**LOBSTER PROMOTION FUND 0701**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,686,000	\$2,686,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,686,000</b>	<b>\$2,686,000</b>

**MAINE LOBSTER MARKETING COLLABORATIVE**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$2,686,000</b>	<b>\$2,686,000</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$2,686,000</b>	<b>\$2,686,000</b>
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**Sec. A-46. Appropriations and allocations.**  
The following appropriations and allocations are made.

**MAINE RURAL DEVELOPMENT AUTHORITY  
Maine Rural Development Authority 0974**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**MAINE RURAL DEVELOPMENT AUTHORITY  
0974**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Sec. A-47. Appropriations and allocations.**  
The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF  
Bureau of Marine Science 0027**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	15.000	15.000
Personal Services	\$1,539,986	\$1,568,635
All Other	\$590,528	\$590,528
<b>GENERAL FUND TOTAL</b>	<b>\$2,130,514</b>	<b>\$2,159,163</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
POSITIONS - FTE COUNT	2.000	2.000
Personal Services	\$1,663,361	\$1,689,230

All Other	\$767,824	\$767,824
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,431,185</b>	<b>\$2,457,054</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	13.000	13.000
Personal Services	\$1,276,436	\$1,311,073
All Other	\$910,225	\$910,225
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,186,661</b>	<b>\$2,221,298</b>

**Bureau of Marine Science 0027**

Initiative: Provides funding for the approved reorganization of one Public Service Executive I position to a Public Service Executive II position effective September 2017.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$4,193	\$4,968
<b>GENERAL FUND TOTAL</b>	<b>\$4,193</b>	<b>\$4,968</b>

**Bureau of Marine Science 0027**

Initiative: Reallocates the costs of one Marine Resource Scientist I position from 75% Other Special Revenue Funds and 25% Federal Expenditures Fund to 100% Other Special Revenue Funds within the same program and adjusts related All Other costs.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$21,267)	(\$22,090)
All Other	(\$760)	(\$789)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$22,027)</b>	<b>(\$22,879)</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$21,267	\$22,090
All Other	(\$87,348)	(\$90,730)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$66,081)</b>	<b>(\$68,640)</b>

**Bureau of Marine Science 0027**

Initiative: Provides funding for the approved range change of one Marine Resource Scientist IV position from range 29 to range 31 effective April 2018.

GENERAL FUND	2019-20	2020-21
Personal Services	\$17,979	\$8,491
<b>GENERAL FUND TOTAL</b>	<b>\$17,979</b>	<b>\$8,491</b>

**Bureau of Marine Science 0027**

Initiative: Provides funding for the approved range change of one Marine Resource Scientist IV position from range 29 to range 31 effective April 2018 and reallocates the cost from 75% Bureau of Marine Science program, Federal Expenditures Fund and 25% Bureau of Policy and Management program, Other Special Revenue Funds to 75% Bureau of Marine Science program, Federal Expenditures Fund and 25% Bureau of Marine Science program, General Fund and adjusts related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	\$33,540	\$30,392
<b>GENERAL FUND TOTAL</b>	<b>\$33,540</b>	<b>\$30,392</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$13,078	\$6,361
All Other	(\$13,078)	(\$6,361)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Bureau of Marine Science 0027**

Initiative: Provides funding for the approved reorganization of one Marine Resource Specialist II position to a Marine Resource Scientist I position effective June 2017.

GENERAL FUND	2019-20	2020-21
Personal Services	\$14,015	\$9,944
<b>GENERAL FUND TOTAL</b>	<b>\$14,015</b>	<b>\$9,944</b>

**Bureau of Marine Science 0027**

Initiative: Provides funding for the approved reorganization of one Marine Resource Specialist I position to a Marine Resource Specialist II position effective April 2018 and adjusts related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	\$2,887	\$1,245

GENERAL FUND TOTAL	2019-20	2020-21
	\$2,887	\$1,245
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$8,512	\$3,740
All Other	(\$8,512)	(\$3,740)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Bureau of Marine Science 0027**

Initiative: Provides funding for biosecurity upgrades to the seawater wet lab in the Boothbay Harbor lab to allow for safe research on contaminated organisms.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$155,250	\$879,750
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$155,250</b>	<b>\$879,750</b>

**Bureau of Marine Science 0027**

Initiative: Provides one-time funding for replacement of the heating, ventilation and air conditioning system and a chiller.

GENERAL FUND	2019-20	2020-21
Capital Expenditures	\$529,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$529,000</b>	<b>\$0</b>

**Bureau of Marine Science 0027**

Initiative: Provides one-time funding for the renovation of a building to create a dormitory to house Maine State Aquarium interns during the summer months.

GENERAL FUND	2019-20	2020-21
Capital Expenditures	\$150,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$150,000</b>	<b>\$0</b>

**Bureau of Marine Science 0027**

Initiative: Provides funding for an approved reorganization of one Marine Resource Specialist I position to a Marine Resource Specialist II position effective April 2018 and adjusts related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	\$2,879	\$1,235

GENERAL FUND TOTAL	\$2,879	\$1,235
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$8,480	\$3,708
All Other	(\$8,480)	(\$3,708)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**BUREAU OF MARINE SCIENCE 0027 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	15.000	15.000
Personal Services	\$1,615,479	\$1,624,910
All Other	\$590,528	\$590,528
Capital Expenditures	\$679,000	\$0
GENERAL FUND TOTAL	\$2,885,007	\$2,215,438

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	22.000	22.000
POSITIONS - FTE COUNT	2.000	2.000
Personal Services	\$1,663,684	\$1,677,241
All Other	\$745,474	\$756,934
FEDERAL EXPENDITURES FUND TOTAL	\$2,409,158	\$2,434,175

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	13.000	13.000
Personal Services	\$1,306,183	\$1,336,871
All Other	\$814,397	\$815,787
Capital Expenditures	\$155,250	\$879,750
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,275,830	\$3,032,408

**Bureau of Policy and Management 0258**  
Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$939,085	\$956,135
All Other	\$1,209,278	\$1,209,278
GENERAL FUND TOTAL	\$2,148,363	\$2,165,413

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	7.000	7.000
Personal Services	\$622,739	\$632,536
All Other	\$1,100,992	\$1,100,992
FEDERAL EXPENDITURES FUND TOTAL	\$1,723,731	\$1,733,528

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	21.000	21.000
Personal Services	\$2,181,689	\$2,226,480
All Other	\$1,047,252	\$1,047,252
OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,228,941	\$3,273,732

**Bureau of Policy and Management 0258**

Initiative: Provides funding for the approved range change of one Marine Resource Scientist IV position from range 29 to range 31 effective April 2018 and reallocates the cost from 75% Bureau of Marine Science program, Federal Expenditures Fund and 25% Bureau of Policy and Management program, Other Special Revenue Funds to 75% Bureau of Marine Science program, Federal Expenditures Fund and 25% Bureau of Marine Science program, General Fund and adjusts related All Other costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$27,293)	(\$28,272)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$27,293)	(\$28,272)

**Bureau of Policy and Management 0258**

Initiative: Adjusts funding to meet the current rates published by the Department of Administrative and

Financial Services, Office of Information Technology for rate increases.

GENERAL FUND	2019-20	2020-21
All Other	\$37,497	\$59,141
<b>GENERAL FUND TOTAL</b>	<b>\$37,497</b>	<b>\$59,141</b>

**Bureau of Policy and Management 0258**

Initiative: Provides funding for the Department of Administrative and Financial Services, natural resources service center cost.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$30,868
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$30,868</b>

**Bureau of Policy and Management 0258**

Initiative: Provides funding for the approved reorganization of one Public Service Executive I position to a Public Service Executive II position effective March 2018.

GENERAL FUND	2019-20	2020-21
Personal Services	\$20,160	\$10,805
<b>GENERAL FUND TOTAL</b>	<b>\$20,160</b>	<b>\$10,805</b>

**Bureau of Policy and Management 0258**

Initiative: Reallocates 15% of 8 Marine Patrol Officer positions and 3 Marine Patrol Specialist positions and 10% of 2 Marine Mechanic Specialist positions from the Bureau of Policy and Management program, Other Special Revenue Funds to the Marine Patrol - Bureau of program, General Fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	(\$180,625)	(\$184,261)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$180,625)</b>	<b>(\$184,261)</b>

**BUREAU OF POLICY AND MANAGEMENT 0258**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$959,245	\$966,940

All Other \$1,246,775 \$1,299,287

GENERAL FUND TOTAL \$2,206,020 \$2,266,227

**FEDERAL EXPENDITURES FUND**

POSITIONS - LEGISLATIVE COUNT 7.000 7.000  
 Personal Services \$622,739 \$632,536  
 All Other \$1,100,992 \$1,100,992

FEDERAL EXPENDITURES FUND TOTAL \$1,723,731 \$1,733,528

**OTHER SPECIAL REVENUE FUNDS**

POSITIONS - LEGISLATIVE COUNT 21.000 21.000  
 Personal Services \$1,973,771 \$2,013,947  
 All Other \$1,047,252 \$1,047,252

OTHER SPECIAL REVENUE FUNDS TOTAL \$3,021,023 \$3,061,199

**Bureau of Public Health Z154**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	18.000	18.000
Personal Services	\$1,389,476	\$1,433,574
All Other	\$425,460	\$425,460
<b>GENERAL FUND TOTAL</b>	<b>\$1,814,936</b>	<b>\$1,859,034</b>

**FEDERAL EXPENDITURES FUND**

POSITIONS - LEGISLATIVE COUNT 1.000 1.000  
 Personal Services \$192,381 \$198,282  
 All Other \$364,849 \$364,849

FEDERAL EXPENDITURES FUND TOTAL \$557,230 \$563,131

**OTHER SPECIAL REVENUE FUNDS**

POSITIONS - LEGISLATIVE COUNT 11.000 11.000

Personal Services	\$816,947	\$843,434
All Other	\$116,864	\$116,864
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$933,811</b>	<b>\$960,298</b>

**Bureau of Public Health Z154**

Initiative: Provides funding for the approved reorganization of one Microbiologist III position to a Microbiologist Supervisor position effective September 2017.

GENERAL FUND	2019-20	2020-21
Personal Services	\$18,073	\$9,949
<b>GENERAL FUND TOTAL</b>	<b>\$18,073</b>	<b>\$9,949</b>

**Bureau of Public Health Z154**

Initiative: Provides funding for STA-CAP.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$5,620	\$5,795
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$5,620</b>	<b>\$5,795</b>

**Bureau of Public Health Z154**

Initiative: Provides one-time funding for water quality lab equipment.

GENERAL FUND	2019-20	2020-21
Capital Expenditures	\$40,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$40,000</b>	<b>\$0</b>

**Bureau of Public Health Z154**

Initiative: Provides one-time funding for 2 outboard boat motors.

GENERAL FUND	2019-20	2020-21
Capital Expenditures	\$32,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$32,000</b>	<b>\$0</b>

**Bureau of Public Health Z154**

Initiative: Provides one-time funding to replace the roof on the public health lab building in Lamoine.

GENERAL FUND	2019-20	2020-21
Capital Expenditures	\$40,000	\$0

<b>GENERAL FUND TOTAL</b>	<b>\$40,000</b>	<b>\$0</b>
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**Bureau of Public Health Z154**

Initiative: Provides one-time funding for the renovation of the Lamoine public health lab building.

GENERAL FUND	2019-20	2020-21
Capital Expenditures	\$200,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$200,000</b>	<b>\$0</b>

**Bureau of Public Health Z154**

Initiative: Provides funding for the approved reorganization of one Public Service Executive I position to a Public Service Executive II position effective September 2017.

GENERAL FUND	2019-20	2020-21
Personal Services	\$4,203	\$4,977
<b>GENERAL FUND TOTAL</b>	<b>\$4,203</b>	<b>\$4,977</b>

**BUREAU OF PUBLIC HEALTH Z154 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	18,000	18,000
Personal Services	\$1,411,752	\$1,448,500
All Other	\$425,460	\$425,460
Capital Expenditures	\$312,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$2,149,212</b>	<b>\$1,873,960</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$192,381	\$198,282
All Other	\$364,849	\$364,849
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$557,230</b>	<b>\$563,131</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11,000	11,000
Personal Services	\$816,947	\$843,434

All Other	\$122,484	\$122,659
OTHER SPECIAL REVENUE FUNDS TOTAL	\$939,431	\$966,093

**Marine Patrol - Bureau of 0029**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	39.000	39.000
Personal Services	\$4,114,534	\$4,178,801
All Other	\$547,489	\$547,489
<b>GENERAL FUND TOTAL</b>	<b>\$4,662,023</b>	<b>\$4,726,290</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$269,883	\$274,777
All Other	\$120,634	\$120,634
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$390,517</b>	<b>\$395,411</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,064,969	\$1,082,462
All Other	\$1,359,369	\$1,359,369
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,424,338</b>	<b>\$2,441,831</b>

**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for the Department of Public Safety's State Police records management system.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$37,102	\$37,652
<b>GENERAL FUND TOTAL</b>	<b>\$37,102</b>	<b>\$37,652</b>

**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for the approved reclassification of 2 Office Associate II positions to Office

Specialist II positions effective December 2017 and January 2018, respectively.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$20,941	\$8,995
<b>GENERAL FUND TOTAL</b>	<b>\$20,941</b>	<b>\$8,995</b>

**Marine Patrol - Bureau of 0029**

Initiative: Reallocates 15% of 8 Marine Patrol Officer positions and 3 Marine Patrol Specialist positions and 10% of 2 Marine Mechanic Specialist positions from the Bureau of Policy and Management program, Other Special Revenue Funds to the Marine Patrol - Bureau of program, General Fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$180,625	\$184,261
<b>GENERAL FUND TOTAL</b>	<b>\$180,625</b>	<b>\$184,261</b>

**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for insurance, uniforms, training, rents and minor equipment for the Bureau of Marine Patrol.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$176,387	\$176,387
<b>GENERAL FUND TOTAL</b>	<b>\$176,387</b>	<b>\$176,387</b>

**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for maintenance of Marine Patrol enforcement vessels. Funds appropriated in this initiative do not lapse but must be carried forward into the next fiscal year.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$200,000	\$200,000
<b>GENERAL FUND TOTAL</b>	<b>\$200,000</b>	<b>\$200,000</b>

**MARINE PATROL - BUREAU OF 0029 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	39.000	39.000
Personal Services	\$4,316,100	\$4,372,057
All Other	\$960,978	\$961,528
<b>GENERAL FUND TOTAL</b>	<b>\$5,277,078</b>	<b>\$5,333,585</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$269,883	\$274,777
All Other	\$120,634	\$120,634
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$390,517</b>	<b>\$395,411</b>

Initiative: Provides funding to align allocations with dedicated revenue as projected by the December 2018 Revenue Forecasting Committee report.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$15,499	\$17,107
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$15,499</b>	<b>\$17,107</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12,000	12,000
Personal Services	\$1,064,969	\$1,082,462
All Other	\$1,359,369	\$1,359,369
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,424,338</b>	<b>\$2,441,831</b>

**MAINE MARITIME ACADEMY SCHOLARSHIP FUND - CASINO Z167**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$160,861	\$162,469
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$160,861</b>	<b>\$162,469</b>

<b>MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$12,517,317</b>	<b>\$11,689,210</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$5,080,636</b>	<b>\$5,126,245</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$8,660,622</b>	<b>\$9,501,531</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$26,258,575</b>	<b>\$26,316,986</b>

**Maritime Academy - Operations 0035**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$8,857,469	\$8,857,469
<b>GENERAL FUND TOTAL</b>	<b>\$8,857,469</b>	<b>\$8,857,469</b>

**Maritime Academy - Operations 0035**

Initiative: Provides funding to cover increases in employee salaries and benefits and increases in existing undergraduate and graduate program costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$296,725	\$306,666
<b>GENERAL FUND TOTAL</b>	<b>\$296,725</b>	<b>\$306,666</b>

**Sec. A-48. Appropriations and allocations.**  
The following appropriations and allocations are made.

**MARITIME ACADEMY, MAINE**

**Maine Maritime Academy Scholarship Fund - Casino Z167**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$145,362	\$145,362
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$145,362</b>	<b>\$145,362</b>

**MARITIME ACADEMY - OPERATIONS 0035**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$9,154,194	\$9,164,135
<b>GENERAL FUND TOTAL</b>	<b>\$9,154,194</b>	<b>\$9,164,135</b>

**Maine Maritime Academy Scholarship Fund - Casino Z167**

**Maritime Academy - Schooner Bowdoin Z253**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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All Other	\$50,000	\$50,000
<b>GENERAL FUND TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

**MARITIME ACADEMY - SCHOONER BOWDOIN Z253 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$50,000	\$50,000
<b>GENERAL FUND TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

**MARITIME ACADEMY, MAINE**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$9,204,194</b>	<b>\$9,214,135</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$160,861</b>	<b>\$162,469</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$9,365,055</b>	<b>\$9,376,604</b>

**Sec. A-49. Appropriations and allocations.**  
The following appropriations and allocations are made.

**MUNICIPAL BOND BANK, MAINE**

**Maine Municipal Bond Bank - Maine Rural Water Association 0699**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$69,331	\$69,331
<b>GENERAL FUND TOTAL</b>	<b>\$69,331</b>	<b>\$69,331</b>

**MAINE MUNICIPAL BOND BANK - MAINE RURAL WATER ASSOCIATION 0699**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$69,331	\$69,331
<b>GENERAL FUND TOTAL</b>	<b>\$69,331</b>	<b>\$69,331</b>

**Sec. A-50. Appropriations and allocations.**  
The following appropriations and allocations are made.

**MUSEUM, MAINE STATE**

**Maine State Museum 0180**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	19,000	19,000
Personal Services	\$1,663,966	\$1,700,434
All Other	\$200,463	\$200,463
<b>GENERAL FUND TOTAL</b>	<b>\$1,864,429</b>	<b>\$1,900,897</b>

**OTHER SPECIAL REVENUE FUNDS**

	<b>2019-20</b>	<b>2020-21</b>
All Other	\$180,899	\$180,899
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$180,899</b>	<b>\$180,899</b>

**Maine State Museum 0180**

Initiative: Establishes one Museum Specialist II position and provides funding for associated All Other costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$79,447	\$83,229
All Other	\$3,500	\$3,500
<b>GENERAL FUND TOTAL</b>	<b>\$82,947</b>	<b>\$86,729</b>

**Maine State Museum 0180**

Initiative: Provides a one-time appropriation in the Maine State Museum program for modifications and repairs to develop a new discovery and educational area within existing Maine State Museum gallery space. Any unexpended or unencumbered funds from this project at the end of fiscal year 2019-20 may not lapse but must be carried forward to fiscal year 2020-21 to be used for the same purpose.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$100,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$100,000</b>	<b>\$0</b>

**MAINE STATE MUSEUM 0180**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	20,000	20,000

Personal Services	\$1,743,413	\$1,783,663
All Other	\$203,963	\$203,963
Capital Expenditures	\$100,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$2,047,376</b>	<b>\$1,987,626</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$180,899	\$180,899
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$180,899</b>	<b>\$180,899</b>

**Maine State Museum - Operating Fund Z179**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$6,364	\$6,555
All Other	\$28,000	\$28,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$34,364</b>	<b>\$34,555</b>

**MAINE STATE MUSEUM - OPERATING FUND Z179**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$6,364	\$6,555
All Other	\$28,000	\$28,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$34,364</b>	<b>\$34,555</b>

**Research and Collection - Museum 0174**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$130,606	\$130,606
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$130,606</b>	<b>\$130,606</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$5,027	\$5,052
All Other	\$163,238	\$163,238

OTHER SPECIAL REVENUE FUNDS TOTAL	\$168,265	\$168,290
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**RESEARCH AND COLLECTION - MUSEUM 0174**

**PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$130,606	\$130,606
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$130,606</b>	<b>\$130,606</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$5,027	\$5,052
All Other	\$163,238	\$163,238
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$168,265</b>	<b>\$168,290</b>

**MUSEUM, MAINE STATE**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$2,047,376</b>	<b>\$1,987,626</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$130,606</b>	<b>\$130,606</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$383,528</b>	<b>\$383,744</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$2,561,510</b>	<b>\$2,501,976</b>

**Sec. A-51. Appropriations and allocations.**

The following appropriations and allocations are made.

**NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION**

**Maine Joint Environmental Training Coordinating Committee 0980**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$27,950	\$27,950
<b>GENERAL FUND TOTAL</b>	<b>\$27,950</b>	<b>\$27,950</b>

**MAINE JOINT ENVIRONMENTAL TRAINING COORDINATING COMMITTEE 0980**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$27,950	\$27,950
<b>GENERAL FUND TOTAL</b>	<b>\$27,950</b>	<b>\$27,950</b>

**Sec. A-52. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PINE TREE LEGAL ASSISTANCE**

**Legal Assistance 0553**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$500,000	\$500,000
<b>GENERAL FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

**LEGAL ASSISTANCE 0553**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$500,000	\$500,000
<b>GENERAL FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

**Sec. A-53. Appropriations and allocations.**  
The following appropriations and allocations are made.

**POTATO BOARD, MAINE**

**Potato Board 0429**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$160,902	\$160,902
<b>GENERAL FUND TOTAL</b>	<b>\$160,902</b>	<b>\$160,902</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,586,129	\$1,586,129

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,586,129	\$1,586,129
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**POTATO BOARD 0429**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$160,902	\$160,902
<b>GENERAL FUND TOTAL</b>	<b>\$160,902</b>	<b>\$160,902</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,586,129	\$1,586,129

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,586,129	\$1,586,129
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**Sec. A-54. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Administrative Services - Professional and Financial Regulation 0094**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$10,030	\$10,030
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$10,030</b>	<b>\$10,030</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	9,000	9,000
Personal Services	\$969,005	\$980,468
All Other	\$4,003,175	\$4,003,175

OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,972,180	\$4,983,643
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**Administrative Services - Professional and Financial Regulation 0094**

Initiative: Provides funding for the proposed range change of one Assistant to the Commissioner position from range 29 to range 32 and related STA-CAP charges.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$10,747	\$10,916
All Other	\$40	\$40

OTHER SPECIAL REVENUE	\$10,787	\$10,956
FUNDS TOTAL		

**Administrative Services - Professional and Financial Regulation 0094**

Initiative: Establishes one Public Service Manager II position to provide technical guidance and support for the department.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$134,690	\$135,591
OTHER SPECIAL REVENUE FUNDS TOTAL	\$134,690	\$135,591

**ADMINISTRATIVE SERVICES - PROFESSIONAL AND FINANCIAL REGULATION 0094**

**PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$10,030	\$10,030
FEDERAL EXPENDITURES FUND TOTAL	\$10,030	\$10,030

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$1,114,442	\$1,126,975
All Other	\$4,003,215	\$4,003,215
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,117,657	\$5,130,190

**Bureau of Consumer Credit Protection 0091**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	15.000	15.000
Personal Services	\$1,365,606	\$1,391,703
All Other	\$766,120	\$766,120

OTHER SPECIAL REVENUE	\$2,131,726	\$2,157,823
FUNDS TOTAL		

**Bureau of Consumer Credit Protection 0091**

Initiative: Reduces funding to align allocations with projected available resources.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$216,906)	(\$216,880)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$216,906)	(\$216,880)

**BUREAU OF CONSUMER CREDIT PROTECTION 0091**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	15.000	15.000
Personal Services	\$1,365,606	\$1,391,703
All Other	\$549,214	\$549,240
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,914,820	\$1,940,943

**Dental Practice - Board of 0384**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$365,646	\$373,393
All Other	\$202,780	\$202,780
OTHER SPECIAL REVENUE FUNDS TOTAL	\$568,426	\$576,173

**DENTAL PRACTICE - BOARD OF 0384**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$365,646	\$373,393
All Other	\$202,780	\$202,780

OTHER SPECIAL REVENUE FUNDS TOTAL	\$568,426	\$576,173
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**Engineers - State Board of Licensure for Professional 0369**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$201,443	\$205,095
All Other	\$111,753	\$111,753
OTHER SPECIAL REVENUE FUNDS TOTAL	\$313,196	\$316,848

**Engineers - State Board of Licensure for Professional 0369**

Initiative: Reduces funding to align allocations with projected available resources.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$10,772)	(\$31,748)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$10,772)	(\$31,748)

**ENGINEERS - STATE BOARD OF LICENSURE FOR PROFESSIONAL 0369**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$201,443	\$205,095
All Other	\$100,981	\$80,005
OTHER SPECIAL REVENUE FUNDS TOTAL	\$302,424	\$285,100

**Financial Institutions - Bureau of 0093**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	19.000	19.000
Personal Services	\$1,919,494	\$1,947,340

All Other	\$645,359	\$645,359
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,564,853	\$2,592,699

**FINANCIAL INSTITUTIONS - BUREAU OF 0093**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	19.000	19.000
Personal Services	\$1,919,494	\$1,947,340
All Other	\$645,359	\$645,359
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,564,853	\$2,592,699

**Insurance - Bureau of 0092**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$10,000	\$10,000
FEDERAL EXPENDITURES FUND TOTAL	\$10,000	\$10,000

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	71.000	71.000
Personal Services	\$6,985,060	\$7,139,609
All Other	\$2,108,192	\$2,108,192
OTHER SPECIAL REVENUE FUNDS TOTAL	\$9,093,252	\$9,247,801

**Insurance - Bureau of 0092**

Initiative: Provides funding for the approved reorganization of one vacant Consumer Assistance Specialist position to a Senior Insurance Rate Analyst position and related STA-CAP charges.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$17,326	\$18,090
All Other	\$127	\$132

OTHER SPECIAL REVENUE	\$17,453	\$18,222
FUNDS TOTAL		

**Insurance - Bureau of 0092**

Initiative: Provides funding for the approved range change of 7 Insurance Examiner-In-Charge positions from range 28 to range 29 effective July 1, 2018 and related STA-CAP charges.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$98,852	\$28,099
All Other	\$719	\$205

OTHER SPECIAL REVENUE	\$99,571	\$28,304
FUNDS TOTAL		

**Insurance - Bureau of 0092**

Initiative: Provides funding for professional consultation services and related STA-CAP charges.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,007,280	\$1,007,280

OTHER SPECIAL REVENUE	\$1,007,280	\$1,007,280
FUNDS TOTAL		

**Insurance - Bureau of 0092**

Initiative: Provides funding for the approved range change of 4 Senior Insurance Examiner positions from range 24 to range 26 effective July 1, 2018 and related STA-CAP charges.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$38,006	\$27,240
All Other	\$277	\$198

OTHER SPECIAL REVENUE	\$38,283	\$27,438
FUNDS TOTAL		

**Insurance - Bureau of 0092**

Initiative: Provides funding for the approved range change of 5 Insurance Company Examiner positions from range 20 to range 22 effective July 1, 2018 and related STA-CAP charges.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$52,940	\$28,976
All Other	\$386	\$211

OTHER SPECIAL REVENUE	\$53,326	\$29,187
FUNDS TOTAL		

**INSURANCE - BUREAU OF 0092**

**PROGRAM SUMMARY**

**FEDERAL EXPENDITURES FUND**

All Other	\$10,000	\$10,000
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FEDERAL EXPENDITURES FUND TOTAL	\$10,000	\$10,000
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	71.000	71.000
Personal Services	\$7,192,184	\$7,242,014
All Other	\$3,116,981	\$3,116,218

OTHER SPECIAL REVENUE	\$10,309,165	\$10,358,232
FUNDS TOTAL		

**Licensing and Enforcement 0352**

Initiative: BASELINE BUDGET

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	54.000	54.000
Personal Services	\$4,652,038	\$4,733,410
All Other	\$2,130,104	\$2,130,104

OTHER SPECIAL REVENUE	\$6,782,142	\$6,863,514
FUNDS TOTAL		

**Licensing and Enforcement 0352**

Initiative: Provides funding for the proposed reorganization of one Director Office of Licensing and Registration position from range 88 to range 90 and transfers All Other to Personal Services to fund the reorganization.

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
Personal Services	\$15,984	\$16,979
All Other	(\$15,984)	(\$16,979)

OTHER SPECIAL REVENUE	\$0	\$0
FUNDS TOTAL		

**Licensing and Enforcement 0352**

Initiative: Reduces allocation in the All Other line category in the Licensing and Enforcement program to reflect increased programmatic efficiencies.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$36,433)	(\$25,799)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$36,433)</b>	<b>(\$25,799)</b>

**LICENSING AND ENFORCEMENT 0352 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	54.000	54.000
Personal Services	\$4,668,022	\$4,750,389
All Other	\$2,077,687	\$2,087,326
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$6,745,709</b>	<b>\$6,837,715</b>

**Licensure in Medicine - Board of 0376**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
POSITIONS - FTE COUNT	0.770	0.770
Personal Services	\$1,003,625	\$1,029,995
All Other	\$741,020	\$741,020
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,744,645</b>	<b>\$1,771,015</b>

**LICENSURE IN MEDICINE - BOARD OF 0376 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
POSITIONS - FTE COUNT	0.770	0.770
Personal Services	\$1,003,625	\$1,029,995
All Other	\$741,020	\$741,020

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,744,645	\$1,771,015
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**Manufactured Housing Board 0351**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$22,486	\$22,486
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$22,486</b>	<b>\$22,486</b>

**MANUFACTURED HOUSING BOARD 0351 PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$22,486	\$22,486
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$22,486</b>	<b>\$22,486</b>

**Nursing - Board of 0372**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$10,144	\$10,144
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$10,144</b>	<b>\$10,144</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$627,429	\$640,637
All Other	\$562,249	\$562,249

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,189,678	\$1,202,886
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**Nursing - Board of 0372**

Initiative: Provides funding to increase the hours of one Office Associate II position from 65 hours bi-weekly to 80 hours biweekly and reduces All Other to fund the additional hours.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$10,381	\$10,906
All Other	(\$10,381)	(\$10,906)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**NURSING - BOARD OF 0372  
PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$10,144	\$10,144
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$10,144</b>	<b>\$10,144</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$637,810	\$651,543
All Other	\$551,868	\$551,343
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,189,678</b>	<b>\$1,202,886</b>

**Office of Securities 0943**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$10,113	\$10,113
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$10,113</b>	<b>\$10,113</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16.000	16.000
Personal Services	\$1,621,821	\$1,645,874
All Other	\$422,361	\$422,361
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,044,182</b>	<b>\$2,068,235</b>

**OFFICE OF SECURITIES 0943  
PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$10,113	\$10,113
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$10,113</b>	<b>\$10,113</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16.000	16.000
Personal Services	\$1,621,821	\$1,645,874
All Other	\$422,361	\$422,361
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,044,182</b>	<b>\$2,068,235</b>

**Optometry - Board of 0385**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$50,362	\$50,729
All Other	\$34,413	\$34,413
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$84,775</b>	<b>\$85,142</b>

**Optometry - Board of 0385**

Initiative: Provides funding for a proposed reorganization of one part-time Secretary position to a part-time Office Specialist II position and transfers All Other to Personal Services to fund the reorganization.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$3,921	\$6,054
All Other	(\$3,921)	(\$6,054)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**OPTOMETRY - BOARD OF 0385**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000

Personal Services	\$54,283	\$56,783
All Other	\$30,492	\$28,359
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$84,775	\$85,142

**Osteopathic Licensure - Board of 0383**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$96,285	\$97,411
All Other	\$168,500	\$168,500
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$264,785	\$265,911

**OSTEOPATHIC LICENSURE - BOARD OF 0383**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$96,285	\$97,411
All Other	\$168,500	\$168,500
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$264,785	\$265,911

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
FEDERAL EXPENDITURES FUND	\$62,773	\$62,773
OTHER SPECIAL REVENUE FUNDS	\$32,851,119	\$33,114,241
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$32,913,892	\$33,177,014

**Sec. A-55. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, OFFICE OF**

**Office of Program Evaluation and Government Accountability 0976**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$1,212,404	\$1,254,287
All Other	\$149,088	\$149,088
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$1,361,492	\$1,403,375

**OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY 0976**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	9.000	9.000
Personal Services	\$1,212,404	\$1,254,287
All Other	\$149,088	\$149,088
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$1,361,492	\$1,403,375

**Sec. A-56. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PROPERTY TAX REVIEW, STATE BOARD OF**

**Property Tax Review - State Board of 0357**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$6,000	\$6,000
All Other	\$80,565	\$80,565
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$86,565	\$86,565

**OTHER SPECIAL REVENUE FUNDS**

	<b>2019-20</b>	<b>2020-21</b>
All Other	\$3,000	\$3,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,000	\$3,000

**PROPERTY TAX REVIEW - STATE BOARD OF 0357**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
Personal Services	\$6,000	\$6,000
All Other	\$80,565	\$80,565

GENERAL FUND TOTAL	\$86,565	\$86,565
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$3,000	\$3,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,000	\$3,000
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**Sec. A-57. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PUBLIC BROADCASTING CORPORATION, MAINE**

**Maine Public Broadcasting Corporation 0033**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$1,500,000	\$1,500,000

GENERAL FUND TOTAL	\$1,500,000	\$1,500,000
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**Maine Public Broadcasting Corporation 0033**

Initiative: Provides funding for the increased cost of technology for broadcast delivery services.

GENERAL FUND	2019-20	2020-21
All Other	\$75,000	\$150,000

GENERAL FUND TOTAL	\$75,000	\$150,000
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**MAINE PUBLIC BROADCASTING CORPORATION 0033**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$1,575,000	\$1,650,000

GENERAL FUND TOTAL	\$1,575,000	\$1,650,000
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**PUBLIC BROADCASTING CORPORATION, MAINE**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$1,575,000	\$1,650,000
DEPARTMENT TOTAL - ALL FUNDS	\$1,575,000	\$1,650,000

**Sec. A-58. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF Administration - Public Safety 0088**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$237,861	\$238,698
All Other	\$858,963	\$858,963

GENERAL FUND TOTAL	\$1,096,824	\$1,097,661
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**FEDERAL EXPENDITURES FUND**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$92,454	\$92,837
All Other	\$1,399,428	\$1,399,428

FEDERAL EXPENDITURES FUND TOTAL	\$1,491,882	\$1,492,265
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$210,428	\$211,234
All Other	\$238,207	\$238,207

OTHER SPECIAL REVENUE FUNDS TOTAL	\$448,635	\$449,441
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**Administration - Public Safety 0088**

Initiative: Provides funding for the City of Augusta to host police records management and dispatch software, one State House kiosk computer, one Eastside Campus computer and new fees of the Department of Administrative and Financial Services, Office of Information Technology for printers and cameras.

GENERAL FUND	2019-20	2020-21
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All Other	\$83	\$83
<b>GENERAL FUND TOTAL</b>	<b>\$83</b>	<b>\$83</b>

**Administration - Public Safety 0088**

Initiative: Provides funding for 2 setups for cruisers by the Department of Administrative and Financial Services, Office of Information Technology per fiscal year and replacement of outdated tasers and cameras.

GENERAL FUND	2019-20	2020-21
All Other	\$352	\$160
<b>GENERAL FUND TOTAL</b>	<b>\$352</b>	<b>\$160</b>

**Administration - Public Safety 0088**

Initiative: Transfers one Director, Maine Criminal Justice Academy position from 100% Other Special Revenue Funds to 100% General Fund within the Criminal Justice Academy program and reallocates a portion of the operating costs from Other Special Revenue Funds to General Fund to continue operations at current levels.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$5,839
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$5,839</b>

**Administration - Public Safety 0088**

Initiative: Provides funding to align allocation with existing resources.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$600,000	\$600,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$600,000</b>	<b>\$600,000</b>

**Administration - Public Safety 0088**

Initiative: Provides funding for an increase in leased space costs for the Central Maine Commerce Center.

GENERAL FUND	2019-20	2020-21
All Other	\$3,224	\$3,224
<b>GENERAL FUND TOTAL</b>	<b>\$3,224</b>	<b>\$3,224</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,034	\$1,034

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,034</b>	<b>\$1,034</b>
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**Administration - Public Safety 0088**

Initiative: Provides funding for the Department of Administrative and Financial Services, Office of Information Technology and nonstate vendor increases in technology costs.

GENERAL FUND	2019-20	2020-21
All Other	\$7,273	\$6,659
<b>GENERAL FUND TOTAL</b>	<b>\$7,273</b>	<b>\$6,659</b>

**Administration - Public Safety 0088**

Initiative: Reduces funding for processing crime scenes involving the seizure of methamphetamine laboratories and dump sites.

GENERAL FUND	2019-20	2020-21
All Other	(\$1,000)	(\$1,000)
<b>GENERAL FUND TOTAL</b>	<b>(\$1,000)</b>	<b>(\$1,000)</b>

**Administration - Public Safety 0088**

Initiative: Transfers and reallocates one Inventory and Property Associate II position and related All Other costs from 100% Highway Fund to 65% General Fund and 35% Highway Fund within the same program.

GENERAL FUND	2019-20	2020-21
All Other	\$887	\$893
<b>GENERAL FUND TOTAL</b>	<b>\$887</b>	<b>\$893</b>

**Administration - Public Safety 0088**

Initiative: Provides funding for the management-initiated reorganization of one Senior Planner position to a Contract/Grant Manager position and reallocates the position from 100% Federal Expenditures Fund to 50% Federal Expenditures Fund and 50% General Fund; reallocates one Contract/Grant Specialist position from 100% General Fund to 50% General Fund and 50% Federal Expenditures Fund; and establishes one Contract/Grant Specialist position effective October 1, 2019, funded 100% Federal Expenditures Fund, all within the same program.

GENERAL FUND	2019-20	2020-21
Personal Services	\$8,010	\$7,771
<b>GENERAL FUND TOTAL</b>	<b>\$8,010</b>	<b>\$7,771</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$61,858	\$85,337
All Other	\$200	\$250
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$62,058</b>	<b>\$85,587</b>

**ADMINISTRATION - PUBLIC SAFETY 0088  
PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$245,871	\$246,469
All Other	\$869,782	\$874,821
<b>GENERAL FUND TOTAL</b>	<b>\$1,115,653</b>	<b>\$1,121,290</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$154,312	\$178,174
All Other	\$2,000,662	\$2,000,712
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,154,974</b>	<b>\$2,178,886</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$210,428	\$211,234
All Other	\$238,207	\$238,207
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$448,635</b>	<b>\$449,441</b>

**Background Checks - Certified Nursing Assistants 0992**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$90,824	\$91,656
All Other	\$12,091	\$12,091

GENERAL FUND TOTAL	\$102,915	\$103,747
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**BACKGROUND CHECKS - CERTIFIED NURSING ASSISTANTS 0992  
PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$90,824	\$91,656
All Other	\$12,091	\$12,091
<b>GENERAL FUND TOTAL</b>	<b>\$102,915</b>	<b>\$103,747</b>

**Capitol Police - Bureau of 0101  
Initiative: BASELINE BUDGET**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	15.500	15.500
Personal Services	\$1,268,257	\$1,283,240
All Other	\$102,959	\$102,959
<b>GENERAL FUND TOTAL</b>	<b>\$1,371,216</b>	<b>\$1,386,199</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$450,000	\$454,996
All Other	\$36,793	\$36,793
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$486,793</b>	<b>\$491,789</b>

**Capitol Police - Bureau of 0101**

Initiative: Provides funding for the City of Augusta to host police records management and dispatch software, one State House kiosk computer, one Eastside Campus computer and new fees of the Department of Administrative and Financial Services, Office of Information Technology for printers and cameras.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$4,145	\$4,145
<b>GENERAL FUND TOTAL</b>	<b>\$4,145</b>	<b>\$4,145</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$5,854	\$5,854
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$5,854</b>	<b>\$5,854</b>

**Capitol Police - Bureau of 0101**

Initiative: Provides funding for 2 setups for cruisers by the Department of Administrative and Financial Services, Office of Information Technology per fiscal year and replacement of outdated tasers and cameras.

GENERAL FUND	2019-20	2020-21
All Other	\$17,600	\$8,000
<b>GENERAL FUND TOTAL</b>	<b>\$17,600</b>	<b>\$8,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$6,107	\$6,107
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$6,107</b>	<b>\$6,107</b>

**Capitol Police - Bureau of 0101**

Initiative: Provides funding for the approved reclassification of one Public Service Manager I position to a Public Service Manager II position effective November 22, 2017.

GENERAL FUND	2019-20	2020-21
Personal Services	\$35,836	\$23,558
<b>GENERAL FUND TOTAL</b>	<b>\$35,836</b>	<b>\$23,558</b>

**Capitol Police - Bureau of 0101**

Initiative: Provides funding for the increased costs of leasing law enforcement vehicles from the Department of Administrative and Financial Services, Central Fleet Management Division.

GENERAL FUND	2019-20	2020-21
All Other	\$4,257	\$273
<b>GENERAL FUND TOTAL</b>	<b>\$4,257</b>	<b>\$273</b>

**CAPITOL POLICE - BUREAU OF 0101 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	15.500	15.500
Personal Services	\$1,304,093	\$1,306,798
All Other	\$128,961	\$115,377
<b>GENERAL FUND TOTAL</b>	<b>\$1,433,054</b>	<b>\$1,422,175</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$450,000	\$454,996
All Other	\$48,754	\$48,754
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$498,754</b>	<b>\$503,750</b>

**Computer Crimes 0048**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$657,861	\$666,569
All Other	\$473,404	\$473,404
<b>GENERAL FUND TOTAL</b>	<b>\$1,131,265</b>	<b>\$1,139,973</b>

**Computer Crimes 0048**

Initiative: Provides funding for the Department of Administrative and Financial Services, Office of Information Technology and nonstate vendor increases in technology costs.

GENERAL FUND	2019-20	2020-21
All Other	\$44,017	\$44,017
<b>GENERAL FUND TOTAL</b>	<b>\$44,017</b>	<b>\$44,017</b>

**Computer Crimes 0048**

Initiative: Establishes one Senior Laboratory Scientist position, one Office Specialist I position, one Computer Forensic Analyst position and one State Police Detective position and provides funding for All Other in order to restructure the computer crimes unit to more effectively address the growing demand for digital forensic analysis and investigations of crimes involving advanced technological devices.

GENERAL FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$386,053	\$399,681
All Other	\$167,461	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$553,514</b>	<b>\$399,681</b>

**Computer Crimes 0048**

Initiative: Transfers one Computer Forensic Analyst position from the State Police program, Federal Expenditures Fund to the Computer Crimes program, General Fund and reallocates the funding in the State Police program, Federal Expenditures Fund to All Other. This transfer is part of the restructuring plan for this unit and recognizes that the current grant funding ends on September 30, 2019.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$101,516	\$106,036
<b>GENERAL FUND TOTAL</b>	<b>\$101,516</b>	<b>\$106,036</b>

**Computer Crimes 0048**

Initiative: Transfers one Computer Forensic Analyst position from the State Police program, Other Special Revenue Funds to the Computer Crimes program, General Fund and reallocates the funding in the State Police program, Other Special Revenue Funds to All Other. This transfer is part of the restructuring plan for this unit and recognizes the continuing decline in the revenue stream that supports this Other Special Revenue Funds account.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$112,025	\$112,512
<b>GENERAL FUND TOTAL</b>	<b>\$112,025</b>	<b>\$112,512</b>

**COMPUTER CRIMES 0048  
PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	12.000	12.000
Personal Services	\$1,257,455	\$1,284,798
All Other	\$684,882	\$517,421
<b>GENERAL FUND TOTAL</b>	<b>\$1,942,337</b>	<b>\$1,802,219</b>

**Consolidated Emergency Communications Z021**

Initiative: BASELINE BUDGET

<b>CONSOLIDATED EMERGENCY COMMUNICATIONS FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	65.000	65.000
Personal Services	\$5,942,393	\$6,080,658
All Other	\$616,693	\$616,693
<b>CONSOLIDATED EMERGENCY COMMUNICATIONS FUND TOTAL</b>	<b>\$6,559,086</b>	<b>\$6,697,351</b>

**Consolidated Emergency Communications Z021**

Initiative: Eliminates one Emergency Communication Specialist Supervisor position and reduces funding for related All Other.

<b>CONSOLIDATED EMERGENCY COMMUNICATIONS FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$88,513)	(\$92,021)
All Other	(\$1,584)	(\$1,647)
<b>CONSOLIDATED EMERGENCY COMMUNICATIONS FUND TOTAL</b>	<b>(\$90,097)</b>	<b>(\$93,668)</b>

**Consolidated Emergency Communications Z021**

Initiative: Provides funding for an increase in leased space costs for the Central Maine Commerce Center.

<b>CONSOLIDATED EMERGENCY COMMUNICATIONS FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$18,454	\$18,454
<b>CONSOLIDATED EMERGENCY COMMUNICATIONS FUND TOTAL</b>	<b>\$18,454</b>	<b>\$18,454</b>

**CONSOLIDATED EMERGENCY  
COMMUNICATIONS Z021**

**PROGRAM SUMMARY**

	2019-20	2020-21
<b>CONSOLIDATED EMERGENCY COMMUNICATIONS FUND</b>		
POSITIONS - LEGISLATIVE COUNT	64,000	64,000
Personal Services	\$5,853,880	\$5,988,637
All Other	\$633,563	\$633,500
<b>CONSOLIDATED EMERGENCY COMMUNICATIONS FUND TOTAL</b>	<b>\$6,487,443</b>	<b>\$6,622,137</b>

**Criminal Justice Academy 0290**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>GENERAL FUND</b>		
All Other	\$692,978	\$692,978
<b>GENERAL FUND TOTAL</b>	<b>\$692,978</b>	<b>\$692,978</b>
<b>FEDERAL EXPENDITURES FUND</b>		
All Other	\$25,000	\$25,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$25,000</b>	<b>\$25,000</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	11,000	11,000
Personal Services	\$1,021,395	\$1,034,892
All Other	\$315,931	\$315,931
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,337,326</b>	<b>\$1,350,823</b>

**Criminal Justice Academy 0290**

Initiative: Transfers one Director, Maine Criminal Justice Academy position from 100% Other Special Revenue Funds to 100% General Fund within the Criminal Justice Academy program and reallocates a portion of the operating costs from Other Special Revenue Funds to General Fund to continue operations at current levels.

GENERAL FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$151,865
All Other	\$0	\$140,099

<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$291,964</b>
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$151,865)
All Other	\$0	(\$183,666)

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>(\$335,531)</b>
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**CRIMINAL JUSTICE ACADEMY 0290 PROGRAM SUMMARY**

	2019-20	2020-21
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$151,865
All Other	\$692,978	\$833,077

<b>GENERAL FUND TOTAL</b>	<b>\$692,978</b>	<b>\$984,942</b>
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**FEDERAL EXPENDITURES FUND**

All Other	\$25,000	\$25,000
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<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$25,000</b>	<b>\$25,000</b>
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**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11.000	10.000
Personal Services	\$1,021,395	\$883,027
All Other	\$315,931	\$132,265

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,337,326</b>	<b>\$1,015,292</b>
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**Division of Building Codes and Standards Z073**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$69,178	\$72,584
All Other	\$38,404	\$38,404
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$107,582</b>	<b>\$110,988</b>

**DIVISION OF BUILDING CODES AND STANDARDS Z073**  
**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$69,178	\$72,584
All Other	\$38,404	\$38,404
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$107,582</b>	<b>\$110,988</b>

**Drug Enforcement Agency 0388**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$256,288	\$261,055
All Other	\$6,021,040	\$6,021,040
<b>GENERAL FUND TOTAL</b>	<b>\$6,277,328</b>	<b>\$6,282,095</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,265,664	\$1,265,664
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,265,664</b>	<b>\$1,265,664</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$474,297	\$474,297
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$474,297</b>	<b>\$474,297</b>

**Drug Enforcement Agency 0388**

Initiative: Provides funding for an increase in leased space costs for the Central Maine Commerce Center.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,504	\$1,504
<b>GENERAL FUND TOTAL</b>	<b>\$1,504</b>	<b>\$1,504</b>

**Drug Enforcement Agency 0388**

Initiative: Provides funding for the increase in the cost of contracted agent services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$179,546	\$272,910
<b>GENERAL FUND TOTAL</b>	<b>\$179,546</b>	<b>\$272,910</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$22,318	\$33,922
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$22,318</b>	<b>\$33,922</b>

**Drug Enforcement Agency 0388**

Initiative: Reduces funding for processing crime scenes involving the seizure of methamphetamine laboratories and dump sites.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$50,000)	(\$50,000)
<b>GENERAL FUND TOTAL</b>	<b>(\$50,000)</b>	<b>(\$50,000)</b>

**Drug Enforcement Agency 0388**

Initiative: Reduces funding to align allocation with existing resources.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$217,878)	(\$217,878)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$217,878)</b>	<b>(\$217,878)</b>

**Drug Enforcement Agency 0388**

Initiative: Provides funding for increases in contracted technology costs for undercover investigations and evidence tracking.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$33,478	\$33,428

FEDERAL EXPENDITURES	\$33,478	\$33,428
FUND TOTAL		

**Drug Enforcement Agency 0388**

Initiative: Provides funding for the increased costs of leasing law enforcement vehicles from the Department of Administrative and Financial Services, Central Fleet Management Division.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$28,940	\$32,110
<b>GENERAL FUND TOTAL</b>	<b>\$28,940</b>	<b>\$32,110</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$6,643	\$7,372

FEDERAL EXPENDITURES FUND TOTAL	\$6,643	\$7,372
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**DRUG ENFORCEMENT AGENCY 0388 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$256,288	\$261,055
All Other	\$6,181,030	\$6,277,564
<b>GENERAL FUND TOTAL</b>	<b>\$6,437,318</b>	<b>\$6,538,619</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,328,103	\$1,340,386

FEDERAL EXPENDITURES FUND TOTAL	\$1,328,103	\$1,340,386
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$256,419	\$256,419

OTHER SPECIAL REVENUE FUNDS TOTAL	\$256,419	\$256,419
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**Emergency Medical Services 0485**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$452,104	\$463,051
All Other	\$599,827	\$599,827

GENERAL FUND TOTAL	\$1,051,931	\$1,062,878
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$103,479	\$104,388
All Other	\$26,487	\$26,487

FEDERAL EXPENDITURES FUND TOTAL	\$129,966	\$130,875
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$36,152	\$37,623
All Other	\$90,200	\$90,200

OTHER SPECIAL REVENUE FUNDS TOTAL	\$126,352	\$127,823
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**Emergency Medical Services 0485**

Initiative: Provides funding for an increase in leased space costs for the Central Maine Commerce Center.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,646	\$1,646

GENERAL FUND TOTAL	\$1,646	\$1,646
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**Emergency Medical Services 0485**

Initiative: Provides funding for incremental increases in the contract for required data collection and reporting.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$12,096	\$12,096

OTHER SPECIAL REVENUE FUNDS TOTAL	\$12,096	\$12,096
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**Emergency Medical Services 0485**

Initiative: Continues one Emergency Medical Education Training Coordinator position previously estab-

lished by Financial Order 004861 F8 and continued by Financial Order 005109 F9 and makes the position permanent. Provides funding for related All Other.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$98,898	\$102,886
All Other	\$33,121	\$33,190
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$132,019</b>	<b>\$136,076</b>

**Emergency Medical Services 0485**

Initiative: Provides funding for the approved range change of one Emergency Medical Services Licensing Agent position from range 22 to range 25 retroactive to December 2016 and the reorganization of one Public Health Educator III position to an Emergency Medical Services Licensing Agent position. Also provides related All Other costs.

GENERAL FUND	2019-20	2020-21
Personal Services	\$57,819	\$15,163
<b>GENERAL FUND TOTAL</b>	<b>\$57,819</b>	<b>\$15,163</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$13,952	\$2,934
All Other	\$250	\$53
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$14,202</b>	<b>\$2,987</b>

**Emergency Medical Services 0485**

Initiative: Provides funding for the retroactive portion of the approved reclassification of one Office Associate II position to a Secretary Associate position retroactive to July 2017. The position is currently vacant and has been downgraded from a Secretary Associate position to an Office Associate II position.

GENERAL FUND	2019-20	2020-21
Personal Services	\$3,252	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$3,252</b>	<b>\$0</b>

**EMERGENCY MEDICAL SERVICES 0485**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	5,000	5,000
Personal Services	\$513,175	\$478,214
All Other	\$601,473	\$601,473
<b>GENERAL FUND TOTAL</b>	<b>\$1,114,648</b>	<b>\$1,079,687</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$202,377	\$207,274
All Other	\$59,608	\$59,677

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$261,985</b>	<b>\$266,951</b>
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$50,104	\$40,557
All Other	\$102,546	\$102,349

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$152,650</b>	<b>\$142,906</b>
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**Fire Marshal - Office of 0327**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5,000	5,000
Personal Services	\$499,778	\$505,918
All Other	\$37,871	\$37,871

<b>GENERAL FUND TOTAL</b>	<b>\$537,649</b>	<b>\$543,789</b>
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FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$101,675	\$101,675

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$101,675</b>	<b>\$101,675</b>
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	33,000	33,000
Personal Services	\$3,507,549	\$3,566,213
All Other	\$896,969	\$896,969

OTHER SPECIAL	\$4,404,518	\$4,463,182
REVENUE FUNDS TOTAL		

**Fire Marshal - Office of 0327**

Initiative: Provides funding to purchase one sedan and 2 pickup trucks in fiscal year 2019-20 and 2 sedans and one pickup truck in fiscal year 2020-21.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$76,426	\$71,186

OTHER SPECIAL	\$76,426	\$71,186
REVENUE FUNDS TOTAL		

**Fire Marshal - Office of 0327**

Initiative: Provides funding for an increase in leased space costs for the Central Maine Commerce Center.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$29,898	\$29,898

OTHER SPECIAL	\$29,898	\$29,898
REVENUE FUNDS TOTAL		

**Fire Marshal - Office of 0327**

Initiative: Provides funding to reflect current technology expenditures.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$61,675	\$61,852

OTHER SPECIAL	\$61,675	\$61,852
REVENUE FUNDS TOTAL		

**Fire Marshal - Office of 0327**

Initiative: Establishes one Public Service Coordinator II position to serve as Assistant State Fire Marshal and provides funding for related All Other and for the purchase of one cruiser for the position.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$159,380	\$160,235
All Other	\$14,648	\$11,648
Capital Expenditures	\$28,000	\$0

GENERAL FUND TOTAL	\$202,028	\$171,883
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**Fire Marshal - Office of 0327**

Initiative: Provides funding for the approved reclassification of one Fire Investigator position to a Senior Fire Investigator position retroactive to October 2017.

GENERAL FUND	2019-20	2020-21
Personal Services	\$21,660	\$10,551
GENERAL FUND TOTAL	\$21,660	\$10,551

**FIRE MARSHAL - OFFICE OF 0327 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$680,818	\$676,704
All Other	\$52,519	\$49,519
Capital Expenditures	\$28,000	\$0
GENERAL FUND TOTAL	\$761,337	\$726,223

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$101,675	\$101,675
FEDERAL EXPENDITURES FUND TOTAL	\$101,675	\$101,675

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	33.000	33.000
Personal Services	\$3,507,549	\$3,566,213
All Other	\$988,542	\$988,719
Capital Expenditures	\$76,426	\$71,186

OTHER SPECIAL	\$4,572,517	\$4,626,118
REVENUE FUNDS TOTAL		

**Gambling Control Board Z002**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	17.000	17.000
Personal Services	\$1,390,664	\$1,403,945
All Other	\$4,442	\$4,442

GENERAL FUND TOTAL	\$1,395,106	\$1,408,387
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$70,079	\$70,522
All Other	\$5,941,570	\$5,941,570
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$6,011,649</b>	<b>\$6,012,092</b>

**Gambling Control Board Z002**

Initiative: Provides funding for an increase in leased space costs for the Central Maine Commerce Center.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$9,565	\$9,565
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$9,565</b>	<b>\$9,565</b>

**Gambling Control Board Z002**

Initiative: Adjusts funding to align allocations with projected revenues per the Revenue Forecasting Committee.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$2,215,972	\$2,289,240
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,215,972</b>	<b>\$2,289,240</b>

**GAMBLING CONTROL BOARD Z002 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	17,000	17,000
Personal Services	\$1,390,664	\$1,403,945
All Other	\$4,442	\$4,442
<b>GENERAL FUND TOTAL</b>	<b>\$1,395,106</b>	<b>\$1,408,387</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$70,079	\$70,522
All Other	\$8,167,107	\$8,240,375

OTHER SPECIAL REVENUE FUNDS TOTAL	\$8,237,186	\$8,310,897
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**Highway Safety DPS 0457**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5,000	5,000
Personal Services	\$484,870	\$501,035
All Other	\$2,084,829	\$2,084,829

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,569,699</b>	<b>\$2,585,864</b>
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$30,435	\$31,728
All Other	\$114,711	\$114,711

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$145,146</b>	<b>\$146,439</b>
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**Highway Safety DPS 0457**

Initiative: Provides funding for the reorganization of 3 Recreational Safety and Vehicle Coordinator positions range 22 to 3 Highway Safety Coordinator positions range 23 and provides funding for related All Other.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$7,543	\$7,927
All Other	\$85	\$90

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$7,628</b>	<b>\$8,017</b>
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OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$1,481	\$1,530
All Other	\$17	\$17

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,498</b>	<b>\$1,547</b>
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**Highway Safety DPS 0457**

Initiative: Transfers and reallocates one Highway Safety Coordinator position and related All Other from 50% Other Special Revenue Funds and 50% Federal Expenditures Fund to 75% Federal Expenditures Fund and 25% Other Special Revenue Funds within the same program.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$15,959	\$16,630
All Other	\$181	\$188
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$16,140</b>	<b>\$16,818</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$15,959)	(\$16,630)
All Other	(\$181)	(\$188)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$16,140)</b>	<b>(\$16,818)</b>

**Highway Safety DPS 0457**

Initiative: Reduces funding to align allocation with existing resources.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$93,263)	(\$93,927)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$93,263)</b>	<b>(\$93,927)</b>

**Highway Safety DPS 0457**

Initiative: Provides funding to align allocation with existing resources.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$2,366,349	\$2,366,349
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,366,349</b>	<b>\$2,366,349</b>

**HIGHWAY SAFETY DPS 0457 PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	6.000	6.000
Personal Services	\$508,372	\$525,592
All Other	\$4,451,444	\$4,451,456
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$4,959,816</b>	<b>\$4,977,048</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	0.000
Personal Services	\$15,957	\$16,628
All Other	\$21,284	\$20,613
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$37,241</b>	<b>\$37,241</b>

**Licensing and Enforcement - Public Safety 0712**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$268,479	\$270,529
All Other	\$99,776	\$99,776
<b>GENERAL FUND TOTAL</b>	<b>\$368,255</b>	<b>\$370,305</b>

**Licensing and Enforcement - Public Safety 0712**

Initiative: Reduces funding for leased space costs in the Central Maine Commerce Center due to a reduction in the square footage being leased.

GENERAL FUND	2019-20	2020-21
All Other	(\$21,596)	(\$21,596)
<b>GENERAL FUND TOTAL</b>	<b>(\$21,596)</b>	<b>(\$21,596)</b>

**LICENSING AND ENFORCEMENT - PUBLIC SAFETY 0712 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$268,479	\$270,529
All Other	\$78,180	\$78,180

GENERAL FUND TOTAL	\$346,659	\$348,709
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**State Police 0291**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	316.500	316.500
Personal Services	\$26,504,845	\$26,847,865
All Other	\$10,737,384	\$10,737,384
<b>GENERAL FUND TOTAL</b>	<b>\$37,242,229</b>	<b>\$37,585,249</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	5.000	5.000
Personal Services	\$495,668	\$506,749
All Other	\$1,035,510	\$1,035,510
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,531,178</b>	<b>\$1,542,259</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$306,938	\$311,916
All Other	\$1,408,285	\$1,408,182
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,715,223</b>	<b>\$1,720,098</b>

**State Police 0291**

Initiative: Provides funding for the approved reclassification of one Office Assistant II position to an Office Associate II position effective August 2016 and provides funding for related All Other.

GENERAL FUND	2019-20	2020-21
Personal Services	\$7,321	\$4,594
<b>GENERAL FUND TOTAL</b>	<b>\$7,321</b>	<b>\$4,594</b>

**State Police 0291**

Initiative: Provides funding for the approved reclassification of one Accounting Associate I position to an Office Associate II position effective April 2016 and provides funding for related All Other.

GENERAL FUND	2019-20	2020-21
Personal Services	\$4,324	\$1,903

GENERAL FUND TOTAL	\$4,324	\$1,903
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**State Police 0291**

Initiative: Adjusts allocation to reflect the current level of reimbursements of overtime pay for escort and construction overtime details provided by the State Police.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$838,026	\$838,026

OTHER SPECIAL REVENUE FUNDS TOTAL	\$838,026	\$838,026
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**State Police 0291**

Initiative: Provides funding for an increase in leased space costs for the Central Maine Commerce Center.

GENERAL FUND	2019-20	2020-21
All Other	\$66,576	\$66,576

GENERAL FUND TOTAL	\$66,576	\$66,576
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**State Police 0291**

Initiative: Provides funding for the Department of Administrative and Financial Services, Office of Information Technology and nonstate vendor increases in technology costs.

GENERAL FUND	2019-20	2020-21
All Other	\$318,474	\$287,769

GENERAL FUND TOTAL	\$318,474	\$287,769
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**State Police 0291**

Initiative: Transfers and reallocates one Communications Technician position from 65% General Fund and 35% Highway Fund in the Department of Public Safety, State Police program and one Communications Technician position from 50% Highway Fund and 50% Federal Expenditures Fund in the Department of Public Safety, Traffic Safety - Commercial Vehicle Enforcement program to 100% Office of Information Services Fund in the Department of Administrative and Financial Services, Information Services program. Reduces funding for related All Other.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)

Personal Services	(\$47,666)	(\$49,981)
<b>GENERAL FUND TOTAL</b>	<b>(\$47,666)</b>	<b>(\$49,981)</b>

**State Police 0291**

Initiative: Transfers one Computer Forensic Analyst position from the State Police program, Federal Expenditures Fund to the Computer Crimes program, General Fund and reallocates the funding in the State Police program, Federal Expenditures Fund to All Other. This transfer is part of the restructuring plan for this unit and recognizes that the current grant funding ends on September 30, 2019.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$101,516)	(\$106,036)
All Other	\$101,516	\$106,036
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**State Police 0291**

Initiative: Transfers one Computer Forensic Analyst position from the State Police program, Other Special Revenue Funds to the Computer Crimes program, General Fund and reallocates the funding in the State Police program, Other Special Revenue Funds to All Other. This transfer is part of the restructuring plan for this unit and recognizes the continuing decline in the revenue stream that supports this Other Special Revenue Funds account.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$112,025)	(\$112,512)
All Other	\$112,025	\$112,512
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**State Police 0291**

Initiative: Transfers and reallocates one Inventory and Property Associate II position and related All Other costs from 100% Highway Fund to 65% General Fund and 35% Highway Fund within the same program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$44,356	\$44,648
<b>GENERAL FUND TOTAL</b>	<b>\$44,356</b>	<b>\$44,648</b>

**STATE POLICE 0291 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	316.500	316.500
Personal Services	\$26,513,180	\$26,849,029
All Other	\$11,122,434	\$11,091,729
<b>GENERAL FUND TOTAL</b>	<b>\$37,635,614</b>	<b>\$37,940,758</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$394,152	\$400,713
All Other	\$1,137,026	\$1,141,546
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,531,178</b>	<b>\$1,542,259</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$1,032,939	\$1,037,430
All Other	\$1,520,310	\$1,520,694
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,553,249</b>	<b>\$2,558,124</b>

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$349,537	\$355,212
All Other	\$6,242	\$6,242
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$355,779</b>	<b>\$361,454</b>

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Provides funding for an increase in Federal Motor Carrier Safety Administration awards.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$296,888	\$291,213
All Other	\$644,840	\$644,840
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$941,728</b>	<b>\$936,053</b>

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Transfers and reallocates one Communications Technician position from 65% General Fund and 35% Highway Fund in the Department of Public Safety, State Police program and one Communications Technician position from 50% Highway Fund and 50% Federal Expenditures Fund in the Department of Public Safety, Traffic Safety - Commercial Vehicle Enforcement program to 100% Office of Information Services Fund in the Department of Administrative and Financial Services, Information Services program. Reduces funding for related All Other.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	(\$36,664)	(\$38,444)
All Other	(\$650)	(\$681)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$37,314)</b>	<b>(\$39,125)</b>

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Provides funding for the approved range change of one Motor Carrier Inspection Supervisor position from range 20 to range 24 retroactive to June 2017 and related All Other.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$15,630	\$7,074
All Other	\$277	\$125
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$15,907</b>	<b>\$7,199</b>

**TRAFFIC SAFETY - COMMERCIAL VEHICLE ENFORCEMENT 0715 PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$625,391	\$615,055
All Other	\$650,709	\$650,526
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,276,100</b>	<b>\$1,265,581</b>

**Turnpike Enforcement 0547**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	37,000	37,000
Personal Services	\$5,565,040	\$5,619,465
All Other	\$1,116,238	\$1,116,238
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$6,681,278</b>	<b>\$6,735,703</b>

**Turnpike Enforcement 0547**

Initiative: Provides funding to purchase 10 Police Interceptor sport utility vehicles in each year of the 2020-2021 biennium.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$337,160	\$347,274
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$337,160</b>	<b>\$347,274</b>

**Turnpike Enforcement 0547**

Initiative: Reorganizes 2 State Police Trooper positions to State Police Corporal positions within the Turnpike Enforcement program.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$13,542	\$13,507
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$13,542</b>	<b>\$13,507</b>

**TURNPIKE ENFORCEMENT 0547 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	37,000	37,000

Personal Services	\$5,578,582	\$5,632,972
All Other	\$1,116,238	\$1,116,238
Capital Expenditures	\$337,160	\$347,274
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$7,031,980</b>	<b>\$7,096,484</b>

**PUBLIC SAFETY,  
DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$52,977,619</b>	<b>\$53,476,756</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$11,638,831</b>	<b>\$11,697,786</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$25,233,539</b>	<b>\$25,107,660</b>
<b>CONSOLIDATED EMERGENCY COMMUNICATIONS FUND</b>	<b>\$6,487,443</b>	<b>\$6,622,137</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$96,337,432</b>	<b>\$96,904,339</b>

**Sec. A-59. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Cost Recovery Fund Z230**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**Cost Recovery Fund Z230**

Initiative: Eliminates funding in the Cost Recovery Fund program.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$500)	(\$500)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$500)</b>	<b>(\$500)</b>

**COST RECOVERY FUND Z230**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Emergency Services Communication Bureau 0994**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	9,000	9,000
Personal Services	\$935,765	\$946,811
All Other	\$6,320,781	\$6,320,781
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$7,256,546</b>	<b>\$7,267,592</b>

**Emergency Services Communication Bureau 0994**

Initiative: Adjusts funding for technology expenditures due to an increase in rates and usage and a reduction in the geographic information systems costs in the Department of Administrative and Financial Services, Office of Information Technology costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$25,199)	(\$23,204)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$25,199)</b>	<b>(\$23,204)</b>

**EMERGENCY SERVICES COMMUNICATION BUREAU 0994**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	9,000	9,000
Personal Services	\$935,765	\$946,811
All Other	\$6,295,582	\$6,297,577
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$7,231,347</b>	<b>\$7,244,388</b>

**Oversight and Evaluation Fund Z106**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$252,660	\$252,660
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$252,660</b>	<b>\$252,660</b>

**OVERSIGHT AND EVALUATION FUND Z106 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$252,660	\$252,660
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$252,660</b>	<b>\$252,660</b>

**Public Utilities - Administrative Division 0184**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$59,458	\$59,458
All Other	\$542	\$542
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$60,000</b>	<b>\$60,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	54,500	54,500
Personal Services	\$7,051,383	\$7,276,791
All Other	\$7,440,266	\$7,440,266
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$14,491,649</b>	<b>\$14,717,057</b>

**Public Utilities - Administrative Division 0184**

Initiative: Provides funding for anticipated revenues in the prepaid wireless fee fund account based on current prepaid wireless fee rates.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$187,698	\$187,698
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$187,698</b>	<b>\$187,698</b>

**Public Utilities - Administrative Division 0184**

Initiative: Reduces funding in fiscal year 2019-20 and eliminates funding in fiscal year 2020-21 in the regional greenhouse gas initiative account.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$2,000,000)	(\$3,000,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$2,000,000)</b>	<b>(\$3,000,000)</b>

**Public Utilities - Administrative Division 0184**

Initiative: Reduces funding due to a reduction in rent.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	(\$136,675)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>(\$136,675)</b>

**Public Utilities - Administrative Division 0184**

Initiative: Increases funding for an increase in rates and usage in the Department of Administrative and Financial Services, Office of Information Technology costs in the Public Utilities Commission Regulatory Fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$37,437	\$54,855
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$37,437</b>	<b>\$54,855</b>

**PUBLIC UTILITIES - ADMINISTRATIVE DIVISION 0184 PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$59,458	\$59,458
All Other	\$542	\$542
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$60,000</b>	<b>\$60,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	54,500	54,500
Personal Services	\$7,051,383	\$7,276,791

All Other	\$5,665,401	\$4,546,144
OTHER SPECIAL REVENUE FUNDS TOTAL	\$12,716,784	\$11,822,935
<b>PUBLIC UTILITIES COMMISSION</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$60,000</b>	<b>\$60,000</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$20,200,791</b>	<b>\$19,319,983</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$20,260,791</b>	<b>\$19,379,983</b>

**Sec. A-60. Appropriations and allocations.**  
The following appropriations and allocations are made.

**RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES**

**Retirement System - Retirement Allowance Fund 0085**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$409,720	\$409,720
<b>GENERAL FUND TOTAL</b>	<b>\$409,720</b>	<b>\$409,720</b>

**Retirement System - Retirement Allowance Fund 0085**

Initiative: Adjusts funding for benefits for retired Governors and surviving spouses under the Maine Revised Statutes, Title 2, section 1-A.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$28,702	\$32,732
<b>GENERAL FUND TOTAL</b>	<b>\$28,702</b>	<b>\$32,732</b>

**Retirement System - Retirement Allowance Fund 0085**

Initiative: Adjusts funding for benefits for pre-1984 judges and surviving spouses under the Maine Revised Statutes, Title 4, section 1403.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$113,591)	(\$105,905)

<b>GENERAL FUND TOTAL</b>	<b>(\$113,591)</b>	<b>(\$105,905)</b>
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**Retirement System - Retirement Allowance Fund 0085**

Initiative: Reduces funding for benefits for pre-1984 judges and surviving spouses under the Maine Revised Statutes, Title 4, section 1403 for the 2020-2021 biennium by recognizing one-time savings achieved by using available balances from prior years.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$128,091)	(\$135,777)
<b>GENERAL FUND TOTAL</b>	<b>(\$128,091)</b>	<b>(\$135,777)</b>

**RETIREMENT SYSTEM - RETIREMENT ALLOWANCE FUND 0085**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$196,740	\$200,770
<b>GENERAL FUND TOTAL</b>	<b>\$196,740</b>	<b>\$200,770</b>

**RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$196,740</b>	<b>\$200,770</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$196,740</b>	<b>\$200,770</b>

**Sec. A-61. Appropriations and allocations.**  
The following appropriations and allocations are made.

**SACO RIVER CORRIDOR COMMISSION**

**Saco River Corridor Commission 0322**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$46,960	\$46,960
<b>GENERAL FUND TOTAL</b>	<b>\$46,960</b>	<b>\$46,960</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$45,000	\$45,000

OTHER SPECIAL	\$45,000	\$45,000
REVENUE FUNDS TOTAL		

POSITIONS - LEGISLATIVE COUNT	14,500	14,500
Personal Services	\$1,141,725	\$1,176,588
All Other	\$423,062	\$423,062

**Saco River Corridor Commission 0322**

Initiative: Provides funding to bring allocation in line with anticipated revenues.

GENERAL FUND TOTAL	\$1,564,787	\$1,599,650
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,000	\$5,000

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$27,673	\$27,673

OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,000	\$5,000
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FEDERAL EXPENDITURES FUND TOTAL	\$27,673	\$27,673
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**SACO RIVER CORRIDOR COMMISSION 0322 PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$17,730	\$17,730

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$46,960	\$46,960

OTHER SPECIAL REVENUE FUNDS TOTAL	\$17,730	\$17,730
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GENERAL FUND TOTAL	\$46,960	\$46,960
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$50,000	\$50,000

**Administration - Archives 0050**

Initiative: Provides one-time funding for a new disk shelf, including associated equipment, maintenance and installation.

OTHER SPECIAL REVENUE FUNDS TOTAL	\$50,000	\$50,000
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<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$12,796	\$0
Capital Expenditures	\$56,359	\$0

<b>SACO RIVER CORRIDOR COMMISSION DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	\$46,960	\$46,960
OTHER SPECIAL REVENUE FUNDS	\$50,000	\$50,000

GENERAL FUND TOTAL	\$69,155	\$0
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$96,960</b>	<b>\$96,960</b>
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**Administration - Archives 0050**

Initiative: Provides one-time funding for 2 new storage controllers with associated equipment to include maintenance and installation services.

**Sec. A-62. Appropriations and allocations.**  
The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF**

**Administration - Archives 0050**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$17,500	\$0
Capital Expenditures	\$44,612	\$0

GENERAL FUND TOTAL	\$62,112	\$0
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<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$14,400	\$2,400

**Administration - Archives 0050**

Initiative: Provides funding for the managed file transfer software license and annual maintenance fee.

GENERAL FUND TOTAL	\$14,400	\$2,400
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**Administration - Archives 0050**

Initiative: Provides one-time funding for the purchase of 8 laptops and 25 desktop computers that have reached the end of their 5-year life cycle.

GENERAL FUND	2019-20	2020-21
All Other	\$36,200	\$0
GENERAL FUND TOTAL	\$36,200	\$0

**Administration - Archives 0050**

Initiative: Provides one-time funding for the purchase of map cases and oversized racks for the storage of documents.

GENERAL FUND	2019-20	2020-21
Capital Expenditures	\$0	\$90,969
GENERAL FUND TOTAL	\$0	\$90,969

**Administration - Archives 0050**

Initiative: Provides funding for fuel and routine maintenance for vehicles used to transport records between facilities.

GENERAL FUND	2019-20	2020-21
All Other	\$12,000	\$12,000
GENERAL FUND TOTAL	\$12,000	\$12,000

**Administration - Archives 0050**

Initiative: Provides funding for contractors to continue the digital archive scanning project.

GENERAL FUND	2019-20	2020-21
All Other	\$273,777	\$272,733
GENERAL FUND TOTAL	\$273,777	\$272,733

**Administration - Archives 0050**

Initiative: Provides funding for the approved reclassification of one Records Center Supervisor position to an Inventory and Property Associate II Supervisor position effective May 2016.

GENERAL FUND	2019-20	2020-21
Personal Services	\$14,948	\$5,814

GENERAL FUND TOTAL	\$14,948	\$5,814
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**Administration - Archives 0050**

Initiative: Provides funding for the approved reclassification of one Inventory and Property Associate I position to an Inventory and Property Associate II position effective May 2017.

GENERAL FUND	2019-20	2020-21
Personal Services	\$3,153	\$1,835
GENERAL FUND TOTAL	\$3,153	\$1,835

**Administration - Archives 0050**

Initiative: Adjusts funding for technology costs based on the rate schedules provided by the Department of Administrative and Financial Services, Office of Information Technology.

GENERAL FUND	2019-20	2020-21
All Other	\$33,199	\$33,199
GENERAL FUND TOTAL	\$33,199	\$33,199

**Administration - Archives 0050**

Initiative: Provides funding for the Registry of Deeds conversion project.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$15,805	\$15,805
OTHER SPECIAL REVENUE FUNDS TOTAL	\$15,805	\$15,805

**Administration - Archives 0050**

Initiative: Provides funding for tort liability, property and vehicle insurance increases based on rates provided by the Department of Administrative and Financial Services, risk management division.

GENERAL FUND	2019-20	2020-21
All Other	\$1,685	\$1,685
GENERAL FUND TOTAL	\$1,685	\$1,685

**Administration - Archives 0050**

Initiative: Provides funding for the approved reclassification of 2 Inventory and Property Associate I positions to Inventory and Property Associate II positions.

GENERAL FUND	2019-20	2020-21
Personal Services	\$22,512	\$8,740
<b>GENERAL FUND TOTAL</b>	<b>\$22,512</b>	<b>\$8,740</b>

**ADMINISTRATION - ARCHIVES 0050  
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	14.500	14.500
Personal Services	\$1,182,338	\$1,192,977
All Other	\$824,619	\$745,079
Capital Expenditures	\$100,971	\$90,969
<b>GENERAL FUND TOTAL</b>	<b>\$2,107,928</b>	<b>\$2,029,025</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$27,673	\$27,673
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$27,673</b>	<b>\$27,673</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$33,535	\$33,535
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$33,535</b>	<b>\$33,535</b>

**Administration - Motor Vehicles 0077**  
Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$485,423	\$485,423
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$485,423</b>	<b>\$485,423</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$117,074	\$117,799
All Other	\$175,405	\$175,405

OTHER SPECIAL REVENUE FUNDS TOTAL	\$292,479	\$293,204
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**Administration - Motor Vehicles 0077**

Initiative: Provides one-time funding to purchase a high-speed embossing press with safety feeder and 3 dry roll coat machines for manufacturing license plates in the plate shop at the Maine State Prison in Warren.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$10,739	\$0
Capital Expenditures	\$120,102	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$130,841</b>	<b>\$0</b>

**ADMINISTRATION - MOTOR VEHICLES 0077  
PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$485,423	\$485,423
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$485,423</b>	<b>\$485,423</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$117,074	\$117,799
All Other	\$186,144	\$175,405
Capital Expenditures	\$120,102	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$423,320	\$293,204
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**Bureau of Administrative Services and Corporations 0692**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	33.000	33.000
Personal Services	\$2,649,942	\$2,707,532
All Other	\$1,768,097	\$1,768,097
<b>GENERAL FUND TOTAL</b>	<b>\$4,418,039</b>	<b>\$4,475,629</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$198,990	\$205,156
All Other	\$70,724	\$70,724
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$269,714</b>	<b>\$275,880</b>

**Bureau of Administrative Services and Corporations 0692**

Initiative: Provides one-time funding for the replacement of 35 desktop computers that will be 5 years old.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$38,500
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$38,500</b>

**Bureau of Administrative Services and Corporations 0692**

Initiative: Adjusts funding for technology costs based on the rate schedules provided by the Department of Administrative and Financial Services, Office of Information Technology.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$33,401	\$33,401
<b>GENERAL FUND TOTAL</b>	<b>\$33,401</b>	<b>\$33,401</b>

**Bureau of Administrative Services and Corporations 0692**

Initiative: Provides funding for tort liability, property and vehicle insurance increases based on rates provided by the Department of Administrative and Financial Services, risk management division.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,237	\$1,237
<b>GENERAL FUND TOTAL</b>	<b>\$1,237</b>	<b>\$1,237</b>

**Bureau of Administrative Services and Corporations 0692**

Initiative: Provides funding for the promotion, operation and coordination of programs designed to improve opportunities for women.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
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All Other	\$4,500	\$4,500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$4,500</b>	<b>\$4,500</b>

**BUREAU OF ADMINISTRATIVE SERVICES AND CORPORATIONS 0692**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	33,000	33,000
Personal Services	\$2,649,942	\$2,707,532
All Other	\$1,802,735	\$1,841,235
<b>GENERAL FUND TOTAL</b>	<b>\$4,452,677</b>	<b>\$4,548,767</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$198,990	\$205,156
All Other	\$75,224	\$75,224
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$274,214</b>	<b>\$280,380</b>

**Elections and Commissions 0693**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$10,000	\$10,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$10,000</b>	<b>\$10,000</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$50,000	\$50,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

**Elections and Commissions 0693**

Initiative: Provides funding for a 5% state match of federal funds under the federal Help America Vote Act of 2002 and the Consolidated Appropriations Act, 2018. Notwithstanding the Maine Revised Statutes, Title 5, section 1589 or any other provision of law, any unencumbered balance of this appropriation remaining

at the end of fiscal year 2019-20 may not lapse but must be carried forward to be used for the same purposes.

GENERAL FUND	2019-20	2020-21
All Other	\$156,549	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$156,549</b>	<b>\$0</b>

**Elections and Commissions 0693**

Initiative: Provides funding for the 2018 election security grant award for activities consistent with the law described in Section 906 of the federal Help America Vote Act of 2002.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,130,979	\$1,500,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,130,979</b>	<b>\$1,500,000</b>

**ELECTIONS AND COMMISSIONS 0693**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$156,549	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$156,549</b>	<b>\$0</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,140,979	\$1,510,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,140,979</b>	<b>\$1,510,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$50,000	\$50,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

**Municipal Excise Tax Reimbursement Fund 0871**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,100,000	\$1,100,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,100,000	\$1,100,000
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**MUNICIPAL EXCISE TAX REIMBURSEMENT FUND 0871**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,100,000	\$1,100,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,100,000	\$1,100,000
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**SECRETARY OF STATE, DEPARTMENT OF**

**DEPARTMENT TOTALS**

	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$6,717,154</b>	<b>\$6,577,792</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$1,654,075</b>	<b>\$2,023,096</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$1,881,069</b>	<b>\$1,757,119</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$10,252,298</b>	<b>\$10,358,007</b>
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**Sec. A-63. Appropriations and allocations.**

The following appropriations and allocations are made.

**ST. CROIX INTERNATIONAL WATERWAY COMMISSION**

**St. Croix International Waterway Commission 0576**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$25,000	\$25,000
<b>GENERAL FUND TOTAL</b>	<b>\$25,000</b>	<b>\$25,000</b>

**ST. CROIX INTERNATIONAL WATERWAY COMMISSION 0576**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$25,000	\$25,000

<b>GENERAL FUND TOTAL</b>	<b>\$25,000</b>	<b>\$25,000</b>
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**Sec. A-64. Appropriations and allocations.**  
The following appropriations and allocations are made.

**STATE HOUSE PRESERVATION AND MAINTENANCE, RESERVE FUND FOR Reserve Fund for State House Preservation and Maintenance 0975**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$800,000	\$800,000
<b>GENERAL FUND TOTAL</b>	<b>\$800,000</b>	<b>\$800,000</b>

**RESERVE FUND FOR STATE HOUSE PRESERVATION AND MAINTENANCE 0975 PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$800,000	\$800,000
<b>GENERAL FUND TOTAL</b>	<b>\$800,000</b>	<b>\$800,000</b>

**Sec. A-65. Appropriations and allocations.**  
The following appropriations and allocations are made.

**TELECOMMUNICATIONS RELAY SERVICES COUNCIL**

**Telecommunications Relay Services Council Fund Z266**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$600,000	\$600,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$600,000</b>	<b>\$600,000</b>

**TELECOMMUNICATIONS RELAY SERVICES COUNCIL FUND Z266**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$600,000	\$600,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$600,000</b>	<b>\$600,000</b>

**Sec. A-66. Appropriations and allocations.**  
The following appropriations and allocations are made.

**TREASURER OF STATE, OFFICE OF Administration - Treasury 0022**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16,000	16,000
Personal Services	\$1,405,870	\$1,449,925
All Other	\$776,277	\$776,277
<b>GENERAL FUND TOTAL</b>	<b>\$2,182,147</b>	<b>\$2,226,202</b>

**ABANDONED PROPERTY FUND**

ABANDONED PROPERTY FUND	2019-20	2020-21
All Other	\$315,454	\$315,454
<b>ABANDONED PROPERTY FUND TOTAL</b>	<b>\$315,454</b>	<b>\$315,454</b>

**Administration - Treasury 0022**

Initiative: Provides funding for the modernization of the State's unclaimed property application.

ABANDONED PROPERTY FUND	2019-20	2020-21
All Other	\$10,000	\$10,000
<b>ABANDONED PROPERTY FUND TOTAL</b>	<b>\$10,000</b>	<b>\$10,000</b>

**Administration - Treasury 0022**

Initiative: Provides funding for the approved reclassification of one Office Specialist II position to an Accounting Analyst position effective September 2018.

GENERAL FUND	2019-20	2020-21
Personal Services	\$10,256	\$5,980
<b>GENERAL FUND TOTAL</b>	<b>\$10,256</b>	<b>\$5,980</b>

**ADMINISTRATION - TREASURY 0022**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	16,000	16,000
Personal Services	\$1,416,126	\$1,455,905
All Other	\$776,277	\$776,277

GENERAL FUND TOTAL	\$2,192,403	\$2,232,182
<b>ABANDONED PROPERTY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$325,454	\$325,454
ABANDONED PROPERTY FUND TOTAL	\$325,454	\$325,454

**Debt Service - Treasury 0021**

Initiative: BASELINE BUDGET

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$106,749,206	\$106,749,206
GENERAL FUND TOTAL	\$106,749,206	\$106,749,206

<b>FEDERAL EXPENDITURES FUND ARRA</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$295,738	\$295,738
FEDERAL EXPENDITURES FUND ARRA TOTAL	\$295,738	\$295,738

**Debt Service - Treasury 0021**

Initiative: Adjusts funding levels for the Debt Service - Treasury program based upon the current debt service schedule and anticipated issuance.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$10,172,763
GENERAL FUND TOTAL	\$0	\$10,172,763

<b>FEDERAL EXPENDITURES FUND ARRA</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$217,232)	(\$295,738)
FEDERAL EXPENDITURES FUND ARRA TOTAL	(\$217,232)	(\$295,738)

**DEBT SERVICE - TREASURY 0021 PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$106,749,206	\$116,921,969

GENERAL FUND TOTAL	\$106,749,206	\$116,921,969
<b>FEDERAL EXPENDITURES FUND ARRA</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$78,506	\$0
FEDERAL EXPENDITURES FUND ARRA TOTAL	\$78,506	\$0

**Disproportionate Tax Burden Fund 0472**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$17,087,084	\$17,087,084

OTHER SPECIAL REVENUE FUNDS TOTAL	\$17,087,084	\$17,087,084
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**Disproportionate Tax Burden Fund 0472**

Initiative: Adjusts the transfer to the Local Government Fund from 5% to 3% in fiscal year 2019-20 and 3.75% in fiscal year 2020-21.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$3,956,696	\$9,270,121

OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,956,696	\$9,270,121
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**Disproportionate Tax Burden Fund 0472**

Initiative: Adjusts the transfer to the Local Government Fund from 5% to 2.5% in fiscal year 2019-20 and 3% in fiscal year 2020-21 to include May Revenue Forecast changes.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$84,488	\$61,334

OTHER SPECIAL REVENUE FUNDS TOTAL	\$84,488	\$61,334
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**DISPROPORTIONATE TAX BURDEN FUND 0472 PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$84,488	\$61,334

All Other	\$21,128,268	\$26,418,539
OTHER SPECIAL REVENUE FUNDS TOTAL	\$21,128,268	\$26,418,539

**Passamaquoddy Sales Tax Fund 0915**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$17,607	\$17,607
OTHER SPECIAL REVENUE FUNDS TOTAL	\$17,607	\$17,607

**PASSAMAQUODDY SALES TAX FUND 0915**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$17,607	\$17,607
OTHER SPECIAL REVENUE FUNDS TOTAL	\$17,607	\$17,607

**State - Municipal Revenue Sharing 0020**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$46,350,400	\$46,350,400
OTHER SPECIAL REVENUE FUNDS TOTAL	\$46,350,400	\$46,350,400

**State - Municipal Revenue Sharing 0020**

Initiative: Adjusts the transfer to the Local Government Fund from 5% to 3% in fiscal year 2019-20 and 3.75% in fiscal year 2020-21.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$38,952,989	\$71,101,593
OTHER SPECIAL REVENUE FUNDS TOTAL	\$38,952,989	\$71,101,593

**State - Municipal Revenue Sharing 0020**

Initiative: Adjusts the transfer to the Local Government Fund from 5% to 2.5% in fiscal year 2019-20 and 3% in fiscal year 2020-21 to include May Revenue Forecast changes.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$337,949	\$254,336
OTHER SPECIAL REVENUE FUNDS TOTAL	\$337,949	\$254,336

**STATE - MUNICIPAL REVENUE SHARING 0020**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$85,641,338	\$117,706,329
OTHER SPECIAL REVENUE FUNDS TOTAL	\$85,641,338	\$117,706,329

**TREASURER OF STATE, OFFICE OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$108,941,609	\$119,154,151
OTHER SPECIAL REVENUE FUNDS	\$106,787,213	\$144,142,475
FEDERAL EXPENDITURES FUND ARRA	\$78,506	\$0
ABANDONED PROPERTY FUND	\$325,454	\$325,454
DEPARTMENT TOTAL - ALL FUNDS	\$216,132,782	\$263,622,080

**Sec. A-67. Appropriations and allocations.**  
The following appropriations and allocations are made.

**UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**

**Casco Bay Estuary Project - University of Southern Maine 0983**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$35,000	\$35,000
GENERAL FUND TOTAL	\$35,000	\$35,000

**CASCO BAY ESTUARY PROJECT - UNIVERSITY OF SOUTHERN MAINE 0983**  
**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$35,000	\$35,000
<b>GENERAL FUND TOTAL</b>	<b>\$35,000</b>	<b>\$35,000</b>

**Debt Service - University of Maine System 0902**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$8,267,950	\$8,267,950
<b>GENERAL FUND TOTAL</b>	<b>\$8,267,950</b>	<b>\$8,267,950</b>

**DEBT SERVICE - UNIVERSITY OF MAINE SYSTEM 0902**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$8,267,950	\$8,267,950
<b>GENERAL FUND TOTAL</b>	<b>\$8,267,950</b>	<b>\$8,267,950</b>

**Educational and General Activities - UMS 0031**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$188,920,534	\$188,920,534
<b>GENERAL FUND TOTAL</b>	<b>\$188,920,534</b>	<b>\$188,920,534</b>

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
All Other	\$600,000	\$600,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$600,000</b>	<b>\$600,000</b>

**Educational and General Activities - UMS 0031**

Initiative: Provides additional funding for an annual increase.

GENERAL FUND	2019-20	2020-21
All Other	\$6,328,838	\$6,540,854
<b>GENERAL FUND TOTAL</b>	<b>\$6,328,838</b>	<b>\$6,540,854</b>

**Educational and General Activities - UMS 0031**

Initiative: Eliminates allocation for library subscription since services are no longer being managed by the University of Maine System.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$500,000)	(\$500,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$500,000)</b>	<b>(\$500,000)</b>

**Educational and General Activities - UMS 0031**

Initiative: Provides funding for the early college program.

GENERAL FUND	2019-20	2020-21
All Other	\$1,000,000	\$1,000,000
<b>GENERAL FUND TOTAL</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>

**Educational and General Activities - UMS 0031**

Initiative: Provides funding for the adult degree completion program.

GENERAL FUND	2019-20	2020-21
All Other	\$1,500,000	\$1,500,000
<b>GENERAL FUND TOTAL</b>	<b>\$1,500,000</b>	<b>\$1,500,000</b>

**EDUCATIONAL AND GENERAL ACTIVITIES - UMS 0031**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$197,749,372	\$197,961,388
<b>GENERAL FUND TOTAL</b>	<b>\$197,749,372</b>	<b>\$197,961,388</b>

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
All Other	\$100,000	\$100,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>

**Maine Economic Improvement Fund 0986**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$17,350,000	\$17,350,000
<b>GENERAL FUND TOTAL</b>	<b>\$17,350,000</b>	<b>\$17,350,000</b>

**MAINE ECONOMIC IMPROVEMENT FUND  
0986**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$17,350,000	\$17,350,000
<b>GENERAL FUND TOTAL</b>	<b>\$17,350,000</b>	<b>\$17,350,000</b>

**New Ventures Maine Z169**

Initiative: BASELINE BUDGET

GENERAL FUND	2019-20	2020-21
All Other	\$914,650	\$914,650
<b>GENERAL FUND TOTAL</b>	<b>\$914,650</b>	<b>\$914,650</b>

**New Ventures Maine Z169**

Initiative: Provides funding for additional staff and program capacity in unserved rural regions of Washington, Hancock, York and Cumberland counties. Also provides additional resources to reach and serve adult learners in attaining bachelor's degrees or work-force credentials.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$220,016
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$220,016</b>

**NEW VENTURES MAINE Z169**

**PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
All Other	\$914,650	\$1,134,666
<b>GENERAL FUND TOTAL</b>	<b>\$914,650</b>	<b>\$1,134,666</b>

**UM Cooperative Extension - Pesticide Education  
Z059**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**UM COOPERATIVE EXTENSION - PESTICIDE  
EDUCATION Z059**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**University of Maine Cooperative Extension Z172**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$135,000	\$135,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$135,000</b>	<b>\$135,000</b>

**UNIVERSITY OF MAINE COOPERATIVE  
EXTENSION Z172**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$135,000	\$135,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$135,000</b>	<b>\$135,000</b>

**University of Maine Scholarship Fund Z011**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$3,398,454	\$3,398,454
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,398,454</b>	<b>\$3,398,454</b>

**University of Maine Scholarship Fund Z011**

Initiative: Provides funding for scholarships per December 2018 Revenue Forecasting Committee projections.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$342,714	\$379,376
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$342,714</b>	<b>\$379,376</b>

**UNIVERSITY OF MAINE SCHOLARSHIP FUND Z011**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$3,741,168	\$3,777,830
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,741,168</b>	<b>\$3,777,830</b>

**UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$224,316,972	\$224,749,004
OTHER SPECIAL REVENUE FUNDS	\$3,976,668	\$4,013,330
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$228,293,640</b>	<b>\$228,762,334</b>

**Sec. A-68. Appropriations and allocations.** The following appropriations and allocations are made.

**WORKERS' COMPENSATION BOARD**

**Administration - Workers' Compensation Board 0183**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	107,000	107,000
Personal Services	\$9,834,473	\$9,976,497
All Other	\$2,454,650	\$2,454,650
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,289,123</b>	<b>\$12,431,147</b>

**Administration - Workers' Compensation Board 0183**

Initiative: Provides funding for increases in operational expenses.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$110,651	\$114,219
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$110,651</b>	<b>\$114,219</b>

**Administration - Workers' Compensation Board 0183**

Initiative: Provides funding for the approved reorganization of one vacant Office Assistant II position to a Clerk IV position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$12,432	\$12,735
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,432</b>	<b>\$12,735</b>

**Administration - Workers' Compensation Board 0183**

Initiative: Provides funding for the pending reorganization of one Law Clerk position to a Counsel position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$16,509	\$16,964
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$16,509</b>	<b>\$16,964</b>

**ADMINISTRATION - WORKERS' COMPENSATION BOARD 0183**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	107,000	107,000
Personal Services	\$9,863,414	\$10,006,196
All Other	\$2,565,301	\$2,568,869
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,428,715</b>	<b>\$12,575,065</b>

**Employment Rehabilitation Program 0195**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$125,000	\$125,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$125,000</b>	<b>\$125,000</b>

**EMPLOYMENT REHABILITATION PROGRAM 0195**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$125,000	\$125,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$125,000</b>	<b>\$125,000</b>

**Workers' Compensation Board 0751**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$10,000	\$10,000
All Other	\$10,820	\$10,820
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$20,820</b>	<b>\$20,820</b>

**WORKERS' COMPENSATION BOARD 0751**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$10,000	\$10,000
All Other	\$10,820	\$10,820
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$20,820</b>	<b>\$20,820</b>

**WORKERS' COMPENSATION BOARD**

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$12,574,535	\$12,720,885
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$12,574,535</b>	<b>\$12,720,885</b>

**PART B**

**Sec. B-1. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Financial and Personnel Services - Division of 0713**

Initiative: RECLASSIFICATIONS

FINANCIAL AND PERSONNEL SERVICES FUND	2019-20	2020-21
Personal Services	\$12,026	\$6,947
All Other	(\$12,026)	(\$6,947)
<b>FINANCIAL AND PERSONNEL SERVICES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Information Services 0155**

Initiative: RECLASSIFICATIONS

OFFICE OF INFORMATION SERVICES FUND	2019-20	2020-21
Personal Services	\$322,218	\$125,709
All Other	(\$322,218)	(\$125,709)
<b>OFFICE OF INFORMATION SERVICES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Risk Management - Claims 0008**

Initiative: RECLASSIFICATIONS

RISK MANAGEMENT FUND	2019-20	2020-21
Personal Services	\$27,781	\$17,805
All Other	(\$27,781)	(\$17,805)
<b>RISK MANAGEMENT FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
FINANCIAL AND PERSONNEL SERVICES FUND	\$0	\$0
OFFICE OF INFORMATION SERVICES FUND	\$0	\$0
RISK MANAGEMENT FUND	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Bureau of Agriculture 0393**

Initiative: RECLASSIFICATIONS

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$34,352	\$13,614
All Other	(\$34,352)	(\$13,614)

<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$5,305	\$5,290
All Other	\$111	\$111

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,416</b>	<b>\$5,401</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$20,743	\$12,352
All Other	\$69	\$79

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$20,812</b>	<b>\$12,431</b>
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**Land Management and Planning Z239**

Initiative: RECLASSIFICATIONS

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$35,120	\$29,990
All Other	\$620	\$648

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$35,740</b>	<b>\$30,638</b>
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**Natural Areas Program Z821**

Initiative: RECLASSIFICATIONS

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$4,158	\$1,818

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$4,158</b>	<b>\$1,818</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$12,479	\$5,456

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$12,479</b>	<b>\$5,456</b>
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**Office of the Commissioner 0401**

Initiative: RECLASSIFICATIONS

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$21,906	(\$1,332)
All Other	\$333	\$557

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$22,239</b>	<b>(\$775)</b>
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**Off-Road Recreational Vehicles Program Z224**

Initiative: RECLASSIFICATIONS

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$10,991	\$7,649
All Other	\$417	\$290

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$11,408</b>	<b>\$7,939</b>
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**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**DEPARTMENT TOTALS**

	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$9,574</b>	<b>\$7,219</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$102,678</b>	<b>\$55,689</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$112,252</b>	<b>\$62,908</b>
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**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

**Administration - Maine Emergency Management Agency 0214**

Initiative: RECLASSIFICATIONS

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$13,547	\$6,970
All Other	(\$13,547)	(\$6,970)

FEDERAL EXPENDITURES	\$0	\$0
FUND TOTAL		

All Other	(\$36,491)	(\$13,085)
FEDERAL BLOCK GRANT	\$0	\$0
FUND TOTAL		

**Military Training and Operations 0108**

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$19,344	\$12,889
FEDERAL EXPENDITURES FUND TOTAL	\$19,344	\$12,889

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
FEDERAL EXPENDITURES FUND	\$19,344	\$12,889
DEPARTMENT TOTAL - ALL FUNDS	\$19,344	\$12,889

**EDUCATION, DEPARTMENT OF  
General Purpose Aid for Local Schools 0308**

Initiative: RECLASSIFICATIONS

GENERAL FUND	2019-20	2020-21
Personal Services	\$15,789	\$10,373
All Other	(\$15,789)	(\$10,373)
GENERAL FUND TOTAL	\$0	\$0

**Learning Systems Team Z081**

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$40,569	\$18,743
All Other	(\$40,569)	(\$18,743)
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
Personal Services	\$36,491	\$13,085

**School Finance and Operations Z078**

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$17,897	\$9,148
All Other	(\$17,897)	(\$9,148)
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

**OTHER SPECIAL REVENUE FUNDS**

	2019-20	2020-21
Personal Services	\$74,348	\$25,843
All Other	(\$74,348)	(\$25,843)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**EDUCATION, DEPARTMENT OF  
DEPARTMENT TOTALS**

	2019-20	2020-21
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
FEDERAL BLOCK GRANT FUND	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Performance Partnership Grant 0851**

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$11,785	\$3,408
All Other	\$146	\$146

FEDERAL EXPENDITURES	\$11,931	\$3,554
FUND TOTAL		
<b>Remediation and Waste Management 0247</b>		
Initiative: RECLASSIFICATIONS		
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$8,945	\$7,045
All Other	\$35	\$40
OTHER SPECIAL REVENUE FUNDS TOTAL	\$8,980	\$7,085
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
FEDERAL EXPENDITURES FUND	\$11,931	\$3,554
OTHER SPECIAL REVENUE FUNDS	\$8,980	\$7,085
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$20,911</b>	<b>\$10,639</b>
<b>LABOR, DEPARTMENT OF</b>		
<b>Rehabilitation Services 0799</b>		
Initiative: RECLASSIFICATIONS		
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$11,192	\$2,917
FEDERAL EXPENDITURES FUND TOTAL	\$11,192	\$2,917
<b>LABOR, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
FEDERAL EXPENDITURES FUND	\$11,192	\$2,917
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$11,192</b>	<b>\$2,917</b>

**PUBLIC SAFETY, DEPARTMENT OF**

<b>Fire Marshal - Office of 0327</b>		
Initiative: RECLASSIFICATIONS		
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$95,746	\$60,724
All Other	\$1,086	\$689
OTHER SPECIAL REVENUE FUNDS TOTAL	\$96,832	\$61,413
<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
OTHER SPECIAL REVENUE FUNDS	\$96,832	\$61,413
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$96,832</b>	<b>\$61,413</b>
<b>SECTION TOTALS</b>		
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$52,041	\$26,579
OTHER SPECIAL REVENUE FUNDS	\$208,490	\$124,187
FEDERAL BLOCK GRANT FUND	\$0	\$0
FINANCIAL AND PERSONNEL SERVICES FUND	\$0	\$0
OFFICE OF INFORMATION SERVICES FUND	\$0	\$0
RISK MANAGEMENT FUND	\$0	\$0
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$260,531</b>	<b>\$150,766</b>

**PART C**

**Sec. C-1. 20-A MRSA §15671, sub-§7, ¶B,** as amended by PL 2017, c. 284, Pt. C, §19, is further amended to read:

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

- (1) For fiscal year 2005-06, the target is 52.6%.
- (2) For fiscal year 2006-07, the target is 53.86%.
- (3) For fiscal year 2007-08, the target is 53.51%.
- (4) For fiscal year 2008-09, the target is 52.52%.
- (5) For fiscal year 2009-10, the target is 48.93%.
- (6) For fiscal year 2010-11, the target is 45.84%.
- (7) For fiscal year 2011-12, the target is 46.02%.
- (8) For fiscal year 2012-13, the target is 45.87%.
- (9) For fiscal year 2013-14, the target is 47.29%.
- (10) For fiscal year 2014-15, the target is 46.80%.
- (11) For fiscal year 2015-16, the target is 47.54%.
- (12) For fiscal year 2016-17, the target is 48.14%.
- (13) For fiscal year 2017-18, the target is 49.14%.
- (14) For fiscal year 2018-19, the target is ~~50.14%~~ 49.58%.
- (15) For fiscal year 2019-20, the target is 50.78%.

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

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

- (1) For fiscal year 2011-12, the target is 49.47%.
- (2) For fiscal year 2012-13, the target is 49.35%.
- (3) For fiscal year 2013-14, the target is 50.44%.

- (4) For fiscal year 2014-15, the target is 50.13%.
- (5) For fiscal year 2015-16, the target is 50.08%.
- (6) For fiscal year 2016-17, the target is 50.82%.
- (7) For fiscal year 2017-18, the target is 52.02%.
- (8) For fiscal year 2018-19, the target is ~~53.02%~~ 53.37%.
- (9) For fiscal year 2019-20, the target is 55%.

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

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

- (1) For the 2005 property tax year, the full-value education mill rate is the amount necessary to result in a 47.4% statewide total local share in fiscal year 2005-06.
- (2) For the 2006 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2006-07.
- (3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 46.49% statewide total local share in fiscal year 2007-08.
- (4) For the 2008 property tax year, the full-value education mill rate is the amount necessary to result in a 47.48% statewide total local share in fiscal year 2008-09.
- (4-A) For the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a 51.07% statewide total local share in fiscal year 2009-10.

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

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

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

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

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

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

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

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

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

(12) For the 2019 property tax year ~~and subsequent tax years~~, the full-value education mill rate is the amount necessary to result in a ~~45%~~ 49.22% statewide total local share in fiscal year 2019-20 ~~and after~~.

(13) For the 2020 property tax year and subsequent tax years, the full-value education mill rate is the amount necessary to result in a 45% statewide total local share in fiscal year 2020-21 and after.

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

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

	<b>2019-20 TOTAL</b>
<b>Total Operating Allocation</b>	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,470,593,063
Total adjustments to state subsidy pursuant to Title 20-A, section 15689 included in subsidizable costs and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$527,455,487
<b>Total Operating Allocation and Subsidizable Costs</b>	
Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,998,048,550
<b>Total Debt Service Allocation</b>	
Total debt service allocation pursuant to Title 20-A, section 15683-A	\$103,301,489
<b>Total Adjustments and Targeted Education Funds</b>	
Adjustments pursuant to Title 20-A, section 15689	
Audit adjustments pursuant to Title 20-A, section 15689, subsection 4	\$250,000
Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5	\$420,065
Regionalization, consolidation and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9	\$5,160,020
Bus refurbishing program adjustments pursuant to Title 20-A, section 15689, subsection 13	\$0
MaineCare seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14	\$1,210,887

Special education budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 15	\$1,000,000	Maine Educational Center for the Deaf and Hard of Hearing pursuant to Title 20-A, section 15689-A, subsection 15	\$8,219,215
Total adjustments to the state share of the total allocation pursuant to Title 20-A, section 15689	\$8,040,972	Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16	\$410,111
Targeted education funds pursuant to Title 20-A, section 15689-A		Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17	\$385,779
Special education costs for state agency clients and state wards pursuant to Title 20-A, section 15689-A, subsection 1	\$33,737,998	Comprehensive early college programs funding (bridge year program) pursuant to Title 20-A, section 15689-A, subsection 23	\$1,000,000
Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3	\$300,000	Community school pilots (3 pilot projects for 5 years) pursuant to Title 20-A, section 15689-A, subsection 25	\$50,000
Education research institute contract pursuant to Title 20-A, section 15689-A, subsection 6	\$250,000	Maine School for Marine Science, Technology, Transportation and Engineering pursuant to Title 20-A, section 15689-A, subsection 26	\$109,206
Emergency bus loan pursuant to Title 20-A, section 15689-A, subsection 9	\$0	Total targeted education funds pursuant to Title 20-A, section 15689-A	\$76,019,791
Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10	\$7,974,245	Enhancing student performance and opportunity pursuant to Title 20-A, section 15672, subsection 1-D and section 15688-A	
Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11	\$4,000,000	Career and technical education costs pursuant to Title 20-A, section 15672, subsection 1-D	\$500,000
National board certification salary supplement pursuant to Title 20-A, section 15689-A, subsection 12	\$307,551	Career and technical education costs pursuant to Title 20-A, section 15688-A, subsection 1	\$54,199,616
Learning through technology program pursuant to Title 20-A, section 15689-A, subsection 12-A	\$12,114,960	College transitions programs through adult education college readiness programs pursuant to Title 20-A, section 15688-A, subsection 2	\$450,000
Jobs for Maine's Graduates including college pursuant to Title 20-A, section 15689-A, subsection 13	\$3,545,379	National industry standards for career and technical education pursuant to Title 20-A, section 15688-A, subsection 6	\$2,000,000
Maine School of Science and Mathematics pursuant to Title 20-A, section 15689-A, subsection 14	\$3,615,347		

<p>Total enhancing student performance and opportunity pursuant to Title 20-A, section 15672, subsection 1-D and section 15688-A</p>	<p>\$57,149,616</p>	<p><b>Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12</b></p>		
<p><b>Total Cost of Funding Public Education from Kindergarten to Grade 12</b></p>				
<p>Total cost of funding public education from kindergarten to grade 12 for fiscal year 2019-20 pursuant to Title 20-A, chapter 606-B, not including normal retirement costs</p>	<p>\$2,242,560,418</p>	<p>Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subject to statewide distributions required by law</p>	<p>\$1,128,145,201</p>	<p>\$1,163,757,928</p>
<p>Total normal cost of teacher retirement</p>	<p>\$49,342,711</p>			
<p>Total cost of funding public education from kindergarten to grade 12 for fiscal year 2019-20 pursuant to Title 20-A, chapter 606-B, including normal retirement costs</p>	<p>\$2,291,903,129</p>	<p>Total cost of state contribution to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance for fiscal years 2019-20 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement</p>		<p>\$224,008,451</p>
<p>Total cost of state contribution to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance for fiscal year 2019-20 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement</p>	<p>\$224,008,451</p>			
<p>Total cost of funding public education from kindergarten to grade 12 plus state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance for fiscal year 2019-20 pursuant to Title 5, chapters 421 and 423</p>	<p>\$2,515,911,580</p>	<p>State contribution to the total cost of funding public education from kindergarten to grade 12 plus state contribution to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance pursuant to Title 5, chapters 421 and 423</p>		<p>\$1,387,766,379</p>

**Sec. C-6. Local and state contributions to total cost of funding public education from kindergarten to grade 12.** The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2019 and ending June 30, 2020 is calculated as follows:

2019-20	2019-20
LOCAL	STATE

**Sec. C-7. Authorization of payments.** If the State's continued obligation for any individual component contained in those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unex-

pending balances from this Part may not lapse but must be carried forward for the same purpose.

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

#### PART D

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

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

- Director, Bureau of General Services;
- Director, Bureau of Alcoholic Beverages and Lottery Operations;
- State Budget Officer;
- State Controller;
- Director, Bureau of Forestry;
- Director, Governor's Office of Policy Innovation and ~~Management the Future~~;
- Director, Energy Resources Office;
- Director of Human Resources;
- Director, Bureau of Parks and Lands;
- Director of the Governor's Office of Communications;
- Director, Bureau of Agriculture, Food and Rural Resources; and
- Director, Bureau of Resource Information and Land Use Planning.

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

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

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

**5. Executive Department.** The Executive Department shall carry forward any General Fund balances remaining in the Administration - Executive - Governor's Office program, the Blaine House program, the Governor's Office of Communications program, the Office of Policy Innovation and ~~Management the Future~~ program and the Governor's Energy Office program at the end of any fiscal year for use in the next fiscal year.

**Sec. D-4. 5 MRSA §1710-D,** as amended by PL 2011, c. 655, Pt. DD, §3 and affected by §24, is further amended to read:

#### §1710-D. Staffing

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

**Sec. D-5. 5 MRSA §1710-I,** as amended by PL 2011, c. 655, Pt. DD, §4 and affected by §24, is further amended to read:

#### §1710-I. Staffing

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

**Sec. D-6. 5 MRSA §3101,** as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is amended to read:

#### §3101. Definitions

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

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

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

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

#### §3102. Office established; purpose

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

**Sec. D-8. 5 MRSA §3103**, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is amended to read:

**§3103. Director**

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

**Sec. D-9. 5 MRSA §13056, sub-§3**, as amended by PL 2011, c. 655, Pt. DD, §6 and affected by §24, is further amended to read:

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

**Sec. D-10. 5 MRSA §15302, sub-§3, ¶C**, as amended by PL 2011, c. 655, Pt. EE, §11 and affected by §30, is further amended to read:

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

**Sec. D-11. 10 MRSA §363, sub-§2-A**, as amended by PL 2011, c. 655, Pt. DD, §8 and affected by §24, is further amended to read:

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

and recommendations of those issuers of bonds within the State designated in this section, the recommendations of the group of representatives described in subsection 1-A and the annual analysis of the Department of Administrative and Financial Services.

**Sec. D-12. 12 MRSA §8876, sub-§2**, as amended by PL 2011, c. 655, Pt. DD, §9 and affected by §24, is further amended to read:

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

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

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

**Sec. D-14. 30-A MRSA §5903, sub-§6-A**, as amended by PL 2011, c. 655, Pt. DD, §13 and affected by §24, is further amended to read:

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

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

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

**Sec. D-16. 35-A MRSA §3454, sub-§5**, as amended by PL 2011, c. 655, Pt. DD, §15 and affected by §24, is further amended to read:

**5. Promoting economic development and resource conservation; assistance to host communi-**

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

**Sec. D-17. 38 MRSA §484, sub-§10**, as amended by PL 2011, c. 655, Pt. DD, §18 and affected by §24, is further amended to read:

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

- A. Will be designed and sited to avoid unreasonable adverse shadow flicker effects;
- B. Will be constructed with setbacks adequate to protect public safety. In making a finding pursuant to this paragraph, the department shall consider the recommendation of a professional, licensed civil engineer as well as any applicable setback recommended by a manufacturer of the generating facilities; and
- C. Will provide significant tangible benefits as determined pursuant to Title 35-A, section 3454, if the development is an expedited wind energy development.

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

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

**Sec. D-18. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Governor's Office of Policy and Management" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Governor's

Office of Policy Innovation and the Future" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

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

## PART E

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

### §1610-L. Additional securities

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

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

## PART F

**Sec. F-1. 5 MRSA §1710-E**, as amended by PL 2011, c. 655, Pt. I, §6 and affected by §11, is further amended to read:

### **§1710-E. Revenue Forecasting Committee; established; membership**

There is established the Revenue Forecasting Committee, referred to in this chapter as the "committee," for the purpose of providing the Governor, the Legislature and the State Budget Officer with analyses, findings and recommendations relating to the projection of revenues for the General Fund and the Highway Fund based on economic assumptions recommended by the Consensus Economic Forecasting Commission. The committee includes the State Budget Officer, the Associate Commissioner for Tax Policy, the State Economist, an economist on the faculty of the University of Maine System selected by the chancellor, the Director of the Office of Fiscal and Program Review and another member of the Legisla-

ture's nonpartisan staff familiar with revenue estimating issues appointed by the Legislative Council. ~~One of the 6 members must be selected by a majority vote of the committee members to serve as the chair of the committee. Beginning in calendar year 2019, the chair of the committee must be designated by a majority vote of the 6 members, from among the Associate Commissioner for Tax Policy, the Director of the Office of Fiscal and Program Review, the State Economist, an economist on the faculty of the University of Maine System selected by the chancellor and another member of the Legislature's nonpartisan staff familiar with revenue estimating issues appointed by the Legislative Council. The chair must be designated on a rotating basis and serves a 2-year term.~~

### PART G

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

J. Who has applied for employment with the Department of Administrative and Financial Services, Bureau of Revenue Services is an affected person, as defined in Title 36, section 194-D, subsection 1, paragraph A, and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section ~~194-B~~ 194-D;

**Sec. G-2. 25 MRSA §1542-A, sub-§1, ¶K**, as amended by PL 2017, c. 204, §3 and c. 253, §1 and c. 258, Pt. B, §1, is repealed.

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

**Sec. G-4. 25 MRSA §1542-A, sub-§1, ¶P**, as enacted by PL 2017, c. 452, §25, is reallocated to 25 MRSA §1542-A, sub-§1, ¶S.

**Sec. G-5. 25 MRSA §1542-A, sub-§1, ¶¶Q and R**, as enacted by PL 2017, c. 457, §13, are amended to read:

Q. Who is an applicant for licensure with the State Board of Nursing as required under Title 32, section 2111, subsection 1; ~~or~~

R. Who is required to have a criminal background check under Title 22, section 8302-A or 8302-B; ~~or~~

**Sec. G-6. 25 MRSA §1542-A, sub-§3, ¶J**, as enacted by PL 2013, c. 546, §4, is amended to read:

J. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph J, at the request of that person and upon payment of the expenses by the Department of Administrative and Financial Services, Bureau of Revenue Services as specified under Title 36, section ~~194-B~~ 194-D, subsection 2 3.

**Sec. G-7. 25 MRSA §1542-A, sub-§3, ¶K**, as enacted by PL 2015, c. 300, Pt. B, §4, is repealed.

**Sec. G-8. 25 MRSA §1542-A, sub-§3, ¶O**, as enacted by PL 2017, c. 452, §26, is repealed.

**Sec. G-9. 25 MRSA §1542-A, sub-§3, ¶R** is enacted to read:

R. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph S at the request of that person or the Department of Administrative and Financial Services under Title 22, section 2425-A, subsection 3-A.

**Sec. G-10. 25 MRSA §1542-A, sub-§4**, as amended by PL 2017, c. 452, §27 and c. 457, §16, is repealed and the following enacted in its place:

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

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

**Sec. G-11. 36 MRSA §194-B**, as amended by PL 2015, c. 300, Pt. B, §§6 to 8, is repealed.

**Sec. G-12. 36 MRSA §194-C**, as enacted by PL 2015, c. 300, Pt. B, §9 and affected by §10, is repealed.

**Sec. G-13. 36 MRSA §194-D** is enacted to read:

**§194-D. Background investigations**

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

A. "Affected person" means a person who is:

(1) An applicant for employment with the bureau;

(2) A contractor for the bureau, including the contractor's employees, subcontractors and subcontractors' employees, who provides or is assigned to provide services to the bureau under an identified contract. For the purposes of this subparagraph, "identified contract" means a contract that the assessor determines involves access or the substantial possibility of access to the bureau's information technology systems or to confidential tax information;

(3) A current employee of the bureau; or

(4) An employee or contractor, including the contractor's respective employees, subcontractors and subcontractors' employees, of another state agency, if the assessor determines the employee's or contractor's duties involve access or the substantial possibility of access to federal tax information obtained from the bureau.

B. "Confidential tax information" means any information the inspection or disclosure of which is limited or prohibited by section 191, including federal tax information.

C. "Federal tax information" means a return and return information as defined in the Code, Section 6103(b) that is received directly from the United States Internal Revenue Service or obtained through a United States Internal Revenue Service-authorized secondary source and that is subject to the confidentiality protections and safeguarding requirements of the United States Internal Revenue Code and corresponding federal regulations and guidance. "Federal return information" does not include information in the possession of the State that is obtained from sources wholly independent from the United States Internal Revenue Service.

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

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

B. A background investigation for an affected person assigned to provide services to the bureau under an identified contract must be conducted before that affected person begins providing services to the bureau, and at least once every 10 years, as long as the affected person continues providing services to the bureau.

C. As part of the process of evaluating an affected person for continued employment with the bureau, a background investigation must be conducted at least once every 10 years. If an affected person has not been subject to a background investigation within 10 years prior to the effective date of this section, a background investigation must be conducted within one year of the effective date of this section.

D. A background investigation for an employee or contractor of another state agency must be conducted before that affected person is provided access, or the substantial possibility of access, to federal tax information obtained from the bureau, and at least once every 10 years, as long as the affected person continues to have such access. However, if the assessor determines that the affected person has been subject to a background investigation that satisfies the background investigation standards established by the United States Internal Revenue Service regarding access to federal tax information within the past 10 years, no further investigation is required under this subsection for the 10-year period commencing at the time of the background investigation.

The background investigation must include fingerprinting and obtaining national criminal history record

information from the Federal Bureau of Investigation and must satisfy the background investigation standards established by the United States Internal Revenue Service regarding access to federal tax information.

**3. Fingerprinting.** An affected person must consent to having fingerprints taken for use in background investigations in accordance with this section. The State Police shall take or cause to be taken the affected person's fingerprints and shall forward the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification so that the State Bureau of Identification can conduct state and national criminal history record checks for the bureau. The State Police may charge the bureau for the expenses incurred in processing state and national criminal history record checks. The full fee charged under this subsection must be deposited in a dedicated revenue account for the State Bureau of Identification with the purpose of paying costs associated with the maintenance and replacement of the criminal history record systems.

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

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

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

A. The bureau may not employ or utilize that affected person in a position for which access to confidential tax information is required;

B. If the affected person is an employee of the bureau or is assigned to provide services to the

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

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

## PART H

**Sec. H-1. 30-A MRS §5681, sub-§5,** as amended by PL 2015, c. 267, Pt. K, §1, is further amended to read:

**5. Transfers to funds.** No later than the 10th day of each month, the State Controller shall transfer to the Local Government Fund 5% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, except that for fiscal years 2015-16, 2016-17, 2017-18 and 2018-19 the amount transferred is 2%, for fiscal year 2019-20 the amount transferred is 3% and for fiscal year 2020-21 the amount transferred is 3.75% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, and except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund. A percentage share of the amounts transferred to the Local Government Fund each month must be transferred to the Disproportionate Tax Burden Fund and distributed pursuant to subsection 4-B as follows:

C. For months beginning on or after July 1, 2009 but before July 1, 2010, 15%;

D. For months beginning on or after July 1, 2010 but before July 1, 2011, 16%;

E. For months beginning on or after July 1, 2011 but before July 1, 2012, 17%;

F. For months beginning on or after July 1, 2012 but before July 1, 2013, 18%;

G. For months beginning on or after July 1, 2013 but before July 1, 2014, 19%; and

H. For months beginning on or after July 1, 2014, 20%.

**Sec. H-2. 36 MRSA §683, sub-§1-B**, as enacted by PL 2015, c. 267, Pt. J, §1, is amended to read:

**1-B. Additional exemption.** A homestead eligible for an exemption under subsection 1 is eligible for an additional exemption of \$5,000 of the just value of the homestead for property tax years beginning on April 1, 2016 ~~and of~~ \$10,000 of the just value of the homestead for property tax years beginning on ~~or after~~ April 1, 2017, April 1, 2018 and April 1, 2019 and \$15,000 of the just value of the homestead for property tax years beginning on or after April 1, 2020.

**Sec. H-3. 36 MRSA §683, sub-§§3 and 4**, as amended by PL 2017, c. 284, Pt. G, §1, are further amended to read:

**3. Effect on state valuation.** For property tax years beginning before April 1, 2018, 50% of the just value of all the homestead exemptions under this subchapter must be included in the annual determination of state valuation under sections 208 and 305. For property tax years beginning on ~~or after~~ April 1, 2018 and April 1, 2019, 62.5% of the just value of all the homestead exemptions under this subchapter must be included in the annual determination of state valuation under sections 208 and 305. For property tax years beginning on or after April 1, 2020, 70% of the just value of all the homestead exemptions under this subchapter must be included in the annual determination of state valuation under sections 208 and 305.

**4. Property tax rate.** For property tax years beginning before April 1, 2018, 50% of the just value of all the homestead exemptions under this subchapter must be included in the total municipal valuation used to determine the municipal tax rate. For property tax years beginning on ~~or after~~ April 1, 2018 and April 1, 2019, 62.5% of the just value of all the homestead exemptions under this subchapter must be included in the total municipal valuation used to determine the municipal tax rate. For property tax years beginning on or after April 1, 2020, 70% of the just value of all the homestead exemptions under this subchapter must be included in the total municipal valuation used to determine the municipal tax rate. The municipal tax rate as finally determined may be applied to only the taxable portion of each homestead qualified for that tax year.

**Sec. H-4. 36 MRSA §685, sub-§2**, as amended by PL 2017, c. 284, Pt. G, §2, is further amended to read:

**2. Entitlement to reimbursement by the State; calculation.** A municipality that has approved homestead exemptions under this subchapter may recover from the State:

A. For property tax years beginning before April 1, 2018, 50% of the taxes lost by reason of the exemptions under section 683, subsections 1 and 1-B; ~~and~~

B. For property tax years beginning on ~~or after~~ April 1, 2018 and April 1, 2019, 62.5% of the taxes lost by reason of the exemptions under section 683, subsections 1 and 1-B; and

C. For property tax years beginning on or after April 1, 2020, 70% of the taxes lost by reason of the exemptions under section 683, subsections 1 and 1-B.

The municipality must provide proof in a form satisfactory to the bureau. The bureau shall reimburse the Unorganized Territory Education and Services Fund in the same manner for taxes lost by reason of the exemptions.

**Sec. H-5. 36 MRSA §5219-KK, sub-§2-A**, as enacted by PL 2017, c. 474, Pt. B, §16, is amended to read:

**2-A. Credit in 2018 and 2019.** For tax years beginning on or after January 1, 2018 and before January 1, 2020, a resident individual is allowed a credit against the taxes imposed under this Part equal to the amount by which the benefit base for the resident individual exceeds 6% of the resident individual's income. The credit may not exceed \$750 for resident individuals under 65 years of age as of the last day of the taxable year or \$1,200 for resident individuals 65 years of age and older as of the last day of the taxable year. In the case of married individuals filing a joint return, only one spouse is required to be 65 years of age or older to qualify for the \$1,200 credit limitation. Married taxpayers filing separate returns do not qualify for the credit under this section.

**Sec. H-6. 36 MRSA §5219-KK, sub-§2-B** is enacted to read:

**2-B. Credit in 2020 and after.** For tax years beginning on or after January 1, 2020, a resident individual is allowed a credit against the taxes imposed under this Part equal to the amount by which the benefit base for the resident individual exceeds 5% of the resident individual's income. The credit may not exceed \$750 for resident individuals under 65 years of age as of the last day of the taxable year or \$1,200 for resident individuals 65 years of age and older as of the last day of the taxable year. In the case of married individuals filing a joint return, only one spouse is required to be 65 years of age or older to qualify for the \$1,200 credit limitation. Married taxpayers filing separate returns do not qualify for the credit under this section.

**Sec. H-7. Restriction on use of certain state-municipal revenue-sharing amounts in fiscal year 2019-20.** Notwithstanding any provision of law or municipal charter to the contrary, if a municipality adopted a budget for its municipal fiscal year beginning in calendar year 2019 with the assumption that state-municipal revenue sharing would be based on the transfer to the Local Government Fund of a percentage of the revenue-sharing tax base under the Maine Revised Statutes, Title 30-A, section 5681, subsection 5 that is lower than the percentage of the revenue-sharing tax base required under this Part, the municipal officers for that municipality may use the difference between the amount of revenue sharing assumed in preparing the budget and the actual revenue sharing received pursuant to this Part without the requirement of approval by a town meeting or a municipal referendum if the funds are used for the repair or maintenance of roads or bridges within the municipality or the direct reduction of the property tax mill rate.

#### PART I

**Sec. I-1. Salary adjustments for Maine Revenue Services employees.** The State Tax Assessor may implement a salary adjustment for the Department of Administrative and Financial Services, Maine Revenue Services employees in the job classifications of Tax Examiner, Tax Examiner II, Senior Tax Examiner and Tax Section Manager to be compensated at a rate determined in accordance with recruitment and retention adjustments authorized by the Maine Revised Statutes, Title 5, section 7065, subsection 2-D, the amount of which is in addition to the regular rate of pay.

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

#### PART J

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

#### PART K

**Sec. K-1. Tax expenditures.** In accordance with the Maine Revised Statutes, Title 5, section 1666 and to the extent not otherwise provided in this Act,

funding is continued for each individual tax expenditure, as defined in Title 5, section 1666, reported in the budget document submitted to the Legislature by the Governor on February 8, 2019.

#### PART L

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

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

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

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

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

**PART M**

**Sec. M-1. Carry balances; Debt Service - Government Facilities Authority.** Notwithstanding any provision of law to the contrary, the State Controller shall carry any remaining balances in the Debt Service - Government Facilities Authority program in the Department of Administrative and Financial Services in each year of the 2020-2021 biennium into the following fiscal year.

**PART N**

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

**Sec. N-2. Calculation and transfer; attrition savings.** The State Budget Officer shall calculate the amount of the savings in section 3 of this Part that applies against each General Fund account for all executive branch departments and agencies statewide and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2019-20 and 2020-21. The State Budget Officer shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a report of the transferred amounts no later than September 1, 2020.

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

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Executive Branch Departments and Independent Agencies - Statewide 0017**

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

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

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	(\$12,850,861)	(\$13,304,915)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	(\$12,850,861)	(\$13,304,915)

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

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

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

**JUDICIAL DEPARTMENT**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	(\$1,456,778)	(\$1,538,004)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	(\$1,456,778)	(\$1,538,004)

SECTION TOTALS	2019-20	2020-21
GENERAL FUND	(\$14,307,639)	(\$14,842,919)
<hr/>		
SECTION TOTAL - ALL FUNDS	(\$14,307,639)	(\$14,842,919)

**PART O**

**Sec. O-1. Department of Administrative and Financial Services; financial agreement authorization; system requirements.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, Office of Information Technology and the Bureau of Revenue Services may enter into financial agreements on or after July 1, 2019, with debt service commencing on or after July 1, 2021, for the acquisition, licensing, installation, implementation, maintenance and support of computer hardware, software and other systems to support the operations of the tax collection system of the Bureau of Revenue Services. The financial agreements may not collectively exceed 7 years in duration and \$46,400,000 in principal costs. The interest rate may not exceed 7%. Annual principal and interest costs must be paid from the Bureau of Revenue Services program accounts in the Department of Administrative and Financial Services. The software and other systems acquired to support the operations of Bureau of Revenue Services tax administration must be capable of collecting data that facilitates evaluation of tax expenditures conducted for the purpose of legislative oversight of those programs.

**PART P**

**Sec. P-1. Department of Administrative and Financial Services; lease-purchase authorization.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, may enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division. The financing agreements entered into in each fiscal year may not exceed \$5,500,000 in principal costs, and a financing agreement may not exceed 4 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Fleet Management Division account.

**PART Q**

**Sec. Q-1. Department of Administrative and Financial Services and Department of Public Safety; lease-purchase authorization for motor vehicles for State Police.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, on behalf of the Department of Public Safety, may enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the State Police. The financing agreements entered into in each fiscal year may not exceed \$2,300,000 in principal costs, and a financing agreement may not exceed 3 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the State Police accounts.

**PART R**

**Sec. R-1. Transfer; Reserve for General Fund Operating Capital to the General Fund unappropriated surplus.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$6,000,000 from the Reserve for General Fund Operating Capital to the General Fund unappropriated surplus no later than June 30, 2019.

**PART S**

**Sec. S-1. Department of Administrative and Financial Services; financial agreement authorization.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services and the Department of Health and Human Services, Office of Child and Family Services may enter into financing arrangements on or after July 1, 2019, with debt service commencing on or after July 1, 2021, for the acquisition, licensing, installation and implementation of computer hardware, software and other systems to support the operations of a child welfare system. The financial agreement may not collectively exceed 7 years in duration and

\$14,000,000 in principal costs. The interest rate may not exceed 7%. Annual principal and interest costs must be paid from the Office of Child and Family Services program accounts in the Department of Health and Human Services.

**PART T**

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

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

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

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

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

**PART U**

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

**1. Fund created.** The Harness Racing Promotional Fund, referred to in this section as "the fund," is

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

**Sec. U-2. Transfer balances.** Notwithstanding any provision of law to the contrary, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Harness Racing Promotional Fund account, Other Special Revenue Funds to the Operating Account, Other Special Revenue Funds, within the Harness Racing Commission program in the Department of Agriculture, Conservation and Forestry.

**PART V**

**Sec. V-1.** This Part left blank intentionally.

**PART W**

**Sec. W-1.** This Part left blank intentionally.

**PART X**

**Sec. X-1.** This Part left blank intentionally.

**PART Y**

**Sec. Y-1. 12 MRSA §1814-A, sub-§3,** as enacted by PL 2011, c. 278, §5, is amended to read:

**3. Proceeds from sale of an access easement.** Proceeds from the sale of a right of access by easement under this section must be deposited in the ~~Maine State Parks and Recreational Facilities Development~~ General Operations Fund established under section 1825.

**Sec. Y-2. 12 MRSA §1825,** as amended by PL 2009, c. 27, §1; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is further amended to read:

**§1825. Administer certain funds**

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

~~**1. Maine State Parks and Recreational Facilities Development Fund.** The Maine State Parks and Recreational Facilities Development Fund is established within the bureau for the purpose of developing, maintaining and managing state parks and other recre-~~

~~ational facilities on lands owned or leased by the bureau.~~

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

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

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

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

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

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

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

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

C. The bureau may make grants to assist municipalities and other political subdivisions in the development and implementation of recreation programs. Eligible costs for the program grants in-

clude, but are not limited to, employment of personnel, transportation and noncapital equipment or supplies. Any grant made under this paragraph in any single fiscal year may not exceed \$1,000 or 50% of the project cost, whichever is less.

Funds credited to the Municipal Recreation Fund are nonlapsing.

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

For the purpose of carrying out these activities, the bureau may accept voluntary services and other contributions pursuant to this chapter; enter into leases and other agreements; and, pursuant to Title 5, chapter 375, subchapter 2-A, establish rules and a schedule of fees for the use of these campsites. All such fees and other revenues derived from grants, contributions, contracts and transfers to carry out the purposes of this subsection must be deposited in a nonlapsing account, to be called the Forest Recreation Resource Fund, which is a separate unit within the Parks General Operations Fund to be used for the purposes of this subsection. All funds in this account are subject to allocation by the Legislature.

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

**Sec. Y-3. 12 MRSA §10255, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**1. Fund established.** The Maine Environmental Trust Fund, referred to in this section as the "fund," is established as a nonlapsing fund administered by the commissioner for the purposes of improving state parks and historic sites by supporting the ~~Maine State Parks General Operations~~ Fund established in section 1825, subsection ~~2 1-A~~ and managing nongame wildlife by supporting the Maine Endangered and Nongame Wildlife Fund established in section 10253, subsection 1. Money deposited with the Treasurer of State to the credit of the fund may be invested as provided by law. Income from these investments must be credited to the fund.

**Sec. Y-4. 12 MRSA §10255, sub-§3, ¶A**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A. Sixty percent of the balance must be deposited in the ~~Maine State Parks General Operations~~ Fund established in section 1825, subsection ~~2 1-A~~; and

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

**Sec. Y-6. Transfer balances.** Notwithstanding any provision of law to the contrary, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Maine State Parks Fund program, Other Special Revenue Funds to the Parks General Operations Fund account, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry.

**Sec. Y-7. Transfer balances.** Notwithstanding any provision of law to the contrary, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Forest Recreation Resource Fund program, Other Special Revenue Funds to the Parks General Operations Fund account, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry.

**Sec. Y-8. Transfer balances.** Notwithstanding any provision of law to the contrary, at the end of

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

#### PART Z

**Sec. Z-1.** This Part left blank intentionally.

#### PART AA

**Sec. AA-1. 12 MRSA §1890-B, first ¶,** as corrected by RR 2007, c. 2, §2, is amended to read:

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

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

#### PART BB

**Sec. BB-1.** This Part left blank intentionally.

#### PART CC

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

#### PART DD

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

#### PART EE

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

#### PART FF

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

#### PART GG

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

#### PART HH

**Sec. HH-1. Transfer balances.** Notwithstanding any provision of law to the contrary, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial

commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Floodplain Management program, Federal Expenditures Fund to the Geological Survey program, Federal Expenditures Fund in the Department of Agriculture, Conservation and Forestry.

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

## PART II

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

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

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

**Sec. II-4. Transfer balances.** Notwithstanding any provision of law to the contrary, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial com-

mitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Parks Outdoor Heritage Fund account, Other Special Revenue Funds to the Parks General Operations account, Other Special Revenue Funds within the Parks - General Operations program in the Department of Agriculture, Conservation and Forestry.

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

**Sec. II-6. Transfer balances.** Notwithstanding any provision of law to the contrary, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Park Maintenance Miscellaneous Gift and Bequests account, Other Special Revenue Funds to the Parks General Operations account, Other Special Revenue Funds within the Parks - General Operations program in the Department of Agriculture, Conservation and Forestry.

## PART JJ

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

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

**Sec. JJ-3. Transfer balances.** Notwithstanding any provision of law to the contrary, at the end of fiscal year 2018-19, the State Controller shall transfer,

after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Mackworth account in the Submerged Lands and Coastal Registry program, Other Special Revenue Funds to the Vaughan Woods State Park account in the Parks - General Operations program, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry.

#### PART KK

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

#### PART LL

**Sec. LL-1. 22 MRSA §3023-A**, as amended by PL 2017, c. 475, Pt. A, §35, is further amended by adding at the end a new paragraph to read:

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

#### PART MM

**Sec. MM-1. Department of Corrections; transfer of funds for overtime expenses.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any provision of law to the contrary, the Department of Corrections, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, may transfer Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purposes of paying overtime expenses in fiscal years 2019-20 and 2020-21. These transfers are not considered adjustments to appropriations.

#### PART NN

**Sec. NN-1. Transfers and adjustments to position count.** The Commissioner of Corrections shall review the current organizational structure of the Department of Corrections to improve organizational efficiency and cost-effectiveness and shall recommend transfers of positions and available balances. Notwithstanding any provision of law to the contrary, the State Budget Officer shall transfer the position counts and available balances by financial order, in order to achieve the purposes of this section, from July 1st to December 1st of each fiscal year of the 2020-2021 biennium. Position adjustments made after December 1st and before July 1st of each fiscal year may not be considered an adjustment to position count or appropriations. The transfer and adjustment authorized by this section must comply with the requirements of the Maine Revised Statutes, Title 5, section 1585. Any transfer or adjustment pursuant to this section that would result in a program or mission change or facility closure must be reported by the Bureau of the Budget to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters for review before the associated financial order is submitted to the Governor for approval; these transfers are considered adjustments to authorized position count, appropriations and allocations.

#### PART OO

**Sec. OO-1.** This Part left blank intentionally.

#### PART PP

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

#### **§13090-N. Maine Office of Outdoor Recreation**

The Maine Office of Outdoor Recreation is established within the Office of Tourism. The head of the Maine Office of Outdoor Recreation is the director, who is responsible for strengthening the State's outdoor recreation economy and coordinating the promotion of outdoor recreational activities in the State with state agencies and the private sector.

#### PART QQ

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

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

**Sec. QQ-2. 35-A MRSA §9203, sub-§7** is enacted to read:

**7. Staff; central broadband planning board.** The Department of Economic and Community Development shall provide staff for the authority. That staff shall serve as the central broadband planning board for the State and shall support the authority in accordance with the provisions of this chapter.

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

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

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

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

**Sec. QQ-5. 35-A MRSA §9211-A, sub-§4, ¶B,** as enacted by PL 2015, c. 323, §1, is amended to read:

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

**Sec. QQ-6. 35-A MRSA §9211-A, sub-§7,** as enacted by PL 2015, c. 323, §1, is amended to read:

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

#### PART RR

**Sec. RR-1.** This Part left blank intentionally.

#### PART SS

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

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

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

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

#### PART TT

**Sec. TT-1. 20-A MRSA §203, sub-§1, ¶M,** as amended by PL 2013, c. 368, Pt. II, §1, is further amended to read:

M. Director, Communications; ~~and~~

**Sec. TT-2. 20-A MRSA §203, sub-§1, ¶O,** as repealed and replaced by PL 2017, c. 284, Pt. QQQ, §1, is further amended to read:

O. Director of Special Projects; ~~and~~

**Sec. TT-3. 20-A MRSA §203, sub-§1, ¶P** is enacted to read:

P. Chief of Staff and Operations.

#### PART UU

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

##### **§13406. Minimum salaries for 2007 to 2019**

Each school administrative unit shall establish a minimum salary of \$30,000 for certified teachers for the school year starting after June 30, 2007 ~~and in each subsequent school year~~ and before July 1, 2020.

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

##### **§13407. Minimum salaries beginning in 2020-2021 school year**

Each school administrative unit shall establish a minimum salary for certified teachers as follows:

**1. School year 2020-2021.** For the school year starting after June 30, 2020, the minimum salary is \$35,000;

**2. School year 2021-2022.** For the school year starting after June 30, 2021, the minimum salary is \$37,500; and

**3. School years beginning in or after 2022.** For the school year starting after June 30, 2022, and in each subsequent school year, the minimum salary is \$40,000.

A school administrative unit shall provide to the department annually on or before October 1st the number of teachers eligible for incremental salary increases as defined in section 15689, subsection 7-A, paragraph A.

**Sec. UU-3. 20-A MRSA §15689, sub-§7-A** is enacted to read:

**7-A. Adjustment for minimum teacher salary.** Beginning in fiscal year 2020-21, the commissioner shall, in accordance with this subsection, increase the state share of the total allocation to a qualifying school administrative unit by an amount necessary to achieve the minimum salary for certified teachers established in section 13407.

A. As used in this subsection, unless the context otherwise indicates, "qualifying school administrative unit" means a school administrative unit that the commissioner determines to have a locally established salary schedule with a minimum teacher salary of less than \$40,000 in school year 2019-2020. As used in this subsection, unless the context otherwise indicates, "incremental salary increases" means the incremental increases in the salaries of teachers employed by a qualifying school administrative unit in school year 2019-2020 necessary to meet the minimum salary requirements of section 13407 from fiscal year 2020-21 to fiscal year 2022-23.

B. The commissioner shall allocate the funds appropriated by the Legislature in accordance with the following.

(1) The amount of increased funds provided to qualifying school administrative units under this subsection must be the amount necessary to fund the incremental salary increases specified in this subsection.

(2) The number of teachers eligible for incremental salary increases in a qualifying school administrative unit for a fiscal year must be based on the information supplied to the department pursuant to section 13407 in that fiscal year.

(3) The increased funds provided under this subsection must be issued to qualifying school administrative units as an adjustment to the state school subsidy for distribution to the teachers. Qualifying school administrative units shall use the payments provided under this subsection to provide salary adjustments to those teachers eligible for incremental salary increases. The department shall collect the necessary data to allow the funds to be included in a qualifying school administrative unit's monthly subsidy payments beginning no later than February 1st of each fiscal year.

## PART VV

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

## PART WW

**Sec. WW-1. 38 MRSA §351, 4th ¶,** as amended by PL 1987, c. 787, §5, is further amended to read:

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

**Sec. WW-2. 38 MRSA §351, last ¶,** as enacted by PL 1991, c. 9, Pt. E, §27, is amended to read:

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

## PART XX

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

### **§267. Expenses**

The actual cash expenses of the State Historian incurred while in the discharge of official duties, in-

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

#### PART YY

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

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

**Sec. YY-2. 22 MRSA §42, sub-§8, ¶A**, as enacted by PL 2003, c. 612, §1, is amended to read:

A. The ~~Bureau of Medical~~ Office of MaineCare Services is authorized to adopt rules that have retroactive application when necessary to maximize available federal revenue sources, specifically regarding the federal Medicaid program, or to conform to the state Medicaid plan as filed with the Federal Government. The Bureau of Family Independence is authorized to adopt rules in the MaineCare, Temporary Assistance for Needy Families and food stamp programs that have retroactive application to comply with federal requirements or to conform to the state Medicaid plan as filed with the Federal Government.

**Sec. YY-3. 22 MRSA §48**, as enacted by PL 2003, c. 419, §3, is amended to read:

#### §48. Provider relations

Department personnel assigned to MaineCare provider relations shall assist MaineCare providers in addressing and resolving in a cost-effective and expeditious manner any disagreements between the department and providers or groups of providers. Provider relations personnel shall receive and investigate complaints and concerns from providers regarding the MaineCare program and the MaineCare reimbursement prior to informal review or administrative hearing. In performing their duties under this subsection, the provider relations personnel must have access to the Director of the ~~Bureau of Medical~~ Office of MaineCare Services. The department shall implement the provisions of this section within existing resources.

**Sec. YY-4. 22 MRSA §328, sub-§15**, as enacted by PL 2001, c. 664, §2 and amended by PL 2007, c. 324, §17, is amended to read:

**15. Hospital swing bed.** "Hospital swing bed" means an acute care bed licensed by the ~~Bureau of Medical~~ Office of MaineCare Services, Division of Licensing and Regulatory Services for the use also as a nursing care bed. Swing beds may be established only in rural hospitals with fewer than 100 licensed acute care beds.

**Sec. YY-5. 22 MRSA §1816, first ¶**, as amended by PL 1981, c. 470, Pt. A, §71, is further amended to read:

Every building, institution or establishment for which a license has been issued ~~shall~~ must be periodically inspected by duly appointed representatives of the ~~Bureau of Medical~~ Office of MaineCare Services under the rules and regulations to be established by the department. ~~No~~ An institution of any kind licensed pursuant to this chapter ~~shall~~ may not be required to be licensed or inspected under the laws of this State relating to hotels, restaurants, lodging houses, boardinghouses and places of refreshments. ~~No such~~ A license ~~shall~~ may not be issued until the applicant has furnished the department with a written statement signed by the Commissioner of Public Safety or the proper municipal official designated in Title 25, chapters 313 to 321 to make fire safety inspections that the home and premises comply with ~~said~~ chapters 313 to 321 relating to fire safety. The department shall establish and pay reasonable fees to the municipal official or the Commissioner of Public Safety for each such inspection. ~~Said~~ This written statement ~~shall~~ must be furnished annually.

**Sec. YY-6. 22 MRSA §3291, sub-§1**, as amended by PL 2013, c. 368, Pt. CCCC, §1, is further amended to read:

**1. Bureau.** "Bureau" means the ~~Bureau of Medical~~ Office of MaineCare Services with respect to section 7703 and section 1828.

**Sec. YY-7. 22 MRSA §3291, sub-§4**, as amended by PL 2013, c. 368, Pt. CCCC, §1, is further amended to read:

**4. Director.** "Director" means the Director of the Office of Child and Family Services with respect to confidential information derived from chapters 958-A and 1071, and the Director of the ~~Bureau of Medical~~ Office of MaineCare Services or the Director of the Office of Child and Family Services with respect to confidential information derived from section 7703 and the Director of the ~~Bureau of Medical~~ Office of MaineCare Services with respect to confidential information derived from section 1828.

#### PART ZZ

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

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

#### PART AAA

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

#### PART BBB

**Sec. BBB-1.** This Part left blank intentionally.

#### PART CCC

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

#### PART DDD

**Sec. DDD-1. 34-B MRSA §15001, sub-§3, ¶C**, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is amended to read:

C. Being assessed as at risk of mental impairment, emotional or behavioral disorder or developmental delay due to established environmental or biological risks using screening instruments developed and adopted by the departments through rulemaking ~~after consultation, review and approval from the Children's Mental Health Oversight Committee~~; or

**Sec. DDD-2. 34-B MRSA §15001, sub-§4**, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is repealed.

**Sec. DDD-3. 34-B MRSA §15002, sub-§7**, as corrected by RR 1997, c. 2, §57, is amended to read:

**7. Rulemaking.** The departments shall adopt rules to implement this chapter. Rules in effect for care under the authority of the departments, prior to

the adoption of rules pursuant to this subsection, remain in effect until the effective date of the new rules. In addition to the rule-making procedures required under Title 5, chapter 375, prior to adoption of a proposed rule, the department shall provide notice of the content of the proposed rule to ~~the committee and~~ the joint standing committee of the Legislature having jurisdiction over health and human services matters. When a rule is adopted, the department shall provide copies of the adopted rule to ~~the committee and~~ the joint standing committee of the Legislature having jurisdiction over health and human service matters. Unless otherwise specifically designated, rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. DDD-4. 34-B MRSA §15003, sub-§1**, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is amended to read:

**1. Agreements between departments.** The departments shall enter into agreements that designate the department as responsible for the implementation and operation of the program and specify the other departments' respective responsibilities. The agreements must provide mechanisms for planning, developing and designating lead responsibility for each child's care and for coordinating care and supportive services.

The agreements must include memoranda of agreement that provide for clinical consultation and supervision, delivery of care, staff training and development, program development and finances. ~~Revisions to the memoranda of agreement may be made after consultation with and subject to the approval of the committee.~~

**Sec. DDD-5. 34-B MRSA §15003, sub-§2, ¶A**, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is amended to read:

A. Establish policies and adopt rules necessary to implement the program, including, but not limited to, policies and rules that provide access to clinically appropriate care; establish eligibility standards; provide for uniform intake and assessment protocols; adopt screening tools for functional impairment pursuant to section 15001, subsection 3, paragraph D; and provide for access to information among departments. Rules regarding functional impairments must be developed and adopted by the departments through rulemaking ~~after consultation, review and comment by the committee pursuant to section 15504, subsection 2, paragraph A, subparagraph 3;~~

**Sec. DDD-6. 34-B MRSA §15003, sub-§7**, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is amended to read:

**7. Evaluation process.** The departments shall develop an evaluation process for the program that includes:

- A. Internal quality assurance mechanisms, clinical progress and performance indicators and information on costs;
- B. System capacity and unmet need for care and department progress in responding to excess capacity and unmet need for care; and
- C. Auditing as required by subsection 8.

Copies of all evaluation reports must be provided to the joint standing committee of the Legislature having jurisdiction over health and human services matters ~~and the committee~~ upon completion.

The department shall seek funding from grants and other outside sources for external evaluations on program effectiveness and cost effectiveness.

**Sec. DDD-7. 34-B MRSA §15003, sub-§9,** as amended by PL 2003, c. 367, §1, is further amended to read:

**9. Reports.** The department shall report by August 1st each year to the joint standing committee of the Legislature having jurisdiction over health and human services matters ~~and the committee~~ on the following matters:

- A. The operation of the program, including fiscal status of the accounts and funds from all sources, including blended, pooled and flexible funding, related to children's mental health care in the departments; numbers of children and families served and their residences by county; numbers of children transferred to care in this State and the types of care to which they were transferred; any waiting lists; delays in delivering services; the progress of the departments in developing new resources; appeals procedures requested, held and decided; the results of decided appeals and audits; and evaluations done on the program;
- B. The experiences of the departments in coordinating program administration and care delivery, including, but not limited to, progress on management information systems; uniform application forms, procedures and assessment tools; case coordination and case management; the use of pooled and blended funding; and initiatives in acquiring and using federal and state funds; and
- C. Barriers to improved delivery of care to children and their families and the progress of the departments in overcoming those barriers.

**Sec. DDD-8. 34-B MRSA §15003, sub-§10, ¶D,** as enacted by PL 2001, c. 439, Pt. KKK, §1, is amended to read:

D. The department shall provide the report, which is public information, to the ~~Children's Mental Health Oversight Committee established in section 15004 and the~~ joint standing committee of the Legislature having jurisdiction over health and human services matters.

**Sec. DDD-9. 34-B MRSA §15004,** as amended by PL 2005, c. 397, Pt. C, §20, is repealed.

### PART EEE

**Sec. EEE-1. 36 MRSA §2892,** as amended by PL 2017, c. 284, Pt. IIII, §1, is further amended to read:

#### §2892. Tax imposed

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

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

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

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

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

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

For state fiscal years beginning on or after July 1, 2019 but before July 1, 2021, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2016.

**PART FFF**

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

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

**PART GGG**

**Sec. GGG-1. Transfer of Personal Services balances to All Other; Department of Health and Human Services, Office for Family Independence.** Notwithstanding any provision of law to the contrary, in fiscal years 2019-20 and 2020-21 only, the Department of Health and Human Services is authorized to transfer available balances of appropriations in the Personal Services line category in the Office for Family Independence program and the Office for Family Independence - District program after all financial commitments for salary, benefit, other obligations and budgetary adjustments have been made to the All Other line category in either the Office for Family Independence program or the Office for Family Independence - District program in order to provide for information technology and related services. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART HHH**

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

**Sec. HHH-2. Transfer of Personal Services balances to All Other; state psychiatric centers.** Notwithstanding any provision of law to the contrary, for fiscal years 2019-20 and 2020-21 only, the Department of Health and Human Services is authorized to transfer available balances of Personal Ser-

vices appropriations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program after all salary, benefit and other obligations are met to the All Other line category of those programs. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART III**

**Sec. III-1. Transfer of funds.** Notwithstanding any provision of law to the contrary, for fiscal years 2019-20 and 2020-21 only, the Department of Health and Human Services is authorized to transfer available balances of All Other or Personal Services appropriations, after all salary, benefit and other obligations are met, in the Developmental Services - Community program account to the Personal Services line category of the Crisis Outreach Program account by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART JJJ**

**Sec. JJJ-1. Emergency rule-making authority; health and human services matters.** The Department of Health and Human Services is authorized to adopt emergency rules under the Maine Revised Statutes, Title 5, sections 8054 and 8073 as necessary to implement those provisions of this Act over which the department has subject matter jurisdiction for which specific authority has not been provided in any other Part of this Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

**PART KKK**

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

## PART LLL

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

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

## PART MMM

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

## PART NNN

**Sec. NNN-1. Judicial salary adjustment.** Notwithstanding any provision of the Maine Revised Statutes, Title 4 to the contrary, effective July 1, 2019 and July 1, 2020, the State Court Administrator shall increase the salaries of the State's chief justices, Chief Judge, Deputy Chief Judge, associate justices and associate judges by 3% in total each of those fiscal years.

## PART OOO

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

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

~~Director of Labor Standards;~~

State Archivist;

Director, Division of Land Use Planning, Permitting and Compliance;

Chair, Maine Unemployment Insurance Commission;

Child Welfare Services Ombudsman; and

Director of the Maine Drug Enforcement Agency.

## PART PPP

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

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

(1) Is a hearing person who:

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

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

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

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

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

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

## PART QQQ

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

**§7054-C. Person with disability preference**

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

A. "Person with a disability" means a person who has ~~been determined by a qualified professional to~~

have a physical or mental impairment that constitutes a substantial barrier to employment but who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services a physical or mental impairment that substantially limits one or more of the person's major life activities.

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

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

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

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

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

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

**5. Right to nondisclosure.** A person with a disability or who is eligible for the Ticket to Work program has the right to not disclose that person's disability at the time of hire but may not assert a right to a retention preference pursuant to subsection 4 at a later date.

## PART RRR

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

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

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

The commissioner is authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this chapter as he deems the commissioner considers necessary or appropriate to facilitate the administration of any unemployment compensation, employment security or public employment service law, and in like manner to accept and utilize information, services and facilities made available to this State by any agency charged with the administration of any such other unemployment compensation, employment security or public employment service law. To the extent permissible under the laws and Constitution of the United States, the commissioner is authorized to enter into or cooperate in arrangements

whereby facilities and services provided under this chapter and facilities and services provided under the unemployment compensation or employment security laws of any foreign government may be utilized for the taking of claims and the payment of benefits under this chapter, or under a similar law of such government. ~~On request of any agency which administers an employment security law of another state, and which has found in accordance with such law that a claimant is liable to repay benefits received under such law by reason of having knowingly made a false statement or misrepresentation of a material fact with respect to a claim taken in this State as an agent for such agency, the commissioner may collect from such claimant the amount of such benefits to be refunded to such agency. The commissioner, by agreement with another state or the Federal Government, as provided under Section 303(g) of the federal Social Security Act, may recover any overpayment of benefits paid to any individual under the laws of this State or of another state or under an unemployment benefit program of the Federal Government. Any overpayments subject to this subsection may be deducted from any future benefits payable to the individual under the laws of this State or of another state or under an unemployment program of the Federal Government.~~

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

### PART SSS

#### Sec. SSS-1. Waiver for state innovation.

The Commissioner of Health and Human Services in consultation with the Superintendent of Insurance may apply to the United States Secretary of Health and Human Services under 42 United States Code, Section 18052 for a waiver of applicable provisions of the federal Patient Protection and Affordable Care Act with respect to health insurance coverage in the State for a plan year beginning on or after January 1, 2021 for the purposes of improving affordability. The commissioner may implement a state plan meeting the waiver requirements in a manner consistent with state and federal law and as approved by the United States Secretary of Health and Human Services. The state plan may not increase cost sharing or reduce the comprehensiveness of coverage. If a waiver application has not been submitted by June 30, 2022, the authority to apply for a waiver pursuant to this section is terminated.

### PART TTT

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

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

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

sence as required by chapter 7, subchapter 5-A;

(7) The claimant was hired by the claimant's last employer to fill a position left open by an individual who left to enter active duty in the United States military, and the claimant's separation from this employer was because the employer restored the military serviceperson to the person's former employment upon separation from military service;

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

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

**Sec. TTT-2. Retroactivity.** This Part applies retroactively to January 1, 2018.

#### PART UUU

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

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

**Sec. UUU-2. 26 MRSA §1419-A, sub-§2,** as amended by PL 2009, c. 174, §21, is further amended to read:

**2. Communications Equipment Fund.** There is established the Communications Equipment Fund to be used by the Division for the Deaf, Hard of Hearing and Late Deafened within the Bureau of Rehabilitation Services. The fund is nonlapsing. The fund receives money transferred by the Public Utilities Commission

from the universal service fund pursuant to Title 35-A, section 7104. The Division for the Deaf, Hard of Hearing and Late Deafened may accept gifts or grants, including, but not limited to, federal grants, for the purposes of this section. Funds transferred from the universal service fund pursuant to Title 35-A, section 7104 and all gifts and grants and authorized appropriations must be deposited in the Communications Equipment Fund and disbursed in accordance with this section. The Communications Equipment Fund may be used for purchase, lease, distribution, upgrading, installation, maintenance and repair of specialized customer communications equipment for deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities, for training in the use of such equipment and for administrative costs associated with these uses of the fund, ~~except that funds received for the purposes of subsection 6 pursuant to Title 35-A, section 7104 may be used only in accordance with subsection 6.~~ The Division for the Deaf, Hard of Hearing and Late Deafened may draw on the Communications Equipment Fund in accordance with the communications equipment plan required under subsection 3.

**Sec. UUU-3. 26 MRSA §1419-A, sub-§6,** as amended by PL 2009, c. 174, §21, is repealed.

**Sec. UUU-4. 35-A MRSA §7104, sub-§5,** as amended by PL 2007, c. 224, §3, is further amended to read:

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

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

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

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

**PART VVV**

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

**PART WWW**

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

**§3101-A. Report required**

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

**PART XXX**

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

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

- Superintendent of Financial Institutions;
- Superintendent of Consumer Credit Protection;
- State Tax Assessor;
- Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;
- Superintendent of Insurance;
- Executive Director of the Maine Consumer Choice Health Plan;
- Two deputy commissioners, Department of Administrative and Financial Services;
- Deputy Commissioner, Department of Corrections;
- Public Advocate;
- Two deputy commissioners, Department of Health and Human Services;
- Chief Information Officer;
- Associate Commissioner, Department of Corrections;
- Chief of the State Police; ~~and~~
- Securities Administrator, Office of Securities; ~~and~~
- Director, Office of Professional and Occupational Regulation.

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

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

- Director, Bureau of Air Quality;
- Director, Bureau of Water Quality;
- Director, Bureau of Land Resources;
- Director, Bureau of Remediation and Waste Management;
- Deputy Commissioner, Environmental Protection; ~~and~~
- ~~Director, Office of Professional and Occupational Regulation; and~~
- Deputy Chief of the State Police.

**PART YYY**

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

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

**Sec. YYY-2. Transfer balances.** Notwithstanding any provision of law to the contrary, at the close of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Statewide Outreach account, Other Special Revenue Funds to the Bureau of Consumer Credit Protection account, Other Special Revenue Funds, which are both within the Bureau of Consumer Credit Protection program in the Department of Professional and Financial Regulation.

**PART ZZZ**

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

matching funds for the federal Help America Vote Act of 2002.

#### PART AAAA

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

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

#### PART BBBB

**Sec. BBBB-1. Transfer to MaineCare Stabilization Fund.** Notwithstanding any law to the contrary, the State Controller shall transfer \$14,500,000 from the Fund for a Healthy Maine dedicated revenue, excluding slot machine income credited to the Fund for a Healthy Maine in the Maine Revised Statutes, Title 8, section 1036, to the MaineCare Stabilization Fund established in Title 22, section 3174-KK on or before June 30, 2019.

**Sec. BBBB-2. Transfer to MaineCare Stabilization Fund.** Notwithstanding any law to the contrary, the State Controller shall transfer \$14,500,000 from the unappropriated surplus of the General Fund to the MaineCare Stabilization Fund established in the Maine Revised Statutes, Title 22, section 3174-KK on or before June 30, 2019.

**Sec. BBBB-3. Transfer for MaineCare payments.** Notwithstanding any law to the contrary, the State Controller shall transfer up to \$29,000,000 from the balance available in the MaineCare Stabilization Fund established in the Maine Revised Statutes, Title 22, section 3174-KK for MaineCare payments in the Department of Health and Human Services. Amounts transferred may be expended based on allotment established by financial order approved by the Governor. The amounts transferred are considered adjustments to appropriations. The Governor shall inform the Legislative Council and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters immediately upon such a transfer from the MaineCare Stabilization Fund.

**Sec. BBBB-4. Transfer to Fund for a Healthy Maine.** After the State Controller has made the transfers for MaineCare payments authorized pursuant to section 3 of this Part, the State Controller shall transfer any remaining balance, up to

\$14,500,000, on June 30, 2021 to the Fund for a Healthy Maine dedicated revenue.

#### PART CCCC

**Sec. CCCC-1. Department of Health and Human Services; transfer of funds from All Other.** Notwithstanding any provision of law to the contrary, for fiscal years 2019-20 and 2020-21 only, the Department of Health and Human Services may transfer from available balances of appropriations in the All Other line category after the deduction of all appropriations, financial commitments, other designated funds or any other transfer authorized by statute from any account within the Department of Health and Human Services, excluding balances in the IV-E Foster Care/Adoption Assistance and State-funded Foster Care/Adoption Assistance programs, for the purpose of the information system modernization project in the office of aging and disability services, including the modernization of and merging of information systems within the Department of Health and Human Services, office of aging and disability services, by financial order upon the recommendation of the State Budget Officer and approval of the Governor. This transfer is not considered an adjustment to appropriations.

#### PART DDDD

**Sec. DDDD-1. Department of Administrative and Financial Services, Central Administrative Applications program, General Fund account carry-forward.** Notwithstanding any provision of law to the contrary, any balance remaining in the Department of Administrative and Financial Services, Central Administrative Applications program, General Fund account at the close of fiscal year 2018-19, fiscal year 2019-20 and fiscal year 2020-21 may not lapse and must be carried forward in the same program.

#### PART EEEE

**Sec. EEEE-1. Personal Services review.** The Department of Administrative and Financial Services, Bureau of the Budget shall conduct a review of Personal Services balances in executive branch departments and agencies for the purpose of identifying total General Fund savings in the Personal Services line category equal to \$1,046,580 and Highway Fund savings in the Personal Services line category equal to \$31,578 in fiscal years 2018-19, 2019-20 and 2020-21.

**Sec. EEEE-2. Calculation and transfer.** Notwithstanding any provision of law to the contrary, the State Budget Officer shall calculate the amount of the savings associated with section 1 of this Part that applies against each General Fund and Highway Fund account for all executive branch departments and agencies statewide and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appro-

priations in fiscal years 2018-19, 2019-20 and 2020-21.

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

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Accident - Sickness - Health Insurance 0455**

Initiative: Adjusts funding to reflect correct savings included in Public Law 2017, chapter 284, Part ZZZZZZ.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$1,046,580	\$1,046,580	\$1,046,580
<b>GENERAL FUND TOTAL</b>	<b>\$1,046,580</b>	<b>\$1,046,580</b>	<b>\$1,046,580</b>

HIGHWAY FUND	2018-19	2019-20	2020-21
All Other	\$31,578	\$31,578	\$31,578
<b>HIGHWAY FUND TOTAL</b>	<b>\$31,578</b>	<b>\$31,578</b>	<b>\$31,578</b>

**Executive Branch Departments and Independent Agencies - Statewide 0017**

Initiative: Adjusts funding on a one-time basis to reflect correct savings included in Public Law 2017, chapter 284, Part ZZZZZZ.

GENERAL FUND	2018-19	2019-20	2020-21
Personal Services	(\$1,046,580)	(\$1,046,580)	(\$1,046,580)
<b>GENERAL FUND TOTAL</b>	<b>(\$1,046,580)</b>	<b>(\$1,046,580)</b>	<b>(\$1,046,580)</b>

HIGHWAY FUND	2018-19	2019-20	2020-21
Personal Services	(\$31,578)	(\$31,578)	(\$31,578)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$31,578)</b>	<b>(\$31,578)</b>	<b>(\$31,578)</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2018-19	2019-20	2020-21
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GENERAL FUND	\$0	\$0	\$0
HIGHWAY FUND	\$0	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**PART FFFF**

**Sec. FFFF-1. Personal Services balances; Maine Health Data Organization; transfers authorized.** Notwithstanding any provision of law to the contrary, in the 2020-2021 biennium, the Maine Health Data Organization, upon recommendation of the State Budget Officer and approval of the Governor, is authorized to transfer by financial order up to \$290,000 in each fiscal year available balances of Personal Services allocations, after all salary, benefit and other obligations are met, to the All Other line category in the Maine Health Data Organization, Other Special Revenue Funds account.

**PART GGGG**

**Sec. GGGG-1. Department of Health and Human Services; Departmentwide All Other.** Notwithstanding any provision of law to the contrary, the State Budget Officer shall calculate the amount of All Other savings that applies to each General Fund account in the Department of Health and Human Services and shall transfer by financial order upon the recommendation of the State Budget Officer and approval of the Governor, the All Other funding from each General Fund account to the Departmentwide program, General Fund account for the purpose of achieving All Other savings in each fiscal year. These transfers are considered adjustments to appropriations in fiscal years 2019-20 and 2020-21.

**PART HHHH**

**Sec. HHHH-1. 22 MRSA §3104, sub-§11,** as amended by PL 2009, c. 291, §2, is further amended to read:

**11. Food supplement program overpayment recovery.** The Food Supplement Administration account is established as a nonlapsing Other Special Revenue Funds account in the Department of Health and Human Services, Food Supplement Administration program. Any allowable portion of money, as determined pursuant to federal law, recovered by the department as a result of the overpayment of food supplement benefits must be deposited to into the General Fund, including any money up to a maximum of \$81,475 recovered prior to March 14, 1994 Other Special Revenue Funds, Food Supplement Administration account.

## PART III

**Sec. III-1. 5 MRSA §1531, sub-§2,** as amended by PL 2015, c. 267, Pt. L, §3, is further amended to read:

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

**Sec. III-2. 5 MRSA §1710-D,** as amended by PL 2011, c. 655, Pt. DD, §3 and affected by §24, is further amended to read:

**§1710-D. Staffing**

The commission may receive staff support from the ~~Governor's Office of Policy and Management Department of Administrative and Financial Services and the Department of Labor~~.

**Sec. III-3. 5 MRSA §1710-I,** as amended by PL 2011, c. 655, Pt. DD, §4 and affected by §24, is further amended to read:

**§1710-I. Staffing**

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

**Sec. III-4. 5 MRSA §13056, sub-§3,** as amended by PL 2011, c. 655, Pt. DD, §6 and affected by §24, is further amended to read:

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

**Sec. III-5. 10 MRSA §363, sub-§2-A,** as amended by PL 2011, c. 655, Pt. DD, §8 and affected by §24, is further amended to read:

**2-A. Recommendation of Governor and issuers.** At any time action of the Legislature under subsection 1-A is necessary or desirable, the Governor shall recommend to the appropriate committee of the

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

**Sec. III-6. 12 MRSA §8876, sub-§2,** as amended by PL 2011, c. 655, Pt. DD, §9 and affected by §24, is further amended to read:

**2. Future demand.** Project future demand for forest resources based on a common economic forecast developed by the ~~Governor's Office of Policy and Management~~ Consensus Economic Forecasting Commission and on other appropriate economic projections;

**Sec. III-7. 26 MRSA §3, sub-§3, ¶B,** as enacted by PL 2015, c. 250, Pt. C, §2, is amended to read:

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

**Sec. III-8. 30-A MRSA §5250-O, first ¶,** as amended by PL 2017, c. 440, §4, is further amended to read:

A business may apply to the commissioner for certification as a qualified Pine Tree Development

Zone business. Upon review and determination by the commissioner that a business is a qualified Pine Tree Development Zone business, the commissioner shall issue a letter of certification to the business that includes a description of the qualified business activity for which the letter is being issued. Prior to issuing a letter of certification, the commissioner must find that the business activity will not result in a substantial detriment to existing businesses in the State. In order to make this determination, the commissioner shall consider those factors the commissioner determines necessary to measure and evaluate the effect of the proposed business activity on existing businesses, including whether any adverse economic effect of the proposed business activity on existing businesses is outweighed by the contribution to the economic well-being of the State. ~~The State Economist must review applications under this section and provide an advisory opinion to assist the commissioner in making findings under this section.~~ The commissioner shall provide a copy of the letter of certification to the State Tax Assessor.

**Sec. III-9. 30-A MRSA §5903, sub-§6-A,** as amended by PL 2011, c. 655, Pt. DD, §13 and affected by §24, is further amended to read:

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

**Sec. III-10. 35-A MRSA §3454, first ¶,** as repealed and replaced by PL 2013, c. 424, Pt. A, §21, is amended to read:

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

**Sec. III-11. 36 MRSA §6756, 2nd ¶,** as enacted by PL 1995, c. 669, §5, is repealed.

**Sec. III-12. 38 MRSA §484, sub-§10,** as amended by PL 2011, c. 655, Pt. DD, §18 and affected by §24, is further amended to read:

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

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

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

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

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

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

#### PART JJJJ

**Sec. JJJJ-1. Transfer to Maine Budget Stabilization Fund for fiscal year 2018-19.** On or before June 30, 2019, the State Controller shall transfer \$19,800,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532.

#### PART KKKK

**Sec. KKKK-1. PL 2017, c. 284, Pt. EEEEEEE, §1** is amended to read:

**Sec. EEEEEEE-1. Reserve for Riverview Psychiatric Center established.** Notwithstanding any other provision of law to the contrary, on or before June 30, 2019, the State Controller shall transfer up to ~~\$65,000,000~~ \$79,500,000 from the Maine Budget Stabilization Fund within the Department of Administrative and Financial Services to a General Fund reserve account established by the State Controller for the purpose of providing General Fund resources for the amounts in federal financial participation for Medicaid services and disproportionate share hospital payments related to the Riverview Psychiatric Center. Transfers from the reserve account may be made to the Department of Health and Human Services pending a notice and reconsideration of disallowance from the federal Centers for Medicare and Medicaid Services, dated June 7, 2017.

#### PART LLLL

**Sec. LLLL-1. 34-A MRSA §3902,** as enacted by PL 1983, c. 861, §1, is amended to read:

**§3902. Purposes**

The purposes of the Downeast Correctional Facility include vocational and ~~academic education~~ rehabilitative programs, including work release, and work, which may involve public restitution.

**Sec. LLLL-2. 34-A MRSA §3903,** as amended by PL 1985, c. 785, Pt. B, §159, is repealed and the following enacted in its place:

**§3903. Superintendent**

**1. Chief administrative officer.** The chief administrative officer of the Downeast Correctional Facility is the superintendent of the Mountain View Correctional Facility, referred to in this subchapter as "the superintendent," and is responsible to the commissioner.

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

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

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

**Sec. LLLL-3. 34-A MRSA §3904, sub-§2,** as enacted by PL 1983, c. 861, §1 and amended by PL 2005, c. 397, Pt. D, §3, is further amended to read:

**2. Education.** ~~The director superintendent~~ shall maintain suitable courses for academic and career and technical education of the prisoners ~~of the Downeast Correctional Facility.~~ The director superintendent shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the facility's programs.

**Sec. LLLL-4. 34-A MRSA §3905,** as enacted by PL 1983, c. 861, §1, is amended to read:

**§3905. Downeast Correctional Facility employees**

Employees of the Downeast Correctional Facility have the same power as sheriffs in their respective counties to search for and apprehend escapees from the facility, when authorized to do so by the ~~director~~ superintendent.

**PART MMMM**

**Sec. MMMM-1. PL 2015, c. 483, §1, sub-§5,** as amended by PL 2019, c. 4, Pt. D, §1, is further amended to read:

**5. Cost recovery fund.** There is established within the commission a nonlapsing cost recovery fund, referred to in this section as "the fund." The fund receives funds allocated or transferred by the Legislature from the unappropriated surplus of the General Fund in accordance with subsection 8. The commis-

sion shall use the fund to pay all above-market costs of any contract entered into under this section. No more than 50% of the fund may be awarded to facilities serving the NMISA region. Notwithstanding any law to the contrary, by August 1, 2019, \$5,461,387.64 in the fund must be transferred to the General Fund unappropriated surplus in fiscal year 2019-20. The commission by rule or order shall establish how above-market costs are determined and how payments from the fund are made. Amounts remaining in the cost recovery fund that are not needed to pay above-market costs in accordance with subsection 6 may not be transferred without legislative approval.

**PART NNNN**

**Sec. NNNN-1. 20-A MRSA §6602, sub-§1,** is enacted to read:

**D.** A public school that serves lunch shall provide all students who are eligible for free and reduced-price meals under paragraph A a meal that meets the requirements of the federal National School Lunch Program set forth in 7 Code of Federal Regulations, Part 210 (2019) at no cost to the student. The State shall provide funding equal to the difference between the federal reimbursement for a free lunch and the federal reimbursement for a reduced-price lunch for each student eligible for a reduced-price lunch and receiving lunch.

**PART OOOO**

**Sec. OOOO-1. Transfer to School Revolving Renovation Fund; Maine Municipal Bond Bank.** On or before June 30, 2019, the State Controller shall transfer \$18,000,000 from the unappropriated surplus of the General Fund to the Maine Municipal Bond Bank for the School Revolving Renovation Fund established in the Maine Revised Statutes, Title 30-A, section 6006-F.

**PART PPPP**

**Sec. PPPP-1. Transfer from General Fund; indigent legal services.** On or immediately after July 1, 2019, the State Controller shall transfer \$16,526,403 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services, Reserve for Indigent Legal Services program, Other Special Revenue Funds.

**PART QQQQ**

**Sec. QQQQ-1. Lapsed balances; Legislature, General Fund account.** Notwithstanding any provision of law to the contrary, \$242,007 of unencumbered balance forward from the various program accounts and line categories in the Legislature, General Fund accounts as specified by the Executive Director of the Legislative Council lapses to the unappropriated surplus of the General Fund to offset the additional General Fund costs from position changes. By September 1, 2019, the Executive Director of the

Legislative Council shall review the Legislature, General Fund accounts and notify the State Controller of the unencumbered balance forward amounts by account and line category totaling \$242,007 that the State Controller shall lapse to the unappropriated surplus of the General Fund no later than June 30, 2020.

**Sec. QQQQ-2. Lapsed balances; Legislature, General Fund account.** Notwithstanding any provision of law to the contrary, \$268,642 of unencumbered balance forward from the various program accounts and line categories in the Legislature, General Fund accounts as specified by the Executive Director of the Legislative Council lapses to the unappropriated surplus of the General Fund to offset the additional General Fund costs from position changes. By September 1, 2020, the Executive Director of the Legislative Council shall review the Legislature, General Fund accounts and notify the State Controller of the unencumbered balance forward amounts by account and line category totaling \$268,642 that the State Controller shall lapse to the unappropriated surplus of the General Fund no later than June 30, 2021.

#### PART RRRR

**Sec. RRRR-1. Strategic economic plan.** The Department of Economic and Community Development, in collaboration with public and private constituents, shall facilitate the creation of a 10-year strategic economic plan, referred to in this section as "the strategic plan," that recommends breakthrough strategies for increased economic prosperity for all citizens of the State in all regions, ultimately measured by increased household income, a growing workforce and sustainable business development.

The strategic plan must extend broadly from the Maine Innovation Economy Advisory Board's 2017 innovation economy action plan created pursuant to the Maine Revised Statutes, Title 10, section 949 and seek to leverage private and federal investment, particularly in areas of scientific research and commercialization. The strategic plan's strategic goals must include the following:

1. To drive the value-added contribution per job from \$87,160 to a goal identified by the Department of Economic and Community Development;
2. To equitably grow the annual median wage per job from \$31,550 to a goal identified by the Department of Economic and Community Development; and
3. To grow the workforce from 700,000 workers to a goal identified by the Department of Economic and Community Development.

The strategic plan must include sufficient assignments of accountability to ensure execution of the plan with sufficient metrics for effective management.

The strategic plan must include an analysis of gaps in funding and policy and recommendations that

ensure dependable continuity of access to capital across business start-up stages from equity investments, seed capital tax credits, start-up grants and direct, revolving and commercial loans with clear benchmarks, rigorous accountability, public transparency and risk mitigation that protect public benefits.

Following a comprehensive assessment and trend analysis of research and development and business and commercial assets in the State, the Department of Economic and Community Development shall ensure that the strategic plan includes consideration of but is not limited to directing policy supports that suit economic development in the emerging sectors of: life sciences and biomedical technology, environmental and renewable energy technology, information technology, advanced technologies for forestry and agriculture, aquaculture and marine technology, composites and advanced materials and precision manufacturing.

The strategic plan must complement and support other concurrent and parallel state planning initiatives on energy and broadband connectivity such as the comprehensive state energy plan pursuant to the Maine Revised Statutes, Title 2, section 9, subsection 3, paragraph C, the Statewide Broadband Action Plan of the Department of Economic and Community Development dated March 2018 and the Detailed 2019-2021 Strategic Plan for Broadband Service in Maine created by the ConnectME Authority in February 2019.

The Department of Economic and Community Development shall establish a steering committee composed of representatives from the Department of Economic and Community Development, the Finance Authority of Maine and the Department of Labor and the State Economist; the steering committee shall guide the development of the strategic plan.

The Department of Economic and Community Development shall establish a work team, and the work team shall develop the content of the strategic plan. The work team must include, but is not limited to, the members of the steering committee and representatives from a state business organization, the Maine Technology Institute, the Maine Development Foundation, a venture capital fund operating in the State, the office of the President of the University of Maine and a state building and trades organization.

The content of the strategic plan must be informed by the work team and developed in consultation with individuals and agencies, including, but not limited to, those with qualifications and experience related to: scientific research leading to creation of intellectual property, entrepreneurship and successful development of start-up and spin-off businesses; evaluating and underwriting successful business start-ups; technology transfer and capitalization of intellectual property; evaluating or completing successful projects

funded in partnership with institutions such as the National Science Foundation, the United States Department of Health and Human Services, the National Institutes of Health and National Institute of General Medical Sciences and the Maine Experimental Program to Stimulate Competitive Research, established in the Maine Revised Statutes, Title 5, section 13110, federal small business innovation research and small business technology transfer programs, national research laboratories and the Maine Technology Institute's technology asset fund.

The strategic plan must also be informed by input from, without limitation, the Finance Authority of Maine, the Maine Technology Institute, the Governor's office of innovation and the future, the Department of Economic and Community Development, the Maine Innovation Economy Advisory Board, the office of the President of the University of Maine, the office of the Chancellor of the University of Maine System, the ConnectME Authority, an organization representing the energy sector, a venture capital fund operating in the State, organizations in the State dedicated to entrepreneurship, an organization in the State dedicated to biomedical research excellence and the State's congressional delegation.

The Department of Economic and Community Development shall establish within the strategic plan a schedule for periodic review of the plan goals and progress made pursuant to those goals. The Department of Economic and Community Development shall also include within the strategic plan a strategy for continuation of the strategic plan following the expiration of the 10-year plan period.

By December 31, 2019, the Department of Economic and Community Development shall provide a report on the strategic plan to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Innovation, Development, Economic Advancement and Business and shall provide copies of the strategic plan to all members of the Legislature. The Joint Standing Committee on Innovation, Development, Economic Advancement and Business may report out a bill based on the report to the Second Regular Session of the 129th Legislature.

#### PART SSSS

**Sec. SSSS-1. 25 MRSA §2927, sub-§1-E,** ¶A, as amended by PL 2009, c. 617, §8 and affected by §13, is repealed and the following enacted in its place:

A. Prior to January 1, 2020, the statewide E-9-1-1 surcharge is 45¢ per month per line or number. Beginning January 1, 2020, the Public Utilities Commission shall establish the statewide E-9-1-1 surcharge, except that the statewide E-9-1-1 surcharge may not exceed 35¢ per month per line or

number. The commission shall establish the statewide E-9-1-1 surcharge by routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, or through other commission proceedings. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account.

**Sec. SSSS-2. 25 MRSA §2927, sub-§1-F,** ¶A, as amended by PL 2009, c. 617, §9 and affected by §13, is repealed and the following enacted in its place:

A. Prior to January 1, 2020, the prepaid wireless E-9-1-1 surcharge is 45¢ per retail transaction. Beginning January 1, 2020, the Public Utilities Commission shall establish the prepaid wireless E-9-1-1 surcharge, except that the prepaid wireless E-9-1-1 surcharge may not exceed 35¢ per retail transaction. The commission shall establish the prepaid wireless E-9-1-1 surcharge by routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, or through other commission proceedings.

**Sec. SSSS-3. 35-A MRSA §9211, sub-§2-A** is enacted to read:

**2-A. Surcharge; collection.** Beginning January 1, 2020, in addition to the assessment imposed pursuant to subsection 2, a ConnectME surcharge of 10¢ per line or number is imposed. The assessment imposed pursuant to subsection 2 and the surcharge imposed pursuant to this subsection must be collected from the customer on a monthly basis by each communications service provider. Revenue must be deposited in the fund.

**Sec. SSSS-4. 35-A MRSA §9211, sub-§3,** as enacted by PL 2005, c. 665, §3, is amended to read:

**3. Explicit identification of assessment and surcharge on customer bills.** A communications service provider assessed pursuant to subsection 2 may recover the amount of the assessment from the provider's customers. If a provider recovers the amount from its customers, it must explicitly identify the amount owed by a customer on the customer's bill and indicate that the funds are collected for use in the ConnectME Fund. Beginning January 1, 2020, the ConnectME surcharge imposed pursuant to subsection 2-A must be shown separately from the assessment imposed pursuant to subsection 2 as a statewide ConnectME surcharge on the customer's bill.

#### PART TTTT

**Sec. TTTT-1. 5 MRSA §13056-H** is enacted to read:

#### **§13056-H. Maine Economic Development Fund**

The Maine Economic Development Fund is established as a nonlapsing fund within the department to

encourage and support economic and business growth, rural manufacturing and industrial site redevelopment and implementation of a strategic plan.

**Sec. TTTT-2. Transfer.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$4,000,000 from the unappropriated surplus of the General Fund to the Maine Economic Development Fund established in the Maine Revised Statutes, Title 5, section 13056-H, no later than June 30, 2020.

**PART UUUU**

**Sec. UUUU-1. 20-A MRSA §4501, first ¶,** as amended by PL 2013, c. 581, §4, is further amended to read:

In accordance with the policy expressed in section 2, every school administrative unit shall raise annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of basic school approval. To the extent the State provides adequate start-up funding, a school administrative unit may offer an opportunity for every child 4 years of age residing in the school administrative unit to attend a public preschool program, or a program affiliated with the school administrative unit, meeting the requirements of basic school approval. It is the goal of the State to provide adequate start-up funding to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the ~~2018-2019~~ 2023-2024 school year.

**Sec. UUUU-2. Development of recommendations; report.** In order to meet the goal of ensuring that public preschool programs for children 4 years of age are offered by all school administrative units by the 2023-2024 school year in accordance with the Maine Revised Statutes, Title 20-A, section 4501, the Department of Education shall develop recommendations, including recommended legislation, for the implementation of universal public preschool for children 4 years of age. The recommendations must include, but are not limited to:

1. Standards for public preschool programs;
2. A process for approval and certification of programs not operated by a school administrative unit, including, but not limited to, a Head Start program or other program affiliated with the school administrative unit; and
3. Funding for public preschool programs, including funding options that will encourage school administrative units to implement new public preschool programs or expand existing public preschool programs.

No later than January 1, 2020, the Department of Education shall submit a report of its recommendations, including recommended legislation, to the Joint

Standing Committee on Education and Cultural Affairs. The joint standing committee may report out legislation to the Second Regular Session of the 129th Legislature to implement the recommendations included in the report.

**PART VVVV**

**Sec. VVVV-1. Legislature to contract for independent review of the State's early childhood special education services.** The Legislature, through the Joint Standing Committee on Education and Cultural Affairs, referred to in this Part as "the joint standing committee," may contract with a qualified research and technical assistance entity to conduct pursuant to sections 5 and 6 an independent review of the State's early childhood special education services and develop recommendations and an implementation plan.

**Sec. VVVV-2. Assistance; request for proposals process.** At the direction of the joint standing committee, the Office of the Executive Director of the Legislative Council, referred to in this Part as "the office," shall develop and administer a request for proposals process to permit the Legislature, through the joint standing committee, to award a contract pursuant to section 1. The office, with the advice and assistance of the Independent Review Advisory Committee, established under section 4 and referred to in this Part as "the advisory committee," and in consultation with and with the approval of the joint standing committee, shall:

1. Develop and administer a request for proposals process in accordance with section 3;
2. Administer the contract entered into pursuant to section 1, including monitoring the research and technical assistance entity's performance in meeting deadlines, providing deliverables pursuant to sections 5 and 6 and complying with other terms of the contract; and
3. Within available resources, provide other assistance to the joint standing committee relating to the contract and the purposes of this Part.

**Sec. VVVV-3. Request for proposals; standards and selection process.** The office, with the advice and assistance of the advisory committee, and in consultation with and with the approval of the joint standing committee, shall administer a request for proposals process in accordance with this section.

1. The qualifications of a research and technical assistance entity submitting a proposal must include, but are not limited to, the financial, technical and operational capacity of the entity to conduct state-level education policy research and fiscal analysis, as demonstrated by the entity's professional experience and expertise.

2. With the approval of the joint standing committee, the office shall issue a request for proposals

and publish notice of the request on the Legislature's publicly accessible website and through advertisements in 2 or more public newspapers circulated wholly or in part in the State and may provide any further notice of the request to any other media or entities, as approved by the joint standing committee. The notice must provide that the office will accept, for 30 days after the first date of publication, proposals from qualified research and technical assistance entities that meet the standards approved by the joint standing committee.

3. After proposals have been received and the period for accepting proposals has expired, the office, with the advice and counsel of the advisory committee, shall evaluate the proposals and present a ranking of or recommendations regarding the proposals to the joint standing committee. The joint standing committee shall review the recommendations and choose the proposal it wishes to accept. The joint standing committee shall notify the Executive Director of the Legislative Council of its selection of a proposal. The executive director shall execute a contract with the selected research and technical assistance entity on behalf of the Legislature.

4. Notwithstanding the Maine Revised Statutes, Title 1, section 402, except for the name and mailing address of a research and technical assistance entity that submits a proposal, the proposal and all other materials prepared, used or submitted in connection with the proposal are confidential and are not subject to public review until the period for accepting proposals has expired.

**Sec. VVVV-4. Independent Review Advisory Committee.** The Independent Review Advisory Committee is established to advise the office and joint standing committee on matters related to developing a request for proposals and administering the contract entered into pursuant to this Part. The advisory committee consists of the following members:

1. The Commissioner of Education or the commissioner's designee;
2. The Commissioner of Health and Human Services or the commissioner's designee;
3. One member who is a contracted service provider of early intervention and free, appropriate public education services appointed by the President of the Senate from a list provided by the Maine Association for Community Service Providers;
4. One member who is a representative of a Head Start agency or program, representing Head Start programs in the State appointed by the President of the Senate from a list provided by the Maine Head Start Directors Association;

5. One member who is a teacher in an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children within a public elementary school from a large school administrative unit appointed by the President of the Senate from a list provided by the Maine Education Association;

6. One member who is a principal of a public elementary school of an urban school administrative unit that has implemented an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children appointed by the President of the Senate from a list provided by the Maine Principals' Association;

7. One member appointed by the President of the Senate from a list provided by the Maine Developmental Disabilities Council, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 66;

8. One member representing a statewide association of speech, language and hearing therapists appointed by the President of the Senate from a list provided by the Maine Speech Language Hearing Association;

9. One member who is a parent of a child with a disability between 3 years of age and 5 years of age appointed by the Speaker of the House from a list provided by the Maine Parent Federation;

10. One member who is a representative of a child care program appointed by the Speaker of the House from a list provided by the Maine Association for the Education of Young Children;

11. One member who is a special education director from a small school administrative unit appointed by the Speaker of the House from a list provided by the Maine Administrators of Services for Children with Disabilities;

12. One member who is a superintendent of a rural school administrative unit that has implemented an early childhood education program for children 4 years of age that includes coordination of programs and services for eligible children appointed by the Speaker of the House from a list provided by the Maine School Superintendents Association; and

13. One member representing a statewide association of occupational therapists appointed by the Speaker of the House from a list provided by the Maine Occupational Therapy Association.

The advisory committee shall elect a chair from among its members. The office shall provide to the members of the joint standing committee notice of the meetings of the office with the advisory committee so that members of the joint standing committee may attend.

**Sec. VVVV-5. Scope of the review.** The contract entered into pursuant to section 1 must require an objective evaluation of the State's early childhood special education services from birth to 5 years of age. The evaluation must include, but is not limited to, comparisons between this State and other comparable states and an implementation plan for the transition of services from the Child Development Services System under the Maine Revised Statutes, Title 20-A, section 7209 to local school administrative units and must address the following:

1. National trends and relevant models of governing and delivering early childhood special education systems in other states and jurisdictions that hold the potential for enhancing the effectiveness, efficiency or accountability of the early childhood special education system in the State;

2. The short-term and long-term costs and benefits of the proposed plan to restructure the Child Development Services System as presented to the Legislature in An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age, L.D. 1715 from the First Regular Session of the 129th Legislature;

3. The impact that the proposed plan will have on the following:

A. Current Child Development Services System staff, including but not limited to the potential impact on staff retirement and how any negative impact on staff retirement can be reduced or eliminated and whether Child Development Services System employees would become employees of the local school administrative unit or the State;

B. Current school administrative unit staff;

C. The provision of services for children birth to 3 years of age; and

D. Due process complaints;

4. The development of recommendations for an early childhood special education services program plan for the State, which must include, but is not limited to:

A. Models of best practices;

B. Fiscally sound budget forecasting, including all possible revenue streams and updated costs;

C. Transportation services;

D. Data systems, including a billing system, a system that allows coordination with the MaineCare program and a case management documentation system;

E. A timeline for the implementation of the plan under this section;

F. A procedure for data collection and analysis conducted by the Maine Education Policy Research Institute;

G. A method for assessing a school administrative unit's capacity for implementing early childhood special education programs;

H. Training requirements for service providers and leaders;

I. A public information communication strategy for implementation of the plan;

J. Identification of potential revisions to the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual; and

K. Workforce capacity, including but not limited to the availability of certified teachers; and

5. A step-by-step implementation plan for the transition of special education services for children from birth to 3 years of age to the Department of Education and a step-by-step implementation plan for the transition of special education services for children 3 years of age to 5 years of age to local school administrative units, including but not limited to the resources required, both human and financial, and a detailed timeline.

**Sec. VVVV-6. General requirements of the review.** The contract entered into pursuant to section 1 must require:

1. A review of previous studies and available data related to early childhood special education, including but not limited to the findings and recommendations of the Subcommittee To Study Early Childhood Special Education in its January 2007 report and the findings and recommendations of the Office of Program Evaluation and Government Accountability in its July 2012 report on child development services; and

2. The selected research and technical assistance entity to provide opportunities for input from education stakeholder groups in the State as part of its evaluation.

The Department of Education, the Department of Administrative and Financial Services, Bureau of Revenue Services and the Education Research Institute established in the Maine Revised Statutes, Title 20-A, section 10 shall provide the selected research and technical assistance entity with access to previous reports on school funding in the State and access to database information necessary to carry out the evaluation.

**Sec. VVVV-7. Preliminary and final reports.** The research and technical assistance entity selected to conduct the independent review pursuant to this Part shall present a preliminary report of the results of the review under sections 5 and 6 to the joint standing committee no later than April 1, 2020. The

selected research and technical assistance entity shall present a final report to the joint standing committee by December 1, 2020. The joint standing committee of the Legislature having jurisdiction over education matters may submit a bill relating to the final report to the First Regular Session of the 130th Legislature.

**Sec. VVVV-8. Committee meetings authorized.** The joint standing committee may meet up to 4 times to carry out its responsibilities under this Part.

**Sec. VVVV-9. Transfer from Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account; General Fund unappropriated surplus; fiscal year 2019-20.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$200,000 from the Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education to the General Fund unappropriated surplus no later than July 31, 2019.

**Sec. VVVV-10. Transfer from Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account; General Fund unappropriated surplus; fiscal year 2020-21.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$300,000 from the Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education to the General Fund unappropriated surplus no later than July 31, 2020.

#### PART WWWW

**Sec. WWWW-1. Allocation to fund county and regional jails.** The additional one-time funding of \$3,000,000 in fiscal year 2019-20 and \$3,000,000 in fiscal year 2020-21 provided pursuant to Part A of this Act to the Department of Corrections, County Jail Operations Fund for county and regional jails to offset unusually high costs in the jails must be allocated as provided in this section.

**1. Fiscal year 2019-20.** The \$3,000,000 appropriated in fiscal year 2019-20 must be allocated to jails to offset shortfalls and unanticipated expenses incurred in fiscal year 2018-19 as specified in this subsection.

A. The amount of \$2,898,761 must be allocated to the following jails in the following manner:

- (1) To Androscoggin County Jail, \$354,895;
- (2) To Aroostook County Jail, \$270,916;
- (3) To Cumberland County Jail, \$298,069;
- (4) To Franklin County Jail, \$167,453;
- (5) To Hancock County Jail, \$120,000;
- (6) To Oxford County Jail, \$691,718;

(7) To Piscataquis County Jail, \$225,626;

(8) To Somerset County Jail, \$484,265;

(9) To Washington County Jail, \$125,819; and

(10) To York County Jail, \$160,000.

B. The Department of Corrections shall use the remaining \$101,239 to reimburse county and regional jails for unexpected expenses, as documented by the jails to the Department of Corrections, that cause expenditures in fiscal year 2019-20 that are not anticipated by the jails and that are in excess of the budgets of the jails and the amounts listed in paragraph A, subparagraphs (1) to (10).

C. Funds provided under this subsection that are not expended by the jails during fiscal year 2019-20 lapse to the Department of Corrections, County Jail Operations Fund for use in a future year.

**2. Fiscal year 2020-21.** The \$3,000,000 appropriated in fiscal year 2020-21 must be allocated to county and regional jails to offset shortfalls and unanticipated expenses incurred in fiscal year 2019-20 as specified in this subsection.

A. For fiscal year 2020-21, the \$3,000,000 appropriation must be distributed among the jails to provide funding for expenses incurred by those jails in excess of budgeted expenses actually paid or obligations incurred during fiscal year 2019-20. For the purpose of calculating shortfalls and unanticipated expenses, the Maine Sheriffs' Association and Maine County Commissioners Association shall submit to the Commissioner of Corrections by June 1, 2020 signed statements of the jails' budgets, revenues and expenditures and incurred obligations for fiscal year 2019-20.

B. By June 7, 2020, the Maine Sheriffs' Association and Maine County Commissioners Association shall submit a compilation of the signed statements of the jail budgets along with the submitted financial information to the Commissioner of Corrections.

C. By July 1, 2020, the Commissioner of Corrections shall direct that payment be made to the jails for their shortfalls and unanticipated expenses up to a total of \$3,000,000.

If the shortfalls and unanticipated expenses exceed \$3,000,000, the payments to the jails must be reduced on a pro rata basis. If the shortfalls and unanticipated expenses do not exceed \$3,000,000, any remaining funds must lapse to the County Jail Operations Fund for use in a future year.

#### PART XXXX

**Sec. XXXX-1. Department of Health and Human Services to amend rules; Maine Veter-**

**ans' Homes.** The Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities to allocate a supplemental payment of \$750,000 in fiscal year 2019-20 and fiscal year 2020-21 to the Maine Veterans' Homes to offset budget shortfalls. The department, in its rulemaking, shall determine a methodology that allocates funding in a manner that addresses Maine Veterans' Homes shortfalls on a basis proportional to the shortfall of each Maine Veterans' Homes nursing facility. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF  
Nursing Facilities 0148**

Initiative: Provides one-time appropriations and allocations to the Department of Health and Human Services to provide a supplemental payment in both fiscal year 2019-20 and 2020-21 to Maine Veterans' Homes nursing facilities.

GENERAL FUND	2019-20	2020-21
All Other	\$750,000	\$750,000
	\$750,000	\$750,000
GENERAL FUND TOTAL	\$750,000	\$750,000
FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,332,177	\$1,321,823
	\$1,332,177	\$1,321,823
FEDERAL EXPENDITURES FUND TOTAL	\$1,332,177	\$1,321,823

**PART YYYY**

**Sec. YYYY-1. 36 MRSA §1760, sub-§26-A** is enacted to read:

**26-A. Certain watercraft purchased by incorporated nonprofit transportation companies.** Sales of watercraft to an incorporated nonprofit transportation company that has a written understanding with a municipality that the watercraft will be available at all times to transport an emergency medical services patient from an island to a licensed ambulance service on the mainland.

**Sec. YYYY-2. Retroactivity.** This Part applies retroactively to purchases made on or after January 1, 2019.

**PART ZZZZ**

**Sec. ZZZZ-1. 30-A MRSA §6006-F, sub-§3, ¶A,** as amended by PL 2019, c. 158, §2, is further amended to read:

A. To make loans to school administrative units for school repair and renovation.

(1) The following repair and renovation needs receive Priority 1 status:

- (a) Repair or replacement of a roof on a school building;
- (b) Bringing a school building into compliance with the federal Americans with Disabilities Act, 42 United States Code, Section 12101 et seq.;
- (c) Improving air quality in a school building;
- (d) Removing or abating hazardous materials in a school building, including, but not limited to, water lead abatement or mitigation pursuant to Title 22, section 2604-B; and
- (f) Undertaking other health, safety and compliance repairs, including installations or improvements necessary to increase school facility security.

(2) Repairs and improvements related to a school building structure, windows and doors and water or septic systems, other than water lead abatement or mitigation pursuant to Title 22, section 2604-B, receive Priority 2 status.

(3) Repairs and improvements related to energy and water conservation receive Priority 3 status.

(4) Upgrades of learning spaces in school buildings, including renovations to retrofit learning spaces for public preschool programs, receive Priority 4 status.

(5) The Commissioner of Education may approve other necessary repairs;

**PART AAAAA**

**Sec. AAAAA-1. 20-A MRSA §15688-A, sub-§1,** as repealed and replaced by PL 2017, c. 420, §8, is amended to read:

**1. Career and technical education program components.** Beginning in fiscal year 2018-19, the allocation for career and technical education centers and career and technical education regions is based upon a model that recognizes program components that have been approved by the department pursuant to chapter 313 for:

A. Direct instruction. The direct instruction component includes personnel costs for teachers, education technicians for programs and clinical supervisors for health care programs. The allocation for direct instruction is the sum of the costs as determined based on the following components, which the commissioner shall determine annually:

- (1) A teacher salary matrix. In determining the teacher salary matrix for each program, the commissioner shall give consideration to the most recent available data regarding years of education experience and years of professional work experience relevant to instructional assignment;
- (2) Student-to-teacher ratios for each program;
- (3) The number of education technicians required for purposes of instructional support, based on student enrollment and program requirements. The commissioner shall calculate the education technician allocation by multiplying the number of education technicians required by the statewide average salary for full-time education technicians, based on the most recent available salary data, but shall ensure that each career and technical education center or career and technical education region is allocated at least one full-time education technician; and
- (4) The clinical supervision staffing level necessary for each program requiring such staffing, based on student enrollment as determined pursuant to paragraph G;

B. Central administration. The central administration component includes personnel costs for directors, assistant directors and clerical staff working in career and technical education centers and career and technical education regions, as well as business managers working in career and technical education regions. The central administration allocation is the sum of:

- (1) Costs for personnel for each career and technical education center and career and technical education region, as follows:
  - (a) A director, the allocation for which must be for one full-time equivalent;
  - (b) An assistant director, the allocation for which must be based on student enrollment as determined pursuant to paragraph G but may not exceed one full-time equivalent;
  - (c) Clerical staff, the allocation for which must be for at least one full-time equivalent, with additional clerical staff

allocations based on student enrollment as determined pursuant to paragraph G;

(d) A career and technical education region business manager, the allocation for which must be for one full-time equivalent; and

(e) Benefit costs for employees in central administration, which must be calculated pursuant to section 15678, subsection 5, paragraph B; and

- (2) Nonpersonnel costs, which the commissioner shall calculate annually based upon the relationship of the most recent available career and technical education expenditures for nonpersonnel costs to personnel costs;

C. Supplies and other expenditures such as purchased services, dues and fees for instructional programs. The allocation for supplies and other expenditures is the sum of:

(1) A per-program allocation for supplies, as determined by the commissioner based on the most recent available career and technical education expenditures amount, adjusted to the year prior to the allocation year; and

(2) A per-pupil allocation for each student in each career and technical education center and each career and technical education region, determined by the commissioner based on:

(a) The most recent available career and technical education expenditures amount, adjusted for inflation to the year prior to the allocation year; and

(b) Student enrollment, as determined pursuant to paragraph G;

D. Plant operation and maintenance, including all costs for operating and maintaining buildings and grounds. The commissioner shall determine the allocation for plant operation and maintenance costs for each career and technical education center and each career and technical education region by multiplying the square footage of the career and technical education center or career and technical education region building by an amount per square foot, as determined by the commissioner;

E. Other student and staff support, which includes costs for student services coordination, career preparation, instructional technology, professional development, student assessment and program safety. The other student and staff support allocation is the sum of the costs for:

- (1) A counselor, the allocation for which must be for one full-time equivalent, to collaborate with sending school guidance coun-

selors in order to maximize student participation at the middle school and high school grade levels;

(2) Career and technical education center or career and technical education region student services coordinators, the allocation for which must be based on student enrollment, as determined pursuant to paragraph G, but no less than one full-time equivalent;

(3) Benefit costs for employees under this paragraph, calculated pursuant to section 15678, subsection 5, paragraph B; and

(4) Instructional technology, staff professional development, student assessment and program safety. The commissioner shall calculate a per-pupil allocation for this allocation based upon student enrollment, as determined pursuant to paragraph G, and the relationship of the most recent available career and technical education expenditures for these costs to total costs, adjusted to the year prior to the allocation year;

F. Equipment provided pursuant to subsection 6; and

G. Student enrollment, which is determined as follows.

(1) For each program or plan approved pursuant to chapter 313 that has 3 years of attending student counts on October 1st, student enrollment is a 3-year average of the attending student counts on October 1st for that program or plan.

(2) For each program or plan approved pursuant to chapter 313 that is not governed by subparagraph (1), including a new program or plan approved pursuant to chapter 313, student enrollment must be based on the estimated attending student count submitted in accordance with the application for the program or plan approval. This estimated attending student count must be used until the program or plan has 3 consecutive years of actual attending student counts on October 1st.

~~The~~ In fiscal year 2019-20, the total allocation for a career and technical education center or career and technical education region is the sum of the components in paragraphs A to E, except if the sum of the components in paragraphs A to E is less than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, the career and technical education center or career and technical education region may not receive less than the adjusted expenditure, and if the sum of the components in paragraphs A to E is more than 5% greater than the most

recent expenditure data, as adjusted for inflation to the year prior to the allocation year, then the career and technical education center or career and technical education region may not receive more than the adjusted expenditures plus 5%.

In fiscal year 2020-21, fiscal year 2021-22 and fiscal year 2022-23, the total allocation for a career and technical education center or career and technical education region is the sum of the components in paragraphs A to E, except if the sum of the components in paragraphs A to E is less than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, or more than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, the total allocation must be determined pursuant to subsection 1-A.

Beginning in fiscal year 2023-24, the total allocation for a career and technical education center or career and technical education region is the sum of components in paragraphs A to E.

The commissioner shall authorize monthly payment of allocations to career and technical education centers and career and technical education regions in an amount equal to 1/12 of the total allocation. Payments for satellite programs as approved pursuant to chapter 313 must be made within this schedule to the responsible career and technical education center or career and technical education region; it is the responsibility of the career and technical education center or career and technical education region to provide the state support for the approved satellite program to the school administrative unit that operates the approved satellite program.

If a school administrative unit operating a career and technical education center or career and technical education region has any unexpended funds at the end of the fiscal year, these funds must be carried forward for the purposes of career and technical education.

**Sec. AAAAA-2. 20-A MRSA §15688-A, sub-§1-A** is enacted to read:

**1-A. Transition period for career and technical education program components.** In fiscal year 2020-21, fiscal year 2021-22 and fiscal year 2022-23, referred to in this subsection as "the transition period," the total allocation for career and technical education centers and career and technical education regions is subject to a transition period adjustment to align the total allocation for career and technical education centers and career and technical education regions with the career and technical education program components in subsection 1.

A. In each fiscal year of the transition period, the commissioner shall identify each career and technical education center and career and technical education region for which the sum of the components in subsection 1, paragraphs A to E is less

than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, or more than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year.

B. In each fiscal year of the transition period, the commissioner shall calculate an adjustment to the total allocation for each career and technical education center and career and technical education region identified pursuant to paragraph A. The calculation must be based on the amounts necessary to transition the career and technical education center or career and technical education region to a total allocation that is equal to the sum of the components in subsection 1, paragraphs A to E by fiscal year 2023-24. In making this calculation, the commissioner shall ensure that the annual adjustment calculated pursuant to this paragraph is reasonably similar over the course of the transition period.

C. During each fiscal year of the transition period, the commissioner shall adjust the total allocation for each career and technical education center and career and technical education region identified pursuant to paragraph A in accordance with the calculation under paragraph B.

#### PART BBBBB

**Sec. BBBBB-1. Commission To Study Long-term Care Workforce Issues.** Notwithstanding Joint Rule 353, the Commission To Study Long-term Care Workforce Issues, referred to in this section as "the commission," is established.

**1. Members.** The commission consists of up to 18 members as follows:

A. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

B. Three members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature; and

C. Up to 13 members who possess expertise in the subject matter of the study as follows:

- (1) A direct care worker appointed by the President of the Senate;
- (2) A provider of home-based long-term care who is a member of a statewide association representing home-based long-term care providers appointed by the President of the Senate;
- (3) A representative of a statewide association representing nonprofit housing and senior ser-

vice programming appointed by the President of the Senate;

(4) A representative of an organization providing services to individuals with intellectual disabilities and autism including employment services and long-term home supports appointed by the President of the Senate;

(5) A provider of facility-based long-term care who is a member of a statewide association representing facility-based long-term care providers appointed by the Speaker of the House;

(6) A representative of an organization providing statewide homemaker services through the state-funded independent support services program within the Department of Health and Human Services appointed by the Speaker of the House;

(7) A representative of an institution of higher education engaged in workforce development appointed by the Speaker of the House;

(8) A representative of a service coordination agency providing service coordination to people receiving home-based and community-based long-term care appointed by the Speaker of the House;

(9) A representative of an organization promoting independent living for individuals with disabilities appointed by the Speaker of the House;

(10) A representative of a business that acts as a labor intermediary helping unemployed and underemployed people obtain employment appointed by the Speaker of the House;

(11) The executive director of the long-term care ombudsman program described under the Maine Revised Statutes, Title 22, section 5106, subsection 11-C;

(12) The Commissioner of Health and Human Services, or the commissioner's designee, who may be invited to participate; and

(13) The Commissioner of Labor, or the commissioner's designee, who may be invited to participate.

**2. Chairs and subcommittees.** The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission. The chairs of the commission are authorized to establish subcommittees to work on the duties listed in subsection 4 and to assist the commission. The subcommittees must be composed of members of the commission and interested persons who are not members of the commission and who volunteer to serve on the subcommittees without reimbursement.

**3. Appointments.** All appointments must be made no later than 30 days following the effective date of this Part. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members and after adjournment of the First Regular Session of the 129th Legislature, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this Part a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

**4. Directive of commission.** The commission shall study and make policy recommendations in each of the following areas:

- A. Measuring current demand for direct care workers and projecting future needs;
- B. Developing a campaign and statewide recruitment strategies to encourage more people to work in facility-based and home-based long-term care;
- C. Supporting career ladders throughout various long-term care settings;
- D. Identifying education needs and methods to fill education needs for direct care workers;
- E. Identifying barriers to hiring and methods to overcome barriers to hiring;
- F. Developing strategies to improve the quality of long-term care jobs; and
- G. Increasing opportunities for shared staffing among long-term care providers.

The commission shall make policy recommendations for public and private funding mechanisms to implement the commission's recommendations.

**5. Program.** The commission shall make recommendations for the establishment of a program that will contribute to long-term care direct care workers' postsecondary education in related fields.

**6. Pilot program.** The commission shall make recommendations for the establishment of a pilot program to pool part-time home care workers' hours for purposes of providing greater employment opportunity and obtaining employee benefits.

**7. Staffing.** The Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**8. Administration.** The Commissioner of Health and Human Services, the State Auditor and the State Budget Officer shall provide necessary information and assistance to the commission as required for the commission's duties.

**9. Report.** No later than November 7, 2019, the commission shall submit a report that includes its findings and recommendations pursuant to subsections 4 to 6, including suggested legislation, to the Joint Standing Committee on Health and Human Services. The joint standing committee may report out a bill regarding the subject matter of the report to the Second Regular Session of the 129th Legislature.

**PART CCCCC**

**Sec. CCCCC-1. 25 MRSA §5101**, as amended by PL 2017, c. 407, Pt. A, §104, is further amended to read:

**§5101. Substance Use Disorder Assistance Program**

**1. Substance Use Disorder Assistance Program.** The Substance Use Disorder Assistance Program, ~~referred to in this chapter as "the program,"~~ is established to support persons with presumed substance use disorder by providing grants to municipalities and counties to carry out ~~projects~~ programs designed to reduce substance use, substance use-related crimes and recidivism.

**2. Eligibility; program targets; programs.** Grants may be awarded to:

A. Municipal or county governments or regional jails for ~~projects~~ programs designed to assist persons with presumed substance use disorder by ~~diverting using liaison strategies both before and after arrest to refer~~ alleged low-level offenders into community-based treatment and support services. ~~Projects~~ Programs may include, but are not limited to:

(1) Referral of ~~program~~ program participants in the Substance Use Disorder Assistance Program under subsection 1 to evidence-based treatment programs, including medically assisted treatment; and

(2) Provision of case management services to ~~program~~ program participants in the Substance Use Disorder Assistance Program under subsection 1 in order to secure appropriate treatment and support services such as housing, health care, job training and mental health services for ~~program~~ program participants in the Substance Use Disorder Assistance Program; ~~and~~

B. County governments ~~or regional jails~~ for ~~projects~~ programs in county ~~or regional~~ jails designed to ~~assist~~ facilitate the accessing by persons with presumed substance use disorder ~~of post-adjudication diversion and reentry programs.~~ Projects Programs may include, but are not limited to:

(1) Provision of evidence-based treatment programs, including medically assisted treatment, to jail inmates; and

(2) Provision of case management or other support services to ~~program~~ participants in the Substance Use Disorder Assistance Program under subsection 1 to assist in transition from jail upon release; ~~and~~

C. Municipal governments for programs designed to facilitate pathways to community-based treatment, recovery and support services for persons with substance use disorder who present themselves to municipal law enforcement agencies and request assistance and referral to evidence-based treatment programs, including medically assisted treatment.

**3. Requirements.** A grant application for a ~~project~~ program described in subsection 2 must include the following:

A. A statement of purpose and measurable goals for the ~~project~~ program and use for the funds; ~~and~~

B. The elements of the ~~project~~ program, which must include the targeted population, the nature of services or assistance to be provided and expected outcomes; ~~;~~

~~C. For diversion projects, a statement of the municipality's or county's diversion policy, including criteria for selecting participants for the project;~~

~~D. A review of other substance use disorder services available in the applicant municipality or county and communities adjacent to the applicant municipality or county and a statement of the unmet needs to be addressed by the project;~~

~~E. A review of efforts to collaborate among relevant law enforcement agencies, treatment providers, harm reduction services, recovery support services and other community resources and a summary of collaborative approaches included in the project, if any; and~~

~~F. A summary of data to be collected to assess the effectiveness of the project and the methodology that will be used to make that assessment. The data to be collected must include measurements of the long term health, treatment and criminal justice involvement outcomes for participants and must be included in reports filed under subsection 6 as part of a rigorous evaluation process.~~

**4. Selection of grant recipients.** The Commissioner of Public Safety shall review applications submitted by municipalities ~~and~~ counties and regional jails for grants under this chapter. Preference must be given to collaborative approaches that include treatment providers or community-based organizations. ~~The following steering committee shall advise the~~

~~Commissioner of Public Safety in selecting grant recipients. The steering committee consists of the Commissioner of Corrections or the commissioner's designee and representatives of the following organizations, programs and associations selected by the Commissioner of Public Safety from suggestions provided by the organizations, programs and associations: a statewide organization of police chiefs; a statewide organization of sheriffs; a statewide organization representing physicians; a statewide organization representing prosecutors; a statewide organization representing providers of legal services for the indigent; peer recovery programs; and harm reduction associations.~~

**5. Administration of funds.** The policy board established in this State to carry out the State's responsibilities under the federal Justice Assistance Act of 1984, the federal Anti-Drug Abuse Act of 1986, the federal Anti-Drug Abuse Act of 1988 and the federal Violent Crime Control and Law Enforcement Act of 1994, known as "the Justice Assistance Council," shall administer grant funds appropriated for use under this chapter ~~and disburse the funds to municipalities, counties and regional jails selected under subsection 4. The department may retain up to 5% of funds to cover administrative expenses.~~

**6. Reports.** A recipient of a grant under subsection 4 shall report to the Commissioner of Public Safety annually on the anniversary date of the grant award regarding the status of the ~~project~~ program for which the grant was awarded. The report must include a description of how the grant funds were spent, the results of the ~~project~~ program and any recommendations for modification of the ~~project~~ program, including any available information concerning the ~~project's~~ program's effectiveness in reducing substance use disorder and recidivism.

**Sec. CCCCC-2. PL 2015, c. 481, Pt. E, §3** is repealed.

## PART DDDDD

**Sec. DDDDD-1. Carrying provision; Department of Public Safety, Administration - Public Safety, General Fund account.** Notwithstanding any provision of law to the contrary, the State Controller shall carry forward from the Substance Use Disorder Assistance Program \$500,000 in the All Other line category at the end of fiscal year 2018-19 and \$250,000 at the end of fiscal year 2019-20 to the next fiscal years in the Department of Public Safety, Administration - Public Safety program, General Fund account to be used within the Substance Use Disorder Assistance Program in order to provide \$750,000 in grants to eligible programs that divert alleged low-level offenders into community-based treatment and support services in fiscal years 2019-20 and 2020-21.

**PART EEEEE**

**Sec. EEEEE-1. Transfers from available fiscal year 2019-20 Other Special Revenue Funds balances to Department of Marine Resources, Nonfederal Grants, Other Special Revenue Funds account.** At the close of fiscal year 2018-19, the State Controller shall transfer \$1,035,000 from available balances in Other Special Revenue Funds accounts within the Department of Environmental Protection, the Department of Marine Resources or the Department of Education to the Department of Marine Resources, Nonfederal Grants, Other Special Revenue Funds account. On or before June 30, 2019, the Commissioner of Administrative and Financial Services shall determine from which accounts within the Department of Environmental Protection, the Department of Marine Resources or the Department of Education the funds will be transferred so that the sum equals \$1,035,000 and notify the State Controller and the Joint Standing Committee on Appropriations and Financial Affairs of the amounts to be transferred from each account.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 17, 2019.

**CHAPTER 344  
H.P. 561 - L.D.756**

**An Act To Improve the Maine  
Workers' Compensation Act of  
1992**

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

**Sec. 1. 39-A MRSA §102, sub-§4, ¶H,** as amended by PL 2003, c. 437, §1, is further amended to read:

H. "Average weekly wages, earnings or salary" does not include any fringe or other benefits paid by the employer that continue during the disability. Any fringe or other benefit paid by the employer that does not continue during the disability must be included for purposes of determining an employee's average weekly wage to the extent that the inclusion of the fringe or other benefit will not result in a weekly benefit amount that is greater than 2/3 of the state average weekly wage at the time of injury. The limitation on including discontinued fringe or other benefits only to the extent that such inclusion does not result in a weekly benefit amount greater than 2/3 of the state average weekly wage at the time of injury does not apply if the injury results in the employee's death.

For injuries occurring on or after January 1, 2020, any fringe or other benefit paid by the employer that does not continue during the disability must be included for purposes of determining an employee's average weekly wage to the extent that the inclusion of the fringe or other benefit will not result in a weekly benefit amount that is greater than 2/3 of 125% of the state average weekly wage at the time of injury. The limitation on including discontinued fringe or other benefits only to the extent that such inclusion does not result in a weekly benefit amount greater than 2/3 of 125% of the state average weekly wage at the time of injury does not apply if the injury results in the employee's death.

**Sec. 2. 39-A MRSA §152, sub-§5,** as amended by PL 2015, c. 297, §3, is further amended to read:

**5. Employment of and contracts with administrative law judges and mediators.** The board shall obtain the services of persons qualified by background and training to serve as administrative law judges, who are authorized to take action and enter orders consistent with this Act in all cases assigned to them by the board, and mediators. Beginning January 1, 2020, except for the reappointment of administrative law judges appointed prior to that date, the board may not contract for the services of or employ administrative law judges without a vote supported by 5 of the 7 members of the board notwithstanding section 151, subsection 5. In the exercise of its discretion, the board may obtain the services of administrative law judges and mediators by either of the 2 following methods:

A. The board may contract for the services of administrative law judges and mediators, in which case they must be paid reasonable per diem fees for their services plus reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the board; or

B. The board may employ administrative law judges and mediators to serve at the pleasure of the board and who are not subject to the Civil Service Law. They are entitled to receive reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the board.

**Sec. 3. 39-A MRSA §205, sub-§2,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**2. Time for payment.** The Unless otherwise provided in this subsection, the first payment of compensation for incapacity under section 212 or 213 is due and payable within 14 days after the employer has notice or knowledge of the injury or death, on which

date all compensation then accrued must be paid. Subsequent incapacity payments must be made weekly and in a timely fashion. Every insurance carrier, self-insured and group self-insurer shall keep a record of all payments made under this Act and of the time and manner of making the payments and shall furnish reports, based upon these records, to the board as it may reasonably require.

A. There is no penalty for a failure to make a timely payment under this section if the first payment cannot be paid within 14 days due to an act of God, to a mistake of fact or to unavoidable circumstances. An employer's failure to timely report an injury for which proper notice was given is not an excuse for the insurer.

B. If the end of the 14-day period the employer has not filed a notice of controversy, the employer shall begin payments as required by this subsection.

C. An employer may cease payments as required under this subsection and file a notice of controversy with the board no later than 45 days after the employer has notice or knowledge of the injury or death. Payments may be made without prejudice under this paragraph and, if so made, do not constitute a compensation payment scheme. If the employer does not file a notice of controversy prior to the expiration of the 45-day period, payments may be discontinued or reduced only in accordance with subsection 9, paragraph B, subparagraph (1) unless the failure to file a notice of controversy within 45 days is due to an act of God.

D. The penalty for the failure to make timely payment under this subsection is limited to the penalty established in subsection 3, and further consequences for the failure to make timely payment under this subsection are not a subject for rulemaking.

**Sec. 4. 39-A MRSA §211**, as amended by PL 2011, c. 647, §3, is further amended to read:

**§211. Maximum benefit levels**

Effective January 1, 1993, the maximum weekly benefit payable under section 212, 213 or 215 is \$441 or 90% of state average weekly wage, whichever is higher. Beginning on July 1, 1994, the maximum benefit level is \$441 or 90% of the state average weekly wage as adjusted annually utilizing the state average weekly wage as determined by the Department of Labor, whichever is higher. If the injured employee's date of injury is on or after January 1, 2013, the maximum benefit level is \$441 or 100% of the state average weekly wage as adjusted annually utilizing the state average weekly wage as determined by the Department of Labor, whichever is higher. If the injured employee's date of injury is on or after January 1,

2020, the maximum benefit level is \$441 or 125% of the state average weekly wage as adjusted annually utilizing the state average weekly wage as determined by the Department of Labor, whichever is higher.

**Sec. 5. 39-A MRSA §212, sub-§4** is enacted to read:

**4. Annual adjustment.** For dates of injury on or after January 1, 2020, beginning after the receipt of 260 weeks of benefits under this section, for an injury or injuries that contribute to benefits under this section, weekly compensation benefits under this section must be adjusted annually. The adjustment is equal to the actual percentage increase or decrease in the state average weekly wage, as computed by the Department of Labor, for the previous year or 5%, whichever is less.

The annual adjustment must be made after the receipt of 260 weeks of benefits under this section and on each succeeding anniversary date of the injury, except that when the effect of the maximum benefit under section 211 is to reduce the amount of compensation to which the claimant would otherwise be entitled, the adjustment must be made annually on July 1st.

**Sec. 6. 39-A MRSA §213, sub-§1, ¶B**, as amended by PL 2015, c. 297, §8, is further amended to read:

B. If the injured employee's date of injury is on or after January 1, 2013 but before January 1, 2020, the weekly compensation is equal to 2/3 of the difference, due to the injury, between the employee's average gross weekly wages, earnings or salary before the injury and the average gross weekly wages, earnings or salary that the employee is able to earn after the injury, but not more than the maximum benefit under section 211. An employee is not eligible to receive compensation under this paragraph after the employee has received a total of 520 weeks of compensation under section 212, subsection 1-A, this paragraph or both. The board may in the exercise of its discretion extend the duration of benefit entitlement beyond 520 weeks in cases involving extreme financial hardship due to inability to return to gainful employment. This authority may be delegated by the board, on a case-by-case basis, to an administrative law judge or a panel of 3 administrative law judges. The board, administrative law judge or panel shall make a decision under this paragraph expeditiously. A decision under this paragraph made by an administrative law judge or a panel of 3 administrative law judges may not be appealed to the board under section 320, but may be appealed pursuant to section 321-A.

Orders extending benefits beyond 520 weeks are not subject to review more often than every 2

years from the date of the board order or request allowing an extension.

**Sec. 7. 39-A MRSA §213, sub-§1, ¶C** is enacted to read:

C. If the injured employee's date of injury is on or after January 1, 2020, the weekly compensation is equal to 2/3 of the difference, due to the injury, between the employee's average gross weekly wages, earnings or salary before the injury and the average gross weekly wages, earnings or salary that the employee is able to earn after the injury, but not more than the maximum benefit under section 211. An employee is not eligible to receive compensation under this paragraph after the employee has received a total of 624 weeks of compensation under section 212, subsection 1-A, this paragraph or both. The board may in the exercise of its discretion extend the duration of benefit entitlement beyond 624 weeks in cases involving extreme financial hardship due to inability to return to gainful employment. This authority may be delegated by the board, on a case-by-case basis, to an administrative law judge or a panel of 3 administrative law judges. The board, administrative law judge or panel shall make a decision under this paragraph expeditiously. A decision under this paragraph made by an administrative law judge or a panel of 3 administrative law judges may not be appealed to the board under section 320, but may be appealed pursuant to section 321-A.

Orders extending benefits beyond 624 weeks are not subject to review more often than every 2 years from the date of the board order or request allowing an extension.

**Sec. 8. 39-A MRSA §213, sub-§1-B**, as enacted by PL 2011, c. 647, §8, is amended to read:

**1-B. Long-term partial incapacity; date of injury on or after January 1, 2013 but before January 1, 2020.** After the exhaustion of benefits under subsection 1, paragraph B for an injury occurring on or after January 1, 2013 but before January 1, 2020, if the whole person permanent impairment resulting from the injury is in excess of 18% and if the employee is working and the employee's earnings, as measured by average weekly earnings over the most recent 26-week period documented by payroll records or tax returns, is 65% or less of the preinjury average weekly wage, the employer shall pay weekly compensation equal to 2/3 of the difference between the employee's average weekly wage at the time of the injury and the employee's postinjury wage, but not more than the maximum benefit under section 211. In order for the employee to qualify for benefits under this subsection, the employee's actual earnings must be commensurate with the employee's earning capacity, which includes consideration of the employee's physical and

psychological work capacity as determined by an independent examiner under section 312. In addition, in order for the employee to qualify for benefits under this subsection, the employee must have earnings from employment for a period of not less than 12 months within a 24-month period prior to the expiration of the 520-week durational limit under subsection 1, paragraph B. Compensation under this subsection must be paid at a fixed rate.

While the employee is claiming or receiving extended partial incapacity benefits under this subsection, the employee shall complete and provide quarterly employment status reports and provide copies of current tax returns as early as practicable after the return is filed.

The employee's entitlement to extended partial incapacity benefits under this subsection is determined based upon the facts that exist at the time of expiration of 520 weeks of benefits under subsection 1, paragraph B. If the employee is not entitled to extended partial incapacity benefits upon the expiration of 520 weeks of benefits under subsection 1, paragraph B, the employee's entitlement to partial incapacity benefits expires. If the employee is entitled to extended partial incapacity benefits under this subsection, once the employee's earnings, as measured by average weekly earnings over the most recent 26-week period, are equal to or greater than the preinjury average weekly wage, the employee's entitlement to extended partial incapacity benefits under this subsection terminates permanently.

**Sec. 9. 39-A MRSA §215, sub-§1-B** is enacted to read:

**1-B. Death of employee; date of injury on or after January 1, 2020.** If an injured employee's date of injury is on or after January 1, 2020, if death results from the injury of the employee and if the employee has no dependents, the employer shall pay or cause to be paid to the parents of the employee during the parents' lifetime a weekly payment equal to 2/3 of the employee's gross average weekly wages, earnings or salary, but not more than the maximum benefit under section 211, for a period of 500 weeks from the date of death. This subsection does not apply to an injury or death of an employee occurring before January 1, 2020, except that for a death of an employee resulting from an injury the date of which is on or after January 1, 2019 but before January 1, 2020, payment made to the Treasurer of State under section 355, subsection 14, paragraph F must be transferred to the parents of the deceased employee. For the purposes of this subsection, "parent" means a natural or adoptive parent, unless that parent's parental rights have been terminated.

**Sec. 10. 39-A MRSA §221, sub-§1, ¶B**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

B. Payments under a self-insurance plan, a wage continuation plan, paid time off or a disability insurance policy provided by the employer; or

**Sec. 11. 39-A MRSA §221, sub-§3, ¶A**, as amended by PL 2013, c. 152, §1, is further amended to read:

A. The employer's obligation to pay or cause to be paid weekly benefits other than benefits under section 212, subsection 2 or 3 is reduced by the following amounts:

(1) Fifty percent of the amount of the old-age insurance benefits received or being received under the United States Social Security Act. For injuries occurring on or after October 1, 1995, such a reduction may not be made if the old-age insurance benefits had started prior to the date of injury or if the benefits are spouse's benefits;

(2) The after-tax amount of the payments received or being received under a self-insurance plan, paid time off or a wage continuation plan or under a disability insurance policy provided by the same employer from whom benefits under section 212 or 213 are received if the employee did not contribute directly to the plan or to the payment of premiums regarding the disability insurance policy. If the self-insurance plans, paid time off, wage continuation plans or disability insurance policies are entitled to repayment in the event of a workers' compensation benefit recovery, the insurance carrier shall satisfy the repayment out of funds the insurance carrier has received through the coordination of benefits provided for under this section;

(3) The proportional amount, based on the ratio of the employer's contributions to the total insurance premiums for the policy period involved, of the after-tax amount of the payments received or being received by the employee pursuant to a disability insurance policy provided by the same employer from whom benefits under section 212 or 213 are received, if the employee did contribute directly to the payment of premiums regarding the disability insurance policy;

(5) The proportional amount, based on the ratio of that employer's contributions to the total contributions to the plan or program, of the after-tax amount of the pension or retirement payments received or being received by the employee pursuant to a plan or program established or maintained by the same employer from whom benefits under section 212 or 213 are received, regardless of whether the

employee contributed directly to the pension or retirement plan or program; and

(6) For those employers who do not provide a pension plan, the proportional amount, based on the ratio of the employer's contributions to the total contributions made to a qualified profit sharing plan under the United States Internal Revenue Code, Section 401(a) or any successor to the United States Internal Revenue Code, Section 401(a) covering a profit sharing plan that provides for the payment of benefits only upon retirement, disability, death, or other separation of employment to the extent that benefits are vested under the plan.

**Sec. 12. 39-A MRSA §221, sub-§3, ¶H** is enacted to read:

H. An employer may not offset paid time off under this subsection if the use of paid time off is mandated by the employer or if it is paid upon separation from the employer.

**Sec. 13. 39-A MRSA §301, first ¶**, as amended by PL 2011, c. 647, §16, is further amended to read:

For claims for which the date of injury is prior to January 1, 2013, proceedings for compensation under this Act, except as provided, may not be maintained unless a notice of the injury is given within 90 days after the date of injury. For claims for which the date of injury is on or after January 1, 2013 and prior to January 1, 2020, proceedings for compensation under this Act, except as provided, may not be maintained unless a notice of the injury is given within 30 days after the date of injury. For claims for which the date of injury is on or after January 1, 2020, proceedings for compensation under this Act, except as provided, may not be maintained unless a notice of the injury is given within 60 days after the date of injury. The notice must include the time, place, cause and nature of the injury, together with the name and address of the injured employee. The notice must be given by the injured employee or by a person in the employee's behalf, or, in the event of the employee's death, by the employee's legal representatives, or by a dependent or by a person in behalf of either.

**Sec. 14. 39-A MRSA §325, sub-§6** is enacted to read:

6. Attorney's fees for lump-sum settlement in cases in which the injury occurred on or after January 1, 2020. In cases in which the injury to the employee occurred on or after January 1, 2020, attorney's fees for lump-sum settlements must be determined as follows.

A. Before computing the fee, reasonable expenses incurred on the employee's behalf must be deducted from the total settlement, including:

- (1) Medical examination fee and witness fee;
- (2) Any other medical witness fee, including cost of subpoena;
- (3) Cost of court reporter service; and
- (4) Appeal costs.

B. The computation of the fee, based on the amount resulting after deductions according to paragraph A, may not exceed 10%.

C. If a lump-sum settlement includes any amount that is allocated for past due benefits, the administrative law judge shall review the allocation to make sure that it is not for an amount that is greater than what the employee is claiming.

**Sec. 15. Workers' Compensation Board; rulemaking.** The Workers' Compensation Board may consider adopting a rule to establish time frames for the filing of any petition related to a controversy with the board if a full agreement is not reached by the parties after conclusion of any mediation pursuant to the Maine Revised Statutes, Title 39-A, section 313.

**Sec. 16. Study of advocate pay.** No later than January 1, 2020, the Workers' Compensation Board shall study the advocate program established pursuant to the Maine Revised Statutes, Title 39-A, section 153-A, including the salary paid to advocates, and make recommendations for any changes to improve the advocate program and its representation of injured workers. The Joint Standing Committee on Labor and Housing may report out legislation to the Second Regular Session of the 129th Legislature based on the board's report.

**Sec. 17. Workers' Compensation Board to establish working group on certain issues; report.** The Workers' Compensation Board shall convene a working group of stakeholders to evaluate issues related to work search and vocational rehabilitation requirements for injured workers and protections for injured workers whose employers have wrongfully not secured workers' compensation payments. On behalf of the working group, the Workers' Compensation Board shall report to the Joint Standing Committee on Labor and Housing by January 30, 2020 with recommendations and any draft implementing legislation to address these issues. The Joint Standing Committee on Labor and Housing may report out legislation to the Second Regular Session of the 129th Legislature related to the report and recommendations.

See title page for effective date.

**CHAPTER 345**  
**H.P. 1170 - L.D. 1627**

**An Act To Authorize the Use of Autocycles**

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

**Sec. 1. 29-A MRSA §101, sub-§6-C** is enacted to read:

**6-C. Autocycle.** "Autocycle" means a 3-wheeled motorcycle that has a steering wheel or handlebars, floor pedals for automotive-style controls and seating that does not require the operator to straddle or sit astride a seat and that:

A. Meets the general motorcycle inspection standards, except those standards that do not apply due to the design of the vehicle, and any other inspection standards set by the Chief of the State Police;

B. Meets or exceeds the Federal Motor Vehicle Safety Standards under 49 Code of Federal Regulations, Part 571 applicable to motorcycles; and

C. Is equipped with:

- (1) Safety belts for all occupants;
- (2) A roll bar, roll hoops or an enclosed cab; and
- (3) Brakes on at least 2 main wheels.

**Sec. 2. 29-A MRSA §101, sub-§63-B** is enacted to read:

**63-B. Roll hoop.** "Roll hoop" means a roll bar behind the headrest of a seat in a motor vehicle.

**Sec. 3. 29-A MRSA §501, sub-§13** is enacted to read:

**13. Autocycles.** The Secretary of State may issue a registration for an autocycle upon application and payment of an annual fee of \$21. The registrant must provide a certificate of title required by section 651, proof of financial responsibility required by section 1601 and evidence of payment of the excise tax as required by Title 36, section 1482, subsection 1, paragraph C. An autocycle registered under this section is issued a registration plate with the word "autocycle" instead of "Vacationland." The Secretary of State may issue a facsimile plate for a 60-day period.

**Sec. 4. 29-A MRSA §1252, sub-§1, ¶C,** as amended by PL 2011, c. 165, §1, is further amended to read:

C. A Class C license may be issued for the operation of a single motor vehicle or a combination of vehicles that does not meet the definition of Class A or Class B license.

A holder of a Class C license may, with an appropriate endorsement, operate all vehicles in that class.

A Class C license authorizes:

- (1) A full-time or volunteer member of an organized municipal, state or federal fire department and a law enforcement officer who is a member of an organized municipal, state or federal law enforcement department to operate fire apparatus as described in 49 Code of Federal Regulations, Section 383.3 (2005) and to operate a commercial motor vehicle as a mobile command unit. For purposes of this subparagraph, "mobile command unit" means a motor vehicle designed and used by a law enforcement agency primarily as a command and control platform for emergency response;
- (2) A person to operate recreational vehicles for personal use;
- (3) A person to operate commercial motor vehicles for military purposes as required in 49 Code of Federal Regulations, Section 383.3 (2005);
- (4) A person to operate registered farm motor trucks bearing the letter "F" on the registration plate when the vehicle is:
  - (a) Controlled and operated by a farmer, including operation by the farmer's employees or family members;
  - (b) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;
  - (c) Not used in the operation of a common or contract motor carrier; and
  - (d) Used within 150 miles of the registered owner's farm;
- (5) A person, employed by a city, town, county, district or other unit of local government created by or pursuant to law that has a total population of 3,000 individuals or less, to operate a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:
  - (a) The properly licensed employee who ordinarily operates a commercial motor vehicle for those purposes is unable to operate the vehicle; or
  - (b) The employing governmental entity determines that a snow or ice emergency exists that requires additional assistance; or

(6) A person to operate a truck registered as an antique automobile, regardless of weight or combination weight, provided the vehicle is used for noncommercial recreational purposes or purposes pursuant to section 101, subsection 3.

**Sec. 5. 29-A MRSA §1252, sub-§2**, as amended by PL 2005, c. 577, §14, is further amended to read:

**2. School bus or motorcycle.** Operation of a school bus or motorcycle, other than an autocycle, requires a special endorsement on a license.

A nonresident school bus driver picking up and discharging school children or driving in conjunction with school-related activities may operate a vehicle with a certificate issued by the Secretary of State.

A school bus certificate may be issued only after the applicant has successfully passed the required examination.

**Sec. 6. 29-A MRSA §1254, sub-§1**, as amended by PL 2005, c. 577, §16, is further amended to read:

**1. Motorcycles.** The Secretary of State may issue a license specifically endorsed for the operation of a motorcycle with the same requirements as a motor vehicle license. A motor vehicle license does not authorize operation of a motorcycle unless the license is endorsed for that vehicle. This subsection does not apply to the operation of an autocycle.

**Sec. 7. 29-A MRSA §2062, sub-§4, ¶B**, as enacted by PL 2003, c. 452, Pt. Q, §41 and affected by Pt. X, §2, is amended to read:

B. More than 2 motorcycles may not be operated abreast within the same lane, and an autocycle may not be operated abreast with any motor vehicle within the same lane.

**Sec. 8. 29-A MRSA §2083, sub-§1**, as amended by PL 2017, c. 51, §§1 to 3, is further amended to read:

**1. Requirement.** The following persons must wear protective headgear:

- A. If under 18 years of age, a passenger on a motorcycle or moped or in an attached side car;
- B. If under 18 years of age, an operator of a motorcycle or moped;
- C. An operator of a motorcycle or moped, operating under a learner's permit or within one year of successfully completing a driving test; and
- D. A passenger of an operator required to wear headgear.

This subsection does not apply to the operation of an autocycle.

**Sec. 9. 29-A MRSA §2089-B** is enacted to read:

**§2089-B. Operation of autocycles**

A person operating an autocycle on a public way shall comply with the provisions of this chapter and with this section.

**1. License required.** A person operating an autocycle must possess a valid Class A, B or C operator's license pursuant to section 1252.

See title page for effective date.

**CHAPTER 346**

**H.P. 1115 - L.D. 1532**

**An Act To Eliminate Single-use Plastic Carry-out Bags**

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

**Sec. 1. 38 MRSA §1605**, as repealed and replaced by PL 1991, c. 475, §1, is repealed.

**Sec. 2. 38 MRSA §1611** is enacted to read:

**§1611. Plastic bag reduction**

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

A. "Plastic" means an organic or petroleum derivative synthetic or a semisynthetic organic solid that is moldable, and to which additives or other substances may have been added. "Plastic" does not include natural polymers that have not been chemically modified.

B. "Point of sale" means a check-out stand, cash register or other point of departure from a retail establishment.

C. "Post-consumer recycled material" means a recycled material that if not recycled would otherwise have been destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-consumer recycled material" does not include materials and by-products generated from, and commonly reused in, an original manufacturing and fabrication process.

D. "Recycled paper bag" means a paper bag that:  
 (1) Is 100% recyclable; and  
 (2) Contains at least 20% post-consumer recycled material if it has a capacity to hold at least 8 pounds,

E. "Restaurant" means an establishment that sells prepared food directly to the consumer.

F. "Retail establishment" means a store, a restaurant or a temporary business.

G. "Reusable bag" means a bag with handles that:  
 (1) Is designed and manufactured to withstand a minimum of 75 repeated uses;  
 (2) Is machine washable or made from a material that can be cleaned and disinfected regularly;  
 (3) If made from plastic is at least 4 mils thick; and  
 (4) Has the capability of carrying a minimum of 18 pounds.

H. "Single-use carry-out bag" means a bag that is made of plastic, paper or other material provided by a retail establishment at the point of sale for the purpose of transporting merchandise away from the retail establishment and that is not a recycled paper bag or a reusable bag.

I. "Store" means a retail store that engages in the retail sale of merchandise, including food, goods, products and clothing. "Store" includes grocery stores primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, fresh meats, fish and poultry and convenience stores engaged in the sale of a limited line of goods, including milk, bread, soda and snack foods, and prepared foods intended to be consumed off the premises.

J. "Temporary business" means a seasonal or nonpermanent retail establishment such as a farmers' market or fair that sells merchandise including food, goods, products or clothing.

**2. Prohibition; exemptions.** This subsection governs the use of single-use carry-out bags.

A. Except as otherwise provided in this subsection, beginning April 22, 2020, a retail establishment may not provide a single-use carry-out bag to a customer at the point of sale or otherwise make single-use carry-out bags available to customers.

B. The prohibition in paragraph A does not apply to:

- (1) Bags provided by a pharmacy to a customer for transporting a prescription medication away from the store;
- (2) Bags without handles used to protect items from being damaged or from damaging or contaminating other purchased items placed in a recycled paper bag or a reusable bag;
- (3) Bags used by customers inside a retail establishment to package loose items, such as

fruits, vegetables, nuts, coffee, grains, bakery goods, candy, greeting cards or small hardware items; to contain or wrap frozen foods, meats or fish; or to contain or wrap flowers or potted plants;

(4) Laundry, dry cleaning or garment bags, including bags provided by a hotel to guests to contain wet or dirty clothing or bags provided to protect large garments like suits, jackets or dresses;

(5) Newspaper bags;

(6) Bags sold in packages containing multiple bags intended to contain garbage, pet waste or yard waste;

(7) Bags used to contain live animals, such as fish or insects sold in pet stores;

(8) Bags used for vehicle tires;

(9) Bags used to transport chemical pesticides, drain cleaning chemicals or other caustic chemicals sold at a retail establishment;

(10) Bags used by a hunger relief organization such as a food pantry or soup kitchen to distribute food directly to the consumer at no charge;

(11) Bags that customers bring to the retail establishment for their own use or for carrying away from the retail establishment goods that are not placed in a bag provided by the retail establishment.

C. A retail establishment may make single-use carry-out bags made of plastic that are exempted in paragraph B available to customers to bag products within the retail establishment other than at the point of sale only if the retail establishment:

(1) Locates inside the retail establishment or within 20 feet of the main entrance to the retail establishment a receptacle for collecting any used single-use carry-out bags made of plastic; and

(2) Ensures that single-use carry-out bags made of plastic that are collected by the retail establishment are recycled or delivered to a person engaged in recycling plastics.

**3. Recycled paper bag fees and reusable plastic bag fees; exemptions.** This subsection governs fees assessed on recycled paper bags and on reusable bags made of plastic.

A. Beginning April 22, 2020 a retail establishment may use a recycled paper bag or a reusable bag made of plastic to bag products at the point of sale as long as the retail establishment charges a fee of at least 5¢ per bag.

(1) All amounts collected pursuant to this paragraph are retained by the retail establishment and may be used for any lawful purpose.

(2) A retail establishment may not rebate or otherwise reimburse a customer any portion of the fee charged pursuant to this paragraph.

B. The requirement to charge a fee under paragraph A does not apply to:

(1) Stores at which less than 2% of retail sales are attributed to the sale of food and that have less than 10,000 square feet of retail area;

(2) Restaurants; or

(3) Hunger relief organizations engaged in distributing food directly to consumers at no charge.

A retail establishment exempt from charging a fee under this paragraph may charge a fee for a recycled paper bag or a reusable bag made of plastic.

**4. Violations.** A retail establishment that violates a provision of this section is subject to civil penalties under section 349.

**5. Preemption.** To ensure maximum effectiveness through uniform statewide application, the State intends to occupy the whole field of regulation of single-use carry-out bags at retail establishments beginning April 22, 2020. A local government may not adopt an ordinance regulating single-use carry-out bags at retail establishments and, beginning April 22, 2020, any ordinance or regulation that violates this subsection is void and has no force or effect.

See title page for effective date.

## CHAPTER 347

### H.P. 924 - L.D. 1282

#### An Act To Establish a Green New Deal for Maine

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

**Sec. 1. 26 MRSA c. 43** is enacted to read:

#### **CHAPTER 43**

#### **APPRENTICESHIP IN ENERGY FACILITY CONSTRUCTION**

#### **§3501. Definitions**

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

**1. Apprentice.** "Apprentice" has the same meaning as in section 3201, subsection 1 or means a person who is in an apprenticeship program registered with the United States Department of Labor.

**2. Construction employer.** "Construction employer" means a person constructing a generation facility in this State who hires any person to construct that generation facility.

**3. Department.** "Department" means the Department of Labor.

**4. Generation facility.** "Generation facility" means a facility for the generation of electricity that has an installed capacity of 2 megawatts or more, other than a facility located on the customer side of an electric meter.

### **§3502. Requirements**

A construction employer constructing a generation facility shall employ apprentices in accordance with this section.

**1. Percentages.** A construction employer shall, to the extent qualified apprentices are determined to be available in accordance with rules adopted by the department, employ a number of apprentices that equals at least:

A. If construction of the generation facility begins on or after January 1, 2021 and before January 1, 2025, 10% of all persons employed in the construction;

B. If construction of the generation facility begins on or after January 1, 2025 and before January 1, 2027, 17.5% of all persons employed in the construction; and

C. If construction of the generation facility begins on or after January 1, 2027, 25% of all persons employed in the construction.

**2. Rules.** The department shall adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Penalties.** The following provisions apply to a violation of this section.

A. A construction employer who violates this section commits a civil violation for which a fine of not less than \$50 nor more than \$200 may be adjudged.

B. A construction employer who discharges or in any other manner discriminates against an employee because the employee makes a complaint to the department or to the district attorney concerning a violation of this section commits a civil violation for which a fine of not less than \$50 nor more than \$200 may be adjudged.

C. In the event a construction employer is adjudged to have violated this section, the Attorney General may institute injunction proceedings in the Superior Court to enjoin any further violations.

**Sec. 2. 35-A MRSA §10123**, as enacted by PL 2013, c. 366, §1, is amended by adding at the end a new paragraph to read:

The trust, in collaboration with the Department of Education, shall identify and provide incentives for cost-effective electric and natural gas conservation projects in school construction projects designated by the State Board of Education for funding pursuant to rules adopted under Title 20-A, section 15905.

**Sec. 3. 35-A MRSA §10124** is enacted to read:

### **§10124. School solar energy program**

The trust shall arrange power purchase agreements for solar capacity for new school construction in accordance with this section.

**1. Competitive solicitation; bids.** After construction has begun on a school construction project approved for funding by the State Board of Education, the trust shall conduct a competitive solicitation for a power purchase agreement for solar capacity to be installed on the school property. The solicitation must specify the capacity of the solar installation to be installed, which may not exceed the estimated annual electricity consumption by the school or 100 kilowatts, whichever is less, and specify the price per kilowatt hour to be paid by the school to the bidder for the term of the power purchase agreement, which must approximate, so far as possible, the price of electricity that the school would otherwise pay to acquire the electricity from the retail market.

**2. Bid evaluation; power purchase agreement.** The trust shall establish by rule qualifications for bidders and requirements for bids for power purchase agreements submitted under subsection 1. All bids must specify the price to the school to buy the solar installation at the end of the term of the power purchase agreement.

**3. Award and administration.** The trust shall award a power purchase agreement to the qualified bidder that offers the lowest price for the school to purchase the solar installation at the end of the term of the power purchase agreement pursuant to subsection 2. The trust shall ensure that the power purchase agreement is commercially reasonable and commits all parties to commercially reasonable behavior. The trust shall provide the final power purchase agreement to the commission and the commission shall, in accordance with rules adopted by the commission, direct the transmission and distribution utility serving the school to administer the power purchase agreement on behalf

of the school in a manner, so far as possible, consistent with section 3210-C.

**4. Rules.** Rules adopted by the trust under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted by the commission under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 348

S.P. 526 - L.D. 1637

### An Act To Prevent Medicaid Payment from a Savings Account Established under the Federal ABLE Act of 2014

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

**Sec. 1. 5 MRSA §156**, as enacted by PL 2017, c. 394, §1, is amended to read:

**§156. Authorization to establish program; payments for MaineCare benefits prohibited**

The Treasurer of State is authorized to establish in this State the ABLE ME Savings Program, referred to in this section as "the program," to allow an individual with a disability to establish a federal tax-advantaged savings account and use the funds in that account to pay for the individual's care. The program must comply with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

Unless otherwise required by the United States Social Security Act, 42 United States Code, Section 1396p(b), the State, or any agency or instrumentality of the State, may not seek payment for MaineCare benefits provided to a designated beneficiary from an account, or its proceeds, that is established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

Funds held in an account established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295 or distributed for the purposes of paying qualified expenses must be disregarded when determining the designated beneficiary's eligibility for any means-tested public assistance program.

The Treasurer of State may adopt routine technical rules pursuant to chapter 375, subchapter 2-A to

implement the provisions of this section, including all terms and conditions of the program.

**Sec. 2. 22 MRSA §14, sub-§2-I, ¶¶F**, as amended by PL 2017, c. 402, Pt. C, §42 and affected by Pt. F, §1, is further amended to read:

F. As used in this subsection, unless the context otherwise indicates, the term "estate" means:

- (1) All real and personal property and other assets included in the recipient's estate, as defined in Title 18-C, section 1-201; and
- (2) Any other real and personal property and other assets in which the recipient had any legal interest at the time of death, to the extent of that interest, including assets conveyed to a survivor, heir or assign of the deceased recipient through tenancy in common, survivorship, life estate, living trust, joint tenancy in personal property or other arrangement but not including joint tenancy in real property.

Unless otherwise required by the United States Social Security Act, 42 United States Code, Section 1396p(b), "estate" does not include an account established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

**Sec. 3. 36 MRSA §5122, sub-§2, ¶QQ** is enacted to read:

QQ. For tax years beginning on or after January 1, 2020, any earnings on funds in an account established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

See title page for effective date.

## CHAPTER 349

H.P. 882 - L.D. 1222

### An Act Regarding Electric Bicycles

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

**Sec. 1. 29-A MRSA §101, sub-§22-B** is enacted to read:

**22-B. Electric bicycle.** "Electric bicycle" means a 2-wheel or 3-wheel bicycle with fully operable pedals and an electric motor of less than 750 watts that is a Class 1 electric bicycle, a Class 2 electric bicycle or a Class 3 electric bicycle as defined in this subsection.

A. "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

B. "Class 2 electric bicycle" means an electric bicycle equipped with a motor that is capable of being used exclusively to propel the bicycle but is not capable of propelling the bicycle at a speed of 20 miles per hour.

C. "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

**Sec. 2. 29-A MRSA §101, sub-§36**, as repealed and replaced by PL 2005, c. 577, §1, is amended to read:

**36. Moped.** "Moped" means a motorized device designed to travel with only 2 or 3 10-inch or larger diameter wheels in contact with the ground and that:

A. May have fully operative pedals for propulsion by human power;

B. Has an electric or a liquid fuel motor with a cylinder capacity displacement not exceeding 50 cubic centimeters or an electric motor with a capacity under 1,500 watts; and

C. Is equipped with a power drive system that functions only directly or automatically and does not require clutching or shifting by the operator after the drive system is engaged.

"Moped" does not include an electric personal assistive mobility device or an electric bicycle.

**Sec. 3. 29-A MRSA §101, sub-§41**, as amended by PL 2001, c. 687, §6, is further amended to read:

**41. Motorized bicycle or tricycle.** "Motorized bicycle or tricycle" means a bicycle or tricycle that:

A. May have pedals to permit human propulsion; and

B. Has a motor attached to a wheel that is rated at no more than 1.5 brake horsepower and has a cylinder capacity capable of propelling the vehicle unassisted at a speed of 25 miles per hour or less on a level road surface.

"Motorized bicycle or tricycle" does not include an electric personal assistive mobility device or an electric bicycle.

**Sec. 4. 29-A MRSA §101, sub-§41-B**, as amended by PL 2005, c. 577, §4, is further amended to read:

**41-B. Motorized scooter.** "Motorized scooter" means a scooter that has 2 or 3 wheels less than 10 inches in diameter in ground contact or is powered by a motor having a maximum piston displacement of less than 25 cubic centimeters or an electric motor with a capacity not exceeding 750 watts. "Motorized scooter" does not include an electric personal assistive mobility device or an electric bicycle.

**Sec. 5. 29-A MRSA §101, sub-§42, ¶C**, as amended by PL 2001, c. 687, §9, is further amended to read:

C. A motorized wheelchair ~~or~~, an electric personal assistive mobility device or an electric bicycle.

**Sec. 6. 29-A MRSA §2063, sub-§1**, as amended by PL 2007, c. 400, §2, is further amended to read:

**1. Definitions.** For the purpose of this section, "bicycle" includes a motorized bicycle, a motorized tricycle ~~or~~, a motorized scooter and an electric bicycle.

**Sec. 7. 29-A MRSA §2063, sub-§14** is enacted to read:

**14. Electric bicycles.** The following provisions govern electric bicycles.

A. A person operating an electric bicycle is not subject to the provisions of this Title relating to financial responsibility, driver's licenses, registration and license plate requirements.

B. Beginning October 1, 2019, a manufacturer, distributor or seller of electric bicycles in this State shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label must contain the classification number, top assisted speed and motor wattage of the electric bicycle and must be printed in Arial font in at least 9-point type.

C. A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or motor engagement between pedal-assist and throttle-assist types of engagement, unless the person appropriately replaces the label indicating the classification required in paragraph B.

A person may not tamper with or modify an electric bicycle in a manner that allows the motor to provide assistance above the speed of:

(1) Twenty miles per hour if the electric bicycle is being propelled exclusively by the motor; or

(2) Twenty-eight miles per hour if the motor is providing assistance only when the rider is pedaling.

If the motor on an electric bicycle is modified so that a limit established in subparagraph (1) or (2)

is exceeded, that vehicle is no longer an electric bicycle.

D. An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission pursuant to 16 Code of Federal Regulations, Part 1512.

E. The motor on an electric bicycle must disengage or cease to propel the electric bicycle when the brakes are applied or, if the electric bicycle is a Class 1 electric bicycle or Class 3 electric bicycle, when the operator stops pedaling.

F. This paragraph governs the operation of electric bicycles on bicycle and multi-use paths and other bikeways as defined in section 2322, subsection 7, referred to in this paragraph as bicycle paths.

(1) A Class 1 electric bicycle or a Class 2 electric bicycle may be operated in any place where bicycles are permitted to travel, including, but not limited to, bicycle paths, except that a municipality, local authority or governing body of a public agency that has jurisdiction over a bicycle path may prohibit the operation of a Class 1 electric bicycle or Class 2 electric bicycle on that bicycle path.

(2) A Class 3 electric bicycle may not be operated on a bicycle path unless it is within a highway or roadway or the bicycle path has been authorized for the operation of Class 3 electric bicycles by the municipality, local authority or governing body of a public agency that has jurisdiction over the bicycle path.

(3) Notwithstanding subparagraphs (1) and (2), an electric bicycle may not be operated on a bicycle path designated for nonmotorized traffic if significant portions of the bicycle path have a natural surface, including gravel, stones or wooden bridging, unless authorized by the municipality, local authority or governing body of a public agency that has jurisdiction over the bicycle path.

G. An electric bicycle must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.

H. This paragraph governs age restrictions for use of electric bicycles.

(1) A person under 16 years of age may not operate a Class 2 or Class 3 electric bicycle.

(2) A person under 16 years of age may be a passenger on a Class 2 or Class 3 electric bicycle only if it is designed to accommodate passengers.

(3) A person under 16 years of age who is an operator or passenger on an electric bicycle shall wear a properly fitted and fastened bicycle helmet, as defined in section 2322, subsection 2.

I. The operator of an electric bicycle is subject to the restrictions provided under section 2112-A and 23 United States Code, Section 154.

This subsection may not be construed to limit the authority of the owner of a private way or the owner of private property to restrict or allow the operation of electric bicycles on the owner's private way or private property.

See title page for effective date.

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## CHAPTER 350

### H.P. 1190 - L.D. 1654

#### An Act To Create Veteran-friendly Workplaces

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

**Sec. 1. 26 MRSA §637** is enacted to read:

#### **§637. Leave for appointments for veterans**

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

A. "Employer" means a public or private employer.

B. "Paid leave" has the same meaning as in section 636, subsection 1, paragraph C.

C. "Veteran" means an employee who is a veteran, as defined in section 877, subsection 3.

**2. Leave.** Pursuant to this subsection, an employer shall allow a veteran to take time away from work to attend a scheduled appointment at a medical facility operated by the United States Department of Veterans Affairs, as long as the veteran gives the employer notice of the appointment as soon as reasonably possible.

A. If an employer provides paid leave, the employer shall allow a veteran to use available paid leave to attend a scheduled appointment at a medical facility operated by the United States Department of Veterans Affairs. If a veteran has used all available paid leave, the employer shall grant unpaid leave to the veteran to attend the appointment.

B. If an employer does not provide paid leave, the employer shall grant unpaid leave to a veteran to attend a scheduled appointment at a medical fa-

cility operated by the United States Department of Veterans Affairs.

See title page for effective date.

**CHAPTER 351**

**S.P. 329 - L.D. 1097**

**An Act To Protect Tenants from Sexual Harassment**

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

**Sec. 1. 14 MRSA §6000, sub-§2-A** is enacted to read:

**2-A. Sexual harassment.** "Sexual harassment" means verbal or physical conduct of a sexual nature directed at a specific person, including, but not limited to, unwelcome sexual advances; sexually suggestive remarks or actions; unwanted hugs, touches or kisses; and requests for sexual favors. Sexual harassment" includes retaliation for communicating about or filing a complaint of sexual harassment.

**Sec. 2. 14 MRSA §6001, sub-§3**, as amended by PL 2015, c. 293, §§2 to 4, is further amended to read:

**3. Presumption of retaliation.** In any action of forcible entry and detainer there is a rebuttable presumption that the action was commenced in retaliation against the tenant if, within 6 months prior to the commencement of the action, the tenant has:

- A. Asserted the tenant's rights pursuant to section 6021 or section 6030-D;
- B. Complained as an individual, or if a complaint has been made in that individual's behalf, in good faith, of conditions affecting that individual's dwelling unit that may constitute a violation of a building, housing, sanitary or other code, ordinance, regulation or statute, presently or hereafter adopted, to a body charged with enforcement of that code, ordinance, regulation or statute, or such a body has filed a notice or complaint of such a violation;
- C. Complained in writing or made a written request, in good faith, to the landlord or the landlord's agent to make repairs on the premises as required by any applicable building, housing or sanitary code, or by section 6021, or as required by the rental agreement between the parties;
- E. Prior to being served with an eviction notice, filed, in good faith, a fair housing complaint for which there is a reasonable basis with the Maine Human Rights Commission or filed, in good faith, a fair housing complaint for which there is a rea-

sonable basis with the United States Department of Housing and Urban Development concerning acts affecting that individual's tenancy; or

F. Prior to being served with an eviction notice, provided the landlord or the landlord's agent with notice that the tenant or tenant's minor child is a victim; or

G. Prior to being served with an eviction notice, communicated to the landlord or the landlord's agent about an act of sexual harassment or filed a complaint with a law enforcement agency, the Maine Human Rights Commission or a court of an act of sexual harassment by the landlord or the landlord's agent against the tenant or a family or household member of the tenant.

If an action of forcible entry and detainer is brought for failure to pay rent or for causing substantial damage to the premises any reason set forth in section 6002, subsection 1 or for violation of a lease provision, the presumption of retaliation does not apply, unless the tenant has asserted a right pursuant to section 6026.

No writ of possession may issue in the absence of rebuttal of the presumption of retaliation.

**Sec. 3. 14 MRSA §6001, sub-§6, ¶D-1** is enacted to read:

D-1. A tenant who is the victim of sexual harassment by a landlord or the landlord's agent may terminate a lease as set forth in paragraph D if the tenant provides documentation set forth in paragraph H.

**Sec. 4. 14 MRSA §6016-A** is enacted to read:

**§6016-A. Sexual harassment prohibited; Maine Human Rights Act**

A landlord or a landlord's agent may not subject a tenant to sexual harassment.

Nothing in this subchapter limits the application of the Maine Human Rights Act.

See title page for effective date.

**CHAPTER 352**

**S.P. 478 - L.D. 1528**

**An Act To Amend the Laws Regarding Motor Vehicle Fees**

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

**Sec. 1. 29-A MRSA §461**, as amended by PL 1999, c. 470, §4, is further amended to read:

**§461. Reservation of same number**

**1. Plate issue year.** In a year in which new registration plates are issued, the Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for a person who notifies in writing the Secretary of State prior to May 1st of that person's desire to retain that registration number. The fee for retention of the same registration number is ~~\$15~~ \$25.

The Secretary of State may issue a facsimile plate that is valid for a 90-day period during production of a reserved plate. A facsimile plate must be attached to the rear plate bracket.

If a person does not have a vehicle to register on May 1st, a registration number may be held for a maximum of 2 registration years by depositing with the Secretary of State ~~\$15~~ \$25 for each year; ~~except that the registered owner of an antique vehicle may reserve the antique registration assigned to that person for 4 years by depositing the sum of \$15 for each registration year. These fees are~~ This fee is not refundable and may not be applied against the registration fee.

All numbers other than those reserved must be released and may be issued ~~in rotation~~ after July 1st.

A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of ~~\$15~~ \$25.

~~A holder of vanity registration plates must pay the sum of \$15 to reserve those letters or combination of letters and numbers, which is credited toward the renewal fee.~~

**2. Nonplate issue year.** In other than a plate issue year, when a person fails to reregister and the registration remains expired for 6 consecutive months, the reservation of the same number ceases and the number becomes available for reissuance.

For a maximum of 2 registration years, a person may reserve the registration number assigned to that person by depositing with the Secretary of State the sum of ~~\$15~~ \$25 for each year; ~~except that the registered owner of an antique motor vehicle may reserve the antique registration assigned to that person for 4 years by depositing with the Secretary of State the sum of \$15 for each year.~~ A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of ~~\$15~~ \$25.

**Sec. 2. 29-A MRSA §502, sub-§1,** as amended by PL 2017, c. 67, §3, is further amended to read:

**1. Transferring registration.** A person who transfers the ownership or discontinues the use of a registered motor vehicle, trailer or semitrailer and applies for registration of another motor vehicle, trailer or semitrailer in the same registration year may use the same number plates on payment of a transfer fee of \$8,

as long as the registration fee is the same as that of the former vehicle. If the fee for the vehicle to be registered is greater than the fee for the vehicle first registered, that person must also pay the difference. ~~If application is made for a trailer with a gross weight of 2,000 pounds or less, the transfer fee is \$5.~~

**Sec. 3. 29-A MRSA §1353,** as amended by PL 2017, c. 229, §24, is repealed and the following enacted in its place:

**§1353. Motorcycle rider education fees**

**1. Instructor fee.** The motorcycle rider education instructor license fee is \$100 and expires one year from date of issuance. The renewal fee is \$100.

**2. School license fee.** The motorcycle rider education school license fee is \$150 and expires December 31st annually. The renewal fee is \$150.

**Sec. 4. 29-A MRSA §1354, sub-§5-A, ¶A,** as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

A. The fee for a driver education school license is ~~\$125~~ \$150.

**Sec. 5. 29-A MRSA §1354, sub-§5-A, ¶¶B and C,** as amended by PL 2011, c. 556, §15, are further amended to read:

B. The fee for an instructor license is ~~\$400~~ \$200.

C. A driver education school license expires one year from the date of issuance. The fee for the renewal of a driver education school license is ~~\$125~~ \$150. An instructor license expires 2 years from the date of issuance. The fee for the renewal of an instructor license is ~~\$400~~ \$200.

**Sec. 6. 29-A MRSA §1405, sub-§3-A,** as enacted by PL 2017, c. 475, Pt. A, §48 and affected by §49, is amended to read:

**3-A. Fee.** The fee for a duplicate registration certificate is ~~\$2~~ \$5. The fee for a duplicate learner's permit, duplicate license or duplicate nondriver identification card is \$5. The fee for a duplicate license or duplicate nondriver identification card under section 1260 is \$30. The fee for the expedited issuance of a duplicate license or nondriver identification card, including the expedited issuance of a duplicate license or nondriver identification card under section 1260, is an additional \$10. The reason for the expedited issuance must be provided, and the Secretary of State shall determine if expedited issuance is warranted.

**Sec. 7. 29-A MRSA §1406-A, sub-§2, ¶¶A to D,** as enacted by PL 2017, c. 27, §5 and affected by §10, are amended to read:

A. The fee for the 4-year noncommercial driver's license is ~~\$24~~ \$20.

B. The fee for the 4-year noncommercial driver's license under section 1260 is ~~\$41~~ \$40.

C. The fee for the 4-year commercial driver's license is ~~\$28~~ \$27.

D. The fee for the 4-year commercial driver's license under section 1260 is ~~\$48~~ \$47.

See title page for effective date.

**CHAPTER 353**

**S.P. 495 - L.D. 1560**

**An Act Regarding Utility Reorganizations**

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

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period because at least 2 proposals for utility reorganizations are imminent; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 35-A MRSA §708, sub-§1-A** is enacted to read:

**1-A. Legislative findings.** The Legislature finds it is in the public interest to ensure that a reorganization of a public utility that would result in the transfer of ownership and control of a public utility or the parent company of a public utility serves the interest of the utility's ratepayers.

**Sec. 2. 35-A MRSA §708, sub-§2**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**2. Reorganization subject to commission approval.** Reorganization ~~shall be~~ is subject to commission approval as follows.

A. Unless exempted by rule or order of the commission, ~~no~~ a reorganization may not take place without the approval of the commission. ~~No~~ A reorganization may not be approved by the commission unless it is established by the applicant for approval that the reorganization is consistent with the interests of the utility's ratepayers and investors. If a reorganization would result in the transfer of ownership and control of a public utility

ty or the parent company of a public utility, a reorganization may not be approved by the commission unless it is established by the applicant for approval that the reorganization provides net benefits to the utility's ratepayers. The commission shall rule upon all requests for approval of a reorganization within 60 days of the filing of the request for approval. If it determines that the necessary investigation cannot be concluded within 60 days, the commission may extend the period for a further period of no more than 120 days. In granting its approval, the commission shall impose such terms, conditions or requirements as, in its judgment, are necessary to protect the interests of ratepayers. These conditions ~~shall~~ must include provisions ~~which assure~~ that ensure the following:

- (1) That the commission has reasonable access to books, records, documents and other information relating to the utility or any of its affiliates, except that the Public Utilities Commission may not have access to trade secrets unless it is essential to the protection of the interests of ratepayers or investors. The commission shall afford trade secrets and other information such protection from public disclosure as is provided in the Maine Rules of Civil Procedure;
- (2) That the commission has all reasonable powers to detect, identify, review and approve or disapprove all transactions between affiliated interests;
- (3) That the utility's ability to attract capital on reasonable terms, including the maintenance of a reasonable capital structure, is not impaired;
- (4) That the ability of the utility to provide safe, reasonable and adequate service is not impaired;
- (5) That the utility continues to be subject to applicable laws, principles and rules governing the regulation of public utilities;
- (6) That the utility's credit is not impaired or adversely affected;
- (7) That reasonable limitations be imposed upon the total level of investment in nonutility business, except that the commission may not approve or disapprove of the nature of the nonutility business;
- (8) That the commission has reasonable remedial power including, but not limited to, the power, after notice to the utility and all affiliated entities of the issues to be determined and the opportunity for an adjudicatory proceeding, to order divestiture of or by the utility in the event that divestiture is necessary to

protect the interest of the utility, ratepayers or investors. A divestiture order ~~shall~~ **must** provide a reasonable period within which the divestiture ~~shall~~ **must** be completed; and

(9) That neither ratepayers nor investors are adversely affected by the reorganization, and if the reorganization would result in the transfer of ownership and control of a public utility or the parent company of a public utility, that the reorganization provides net benefits to the utility's ratepayers.

B. The commission may intervene on behalf of the State in any proceeding before any state or federal agency or court before which an application for approval of reorganization is pending. The commission may enter into any binding settlement related to any proceeding in which the commission has intervened and may exercise any powers or rights provided by that settlement and may enforce these powers or rights.

C. In determining whether a utility reorganization that would result in the transfer of ownership and control of a public utility or the parent company of a public utility provides net benefits to the utility's ratepayers pursuant to paragraph A, the commission, at a minimum, shall examine:

(1) Whether the reorganization will result in a rate increase for the utility's ratepayers; and

(2) Whether the reorganization will result in a loss of local control of the utility's management and operations in a manner that limits the ability of local management to protect the interests of the utility's ratepayers in this State.

**Sec. 3. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to actions and proceedings pending on the effective date of this Act.

**Sec. 4. Retroactivity.** This Act applies retroactively to March 27, 2019.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 18, 2019.

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## CHAPTER 354

H.P. 1236 - L.D. 1738

### An Act Regarding Medical Marijuana

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, access to specialized marijuana strains and products is important to the well-being of qualifying patients; and

**Whereas**, it is difficult for qualifying patients to find specialized marijuana strains and products in rural areas of the State; and

**Whereas**, this legislation will enable caregivers and dispensaries to provide specialized marijuana strains and products to qualifying patients; and

**Whereas**, the growing season is already underway and is of short duration; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSa §569** is enacted to read:

**§569. Marijuana testing facility certification program and fund established**

**1. Program established.** The Department of Administrative and Financial Services, in consultation with the Maine Center for Disease Control and Prevention, shall establish within the Maine Center for Disease Control and Prevention a laboratory certification program, referred to in this section as "the certification program," for the testing of medical and adult use marijuana in accordance with chapter 558-C and Title 28-B.

**2. Rules.** The Department of Administrative and Financial Services, in consultation with the Maine Center for Disease Control and Prevention, shall adopt rules for the certification of a marijuana testing facility under chapter 558-C and a testing facility under Title 28-B, which must include a certification fee schedule. The annual fee for certifying a marijuana testing facility under chapter 558-C or a testing facility under Title 28-B may not exceed \$2,500 per year. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Fund established.** The Marijuana Testing Facility Certification Fund, referred to in this section as "the fund," is established as an Other Special Revenue Funds account in the Maine Center for Disease Control and Prevention for the purposes specified in this subsection.

A. The State Controller shall credit to the fund:

(1) All money received as a result of fees assessed by the Maine Center for Disease Con-

trol and Prevention under the certification program;

(2) All money from any other source, whether public or private, designated for deposit into or credited to the fund; and

(3) Interest earned or other investment income on balances in the fund.

B. The fund may be used for expenses of the Maine Center for Disease Control and Prevention to administer the certification program.

C. By January 15, 2021 and every 2 years thereafter, the Department of Administrative and Financial Services, in consultation with the Maine Center for Disease Control and Prevention, shall review the balance in the fund. If the balance in the fund exceeds \$200,000, the Department of Administrative and Financial Services, in consultation with the Maine Center for Disease Control and Prevention, shall adopt rules to reduce the fees established under subsection 2 for a 2-year period beginning with the calendar year following the review.

**Sec. 2. 22 MRSA §2423-A, sub-§2, ¶K-1,** as enacted by PL 2017, c. 452, §4, is amended to read:

K-1. Transfer to and accept from another registered caregiver or a dispensary marijuana plants and harvested marijuana in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration up to ~~30%~~ 75% of the mature marijuana plants grown by the caregiver over the course of a calendar year, including any marijuana products or marijuana concentrate manufactured from that ~~30%~~ 75% of the mature marijuana plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature marijuana plants and seedlings. A registered caregiver that acquires mature marijuana plants, marijuana products or marijuana concentrate in a wholesale transaction under this paragraph may not resell the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient;

**Sec. 3. 22 MRSA §2423-A, sub-§10, ¶D,** as amended by PL 2017, c. 447, §10 and c. 452, §4, is repealed and the following enacted in its place:

D. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing marijuana testing facilities, including but not limited to:

(1) Marijuana testing facility officer or director qualification requirements;

(2) Required security for marijuana testing facilities; and

(3) Requirements for the registration, certification or other approval of marijuana testing facilities.

The failure of the department to adopt rules under this paragraph does not prevent a marijuana testing facility from engaging in activities in compliance with this chapter.

**Sec. 4. 22 MRSA §2423-A, sub-§10, ¶D-1** is enacted to read:

D-1. Upon the adoption of rules pursuant to paragraph D and this paragraph, a marijuana testing facility must be certified by the certification program established pursuant to section 569 as meeting all operational and technical requirements in accordance with rules adopted by the department after consultation with the Maine Center for Disease Control and Prevention. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A marijuana testing facility operating in compliance with this chapter on the date of the adoption of rules pursuant to this paragraph and paragraph D may continue to operate pending completion of certification under this paragraph. The failure of the department to adopt rules under this paragraph does not prevent a marijuana testing facility from engaging in activities in compliance with this chapter.

**Sec. 5. 22 MRSA §2423-A, sub-§10, ¶E,** as enacted by PL 2017, c. 447, §10 and c. 452, §4, is repealed and the following enacted in its place:

E. A marijuana testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body.

**Sec. 6. 22 MRSA §2423-A, sub-§10, ¶F** is enacted to read:

F. The department and the Maine Center for Disease Control and Prevention may inspect a marijuana testing facility during regular business hours and hours of apparent activity for compliance with this chapter.

**Sec. 7. 22 MRSA §2428, sub-§1-A, ¶F,** as enacted by PL 2017, c. 447, §21 and c. 452, §16, is repealed and the following enacted in its place:

F. Except as provided in section 2426:

(1) Transfer marijuana plants and harvested marijuana to a qualifying patient and to a caregiver on behalf of a qualifying patient in a retail sale for reasonable compensation;

(2) Transfer marijuana plants and harvested marijuana to a qualifying patient, caregiver or dispensary for no remuneration;

(3) Acquire marijuana plants and harvested marijuana from another dispensary for no remuneration;

(4) Transfer to and accept from a registered caregiver or another dispensary marijuana plants and harvested marijuana in a wholesale transaction in accordance with this paragraph. A dispensary may transfer in wholesale transactions for reasonable compensation or for no remuneration up to 75% of the mature marijuana plants grown by the dispensary over the course of a calendar year, including any marijuana products or marijuana concentrate manufactured from that 75% of the mature marijuana plants grown by the dispensary. A dispensary may transfer to or accept from registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature marijuana plants and seedlings. A dispensary that acquires mature marijuana plants, marijuana products or marijuana concentrate in a wholesale transaction under this subparagraph may not resell the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying patient or to a caregiver or dispensary to assist a qualifying patient;

(5) Transfer harvested marijuana to a manufacturing facility and accept marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the dispensary provided to the manufacturing facility; and

(6) Provide samples to a marijuana testing facility for testing and research purposes;

**Sec. 8. 28-B MRSA §503, sub-§2, ¶A,** as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

A. Is certified for operation ~~by~~ under the certification program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention established pursuant to Title 22, section 569 and, in accordance with rules adopted by the department after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, which must allow for inspection of the proposed or operational testing facility by the department and the Department of Health and Human Ser-

VICES, Maine Center for Disease Control and Prevention;

**Sec. 9. Appropriations and allocations.**

The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Provides allocations to allow expenditure of additional certification fees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$10,000	\$10,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,000	\$10,000

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 18, 2019.

**CHAPTER 355  
H.P. 1295 - L.D. 1818**

**An Act To Clarify and  
Enhance Certain Maine  
Wildlife Laws**

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

**Whereas,** the provisions of this Act need to become effective before 90 days after the adjournment of the First Regular Session of the 129th Legislature in order for changes to laws governing the hunting of moose to take effect and to provide time to educate hunters on these new provisions prior to the first hunt occurring in September 2019; and

**Whereas,** chronic wasting disease has been detected in a captive deer farm in the Province of Quebec, not far from the Maine border, and it is yet to be determined if this disease has reached wild deer populations and, due to the devastating impact this disease has on wild deer and moose populations and the potential significant negative impact this disease would have on Maine's economy, hunting traditions and people's livelihoods, clear authority to allow the Commissioner of Inland Fisheries and Wildlife to act decisively

ly to protect Maine's moose and deer populations from chronic wasting disease is immediately necessary; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §10001, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**3. Antlerless moose.** "Antlerless moose" means a moose without antlers ~~or a moose with antlers that are shorter than its ears.~~

**Sec. 2. 12 MRSA §10105, sub-§14, ¶A**, as amended by PL 2013, c. 280, §2, is further amended to read:

A. Prohibit ~~or limit~~ the feeding of deer, bear, moose and wild turkey at any location if there is documented evidence of chronic wasting disease, as defined in Title 7, section 1821, subsection 1, in the State or within 50 miles of the border of the State or if the commissioner has reason to believe that the type or location of feed may create a public safety hazard or may have a detrimental effect on deer, bear, moose and wild turkey; and

**Sec. 3. 12 MRSA §10105, sub-§14, ¶B**, as amended by PL 2013, c. 280, §2, is repealed.

**Sec. 4. 12 MRSA §11851, sub-§§1 and 2**, as amended by PL 2015, c. 301, §26, are further amended to read:

**1. Unlawfully hunting or trapping wild birds.** A person may not hunt or trap a wild bird, other than the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling, except as provided in this Part.

**2. Unlawful possession of wild birds.** A person may not possess, alive or dead, a wild bird, other than the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling, except as provided in this Part.

**Sec. 5. 12 MRSA §11854**, as amended by PL 2013, c. 280, §10, is further amended to read:

**§11854. Nest or eggs of wild birds**

A person may not take, possess or needlessly destroy the nest or eggs of a wild bird, except the English or European house sparrow, the rock pigeon, also known as the rock dove, and the European starling. A person who violates this section commits a Class E crime.

**Sec. 6. 12 MRSA §12152, sub-§3-D, ¶E**, as enacted by PL 2017, c. 205, §18, is amended to read:

E. A wildlife rehabilitation permit, which allows the holder to possess debilitated or orphaned wildlife and rehabilitate that wildlife and release it into the wild as soon as the wildlife is rehabilitated or euthanize that wildlife in accordance with humane euthanization procedures if rehabilitation and release are not possible. A wildlife rehabilitation permit is available at no cost and expires ~~2 years from~~ on December 31st of the 2nd complete year after the date of issuance;

**Sec. 7. 12 MRSA §12404, sub-§3**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §242 and affected by §422, is further amended to read:

**3. Birds.** A person may not take or kill wild birds, with the exception of English or European house sparrows, European starlings, rock pigeons, also known as rock doves, and wild turkeys under sections 12401 and 12402.

A person who violates this subsection commits a Class E crime.

**Sec. 8. 12 MRSA §12706, sub-§1, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

C. Beauchamp Sanctuary: The following described territory situated in Rockport and Camden, in the County of Knox: Beginning at the mouth of Goose River in Rockport; ~~thence in a northerly direction along number 1 highway to the mouth of the Megunticook River in Camden where Pascal Avenue crosses Goose River; thence in an easterly direction along Pascal Avenue;~~ thence southerly along Main Street; thence in an easterly direction along Central Street; thence in a northerly direction along Union Street; thence in a northwesterly direction along School Street in Camden; thence in a northeasterly direction along U.S. Route 1 to where it crosses the Megunticook River; thence in a southerly direction along the south shore of the river and along the coast around Metcalf Point and Beauchamp Point and thence in a northerly northwesterly direction along the coast back to the said mouth of the Goose River;

**Sec. 9. 12 MRSA §12707, sub-§2, ¶H**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

H. ~~The use of firearms on~~ Subsection 1-A applies to Megunticook Lake and Vicinity Sanctuary is prohibited only from the first day of April of each year to the 30th day of September following. From October 1st until March 31st of each year, hunting wild animals and wild birds is permitted.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 18, 2019.

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**CHAPTER 356  
S.P. 620 - L.D. 1835**

**An Act To Authorize Early  
Payment of Anticipated Funds  
to the Loring Job Increment  
Financing Fund**

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

**Whereas,** this legislation authorizes the payment of anticipated funds to the Loring Job Increment Financing Fund in advance of the payment scheduled on July 31, 2020; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 5 MRSA §13080-S, sub-§3,** as amended by PL 2015, c. 486, §3 and affected by §5, is further amended to read:

**3. Deposit and payment of revenue.** On or before July 15th of each year, the assessor shall deposit an amount equal to 50% of the employment tax increment for the preceding year into a contingent account established, maintained and administered by the State Controller. On or before July 31st of each year, the assessor shall pay that amount to the fund.

A. At any time during the 12 months preceding the July 31, 2020 payment date, the assessor, at the direction of the Governor or upon the recommendation of the Commissioner of Economic and Community Development and the approval of the Commissioner of Administrative and Financial Services, shall deposit into the contingent account and pay to the fund an amount not to exceed the anticipated payment amount to the fund or the amount paid the previous year, whichever is greater. Any difference between the amount advanced and the amount finally determined to be due, in the event of an underpayment, must be added to the final payment due by July 31, 2020 or, in the event of an overpayment, must be de-

ducted from the final payment due by July 31, 2021.

This paragraph is repealed August 1, 2021

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 18, 2019.

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**CHAPTER 357  
H.P. 216 - L.D. 292**

**An Act To Feed Maine's  
Residents by Allowing Dairy  
Dealers and Producers in the  
State To Donate Fresh Milk to  
Food Banks in the State**

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

**Sec. 1. 7 MRSA §2964** is enacted to read:

**§2964. Donations of fresh milk to food banks**

The minimum price provisions of this chapter do not apply to donations of fresh milk produced and processed within the State by a dealer or producer-dealer to an incorporated nonprofit organization within the State established for the purpose of reducing hunger and increasing food security. Donations under this section may occur only if the fresh milk produced and processed within the State to be donated does not have a wholesale or retail market that will provide a higher monetary value to the dealer or producer-dealer.

See title page for effective date.

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**CHAPTER 358  
H.P. 279 - L.D. 353**

**An Act Regarding the Safety of  
Recovery Residences**

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

**Sec. 1. 25 MRSA §2452, sub-§4** is enacted to read:

**4. Exception.** Notwithstanding chapter 314 and Title 10, chapter 1103, a recovery residence must be treated as a residence for a family if the recovery residence meets the following requirements:

A. The recovery residence must be certified based on criteria developed by a nationally recognized organization that supports persons recovering from substance use disorder;

B. The recovery residence must have no more than 2 residents per bedroom;

C. The recovery residence must have at least one full bathroom for every 6 residents;

D. The recovery residence must meet the requirements of all adopted building codes and sections 2464 and 2468 applicable to a one-family or 2-family residence with regard to smoke detectors, carbon monoxide detectors and fire extinguishers; and

E. If the recovery residence is located in a multi-unit apartment building, the recovery residence must meet all state and local code requirements for the type of building in which the recovery residence is located.

For the purposes of this subsection, "recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

See title page for effective date.

**CHAPTER 359**

**S.P. 161 - L.D. 496**

**An Act To Extend the Availability of Protection from Abuse and Protection from Harassment Orders**

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

**Sec. 1. 5 MRSA §4653, sub-§1, ¶B,** as amended by PL 2017, c. 455, §2, is further amended to read:

B. If the alleged harassment does not meet the definition in section 4651, subsection 2, paragraph C or is not related to an allegation of domestic violence, violence against a dating partner, sexual assault, stalking or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a) or a statement of good cause why such a notice was not sought or obtained. The court has discretion, based on the nature of the allegations as well as any further inquiry that the court may make of the plaintiff, to issue an order even if notice to stop harassing the plaintiff has not been issued to the defendant as

described in Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a).

**Sec. 2. 19-A MRSA §4005, sub-§1,** as amended by PL 2017, c. 455, §4, is further amended to read:

**1. Filing.** An adult who has been abused, as defined in section 4002, subsection 1, by a family or household member ~~or~~ a dating partner or an individual related by consanguinity or affinity may seek relief by filing a complaint alleging that abuse.

When a minor child in the care or custody of a family or household member or a dating partner has been abused by a family or household member ~~or~~ a dating partner or an individual related by consanguinity or affinity, a person responsible for the child, as defined in Title 22, section 4002, subsection 9, or a representative of the department may seek relief by filing a petition alleging that abuse.

An adult who has been a victim of conduct defined as stalking in Title 17-A, section 210-A or described as sexual assault in Title 17-A, chapter 11 or described as unauthorized dissemination of certain private images in Title 17-A, section 511-A or described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively, whether or not the conduct was perpetrated by a family or household member or dating partner, may seek relief by filing a complaint alleging that conduct without regard to whether criminal prosecution has occurred. When a minor has been a victim of such conduct or conduct described in Title 17-A, section 282 or 283 or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, the minor's parent, other person responsible for the child or a representative of the department may seek relief by filing a petition alleging that conduct.

When an adult who is 60 years of age or older or a dependent adult, as defined in Title 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care provider, the adult victim, the adult victim's legal guardian or a representative of the department may seek relief by filing a complaint alleging the abusive conduct. For the purposes of this subsection, "extended family member" includes, but is not limited to: a person who is related to the victim by blood, marriage or adoption, whether or not the person resides or has ever resided with the victim. "Unpaid care provider" includes, but is not limited to, a caretaker who voluntarily provides full, intermittent or occasional personal care to the adult victim in the victim's home similar to the way a family member would provide personal care.

**Sec. 3. 19-A MRSA §4005, sub-§2, ¶C,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by

Pt. E, §2, is repealed and the following enacted in its place:

C. The clerk shall provide to a plaintiff written contact information for resources from which the plaintiff may receive legal or social service assistance provided to the Administrative Office of the Courts by the various providers, including the Maine State Bar Association or successor organization, any local or statewide organizations providing domestic violence services and sexual assault services and any other agency providing reliable and relevant resource contact information.

See title page for effective date.

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**CHAPTER 360**  
**S.P. 240 - L.D. 805**

**An Act To Clarify the Laws  
Governing Taste Testing and  
Retail Sales of Liquor at  
Farmers' Markets and To  
Allow Retail Sales at Other  
Taste-testing Events**

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

**Sec. 1. 28-A MRSA §1355-A, sub-§3, ¶D** is enacted to read:

D. Notwithstanding any provision of this Title to the contrary, a brewery or small brewery licensed in accordance with this section may sell malt liquor to be consumed off the premises under the conditions specified in this paragraph if the brewery or small brewery is participating in a taste-testing event under section 1052-D.

(1) The brewery or small brewery may sell only malt liquor produced in the State by that brewery or small brewery.

(2) A sale of malt liquor in accordance with this paragraph must be accompanied by a sales receipt.

**Sec. 2. 28-A MRSA §1355-A, sub-§4, ¶D** is enacted to read:

D. Notwithstanding any provision of this Title to the contrary, a winery or small winery licensed in accordance with this section may sell wine to be consumed off the premises under the conditions specified in this paragraph if the winery or small winery is participating in a taste-testing event under section 1052-D.

(1) The winery or small winery may sell only wine produced in the State by that winery or small winery.

(2) A sale of wine in accordance with this paragraph must be accompanied by a sales receipt.

**Sec. 3. 28-A MRSA §1355-A, sub-§5, ¶I** is enacted to read:

I. Notwithstanding any provision of this Title to the contrary, a distillery or small distillery licensed in accordance with this section may sell spirits to be consumed off the premises under the conditions specified in this paragraph if the distillery or small distillery is participating in a taste-testing event under section 1052-D.

(1) The distillery or small distillery may sell only spirits produced in the State by that distillery or small distillery.

(2) Spirits sold in accordance with this paragraph are subject to the listing, pricing and distribution provisions of this Title.

(3) A sale of spirits in accordance with this paragraph must be accompanied by a sales receipt.

**Sec. 4. 28-A MRSA §1366**, as amended by PL 2017, c. 168, §§1 to 3 and corrected by RR 2017, c. 1, §19, is repealed.

**Sec. 5. 28-A MRSA §1367**, as corrected by RR 2017, c. 1, §20, is repealed.

**Sec. 6. 28-A MRSA §1368** is enacted to read:

**§1368. Retail sales and taste testing at farmers' markets**

**1. Farmers' market defined.** For purposes of this section, "farmers' market" has the same meaning as in Title 7, section 415, subsection 1, paragraph A.

**2. Retail sales and taste-testing events at farmers' markets.** Subject to the conditions set forth in this section and the applicable bylaws of the farmers' market, a small brewery, small winery or small distillery licensed under section 1355-A or an employee of the licensee who is at least 21 years of age may sell or offer for taste testing at a farmers' market any wine, spirits or malt liquor manufactured in the State by the licensee.

**3. Conditions.** The following conditions apply to retail sales and taste-testing events permitted under this section:

A. The licensee shall apply for authorization to conduct retail sales or taste-testing events at farmers' markets using a form prescribed by the bureau and by paying an annual fee of \$75. The licensee shall submit the application at least 30 days prior to the first date when the licensee will conduct retail sales or conduct a taste-testing event at a farmers' market;

B. Prior to each month during which the licensee wishes to conduct retail sales or taste-testing events at farmers' markets, the licensee shall provide to the bureau a list of the date, time and location of each farmers' market at which the licensee intends to conduct retail sales or taste-testing events and must receive approval from the bureau for that month. The bureau may request a diagram of the layout of each farmers' market at which the licensee intends to conduct retail sales or taste-testing events;

C. The licensee shall keep and maintain a record of the dates, times and locations of the licensee's conduct of retail sales or taste-testing events at farmers' markets under this section;

D. The farmers' market must consist of at least 6 separate stalls or booths that sell farm or food products, not including liquor, and must be authorized by the bureau under subsection 4;

E. The stall or booth operated by the licensee at the farmers' market is considered part of the licensed premises of the licensee for purposes of this chapter;

F. All wine, spirits and malt liquor for retail sale must be prepackaged and sold by the bottle or case. The holder of a small distillery license may provide spirits for sale at a farmers' market in the same manner as permitted under section 1355-A, subsection 5, paragraph G;

G. The licensee may not charge a fee for samples at a taste-testing event under this section and may not serve spirits, wine or malt liquor to a minor or an individual who is visibly intoxicated. The licensee may not serve a taste-testing sample of more than 4 ounces of malt liquor, 1 1/2 ounces of wine or 1/2 ounce of spirits and may not serve an individual more than 6 samples per day; and

H. All activities authorized under this section must be conducted within the hours of retail sales established in this Title and may not be conducted in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

**4. Farmers' market authorization.** At least 30 days prior to the sale or taste testing of wine, spirits or malt liquor, a farmers' market must obtain municipal approval to sell or conduct taste testing of wine, spirits and malt liquor under this section. If the farmers' market is held on private property, the application must include a written statement signed by the owner of the property permitting the sale or taste testing of wine, spirits or malt liquor in accordance with this section.

**5. Rules.** The bureau may adopt rules to carry out the purposes of this section. Rules adopted pursu-

ant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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## CHAPTER 361

### H.P. 671 - L.D. 907

#### An Act To Ensure That Defendants in Foreclosure Proceedings Receive Proper Notification

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

**Sec. 1. 14 MRSA §6111, sub-§2-A** is enacted to read:

**2-A. Notice procedure.** Notice by a mortgagee is governed by this subsection.

A. A mortgagee shall provide notice to a mortgagor and any cosigner under this section to the last known addresses of the mortgagor and cosigner by both:

(1) Certified mail, return receipt requested; and

(2) Ordinary first-class mail, postage prepaid.

B. For purposes of this subsection, the time when the notice is given to the mortgagor or cosigner is the sooner of:

(1) The date the mortgagor or cosigner signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it under paragraph A, subparagraph (1); and

(2) The date the mortgagor or cosigner receives the notice under paragraph A, subparagraph (2).

A post office department certificate of mailing to the mortgagor or cosigner is conclusive proof of receipt on the 7th calendar day after mailing notice as provided under paragraph A, subparagraph (2).

**Sec. 2. 14 MRSA §6111, sub-§3**, as amended by PL 1997, c. 579, §2, is repealed.

See title page for effective date.

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**CHAPTER 362**  
**H.P. 695 - L.D. 940**

**An Act To Increase the  
Number of Franklin County  
Commissioners**

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

**Sec. 1. 30-A MRSA §66-B, sub-§4**, as enacted by PL 2013, c. 270, Pt. C, §2, is repealed.

**Sec. 2. 30-A MRSA §66-B, sub-§4-A** is enacted to read:

**4-A. Creation of Franklin County Commissioner Districts.** Franklin County is divided into the following districts.

A. Until the first election held after the 2021 redistricting conducted in accordance with the Constitution of Maine, Article IX, Section 25, Franklin County is divided into 3 districts.

(1) Commissioner District Number 1, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Carthage, Jay, South Franklin, Temple and Wilton. The term of office of the commissioner from this district expires in 2020 and then in 2022.

(2) Commissioner District Number 2, in the County of Franklin, consists of the minor civil divisions of Chesterville, Farmington and New Sharon. The term of office of the commissioner from this district expires in 2020 and then in 2022.

(3) Commissioner District Number 3, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Avon, Carrabassett Valley, Coplin, Dallas, East Central Franklin, Eustis, Industry, Kingfield, New Vineyard, North Franklin, Phillips, Rangeley, Rangeley Plantation, Sandy River, Strong, Weld, West Central Franklin and Wyman Township. The term of office of the commissioner from this district expires in 2022.

B. For purposes of the reapportionment and redistricting conducted in accordance with the Constitution of Maine, Article IX, Section 25, Franklin County is divided into 5 districts. The redistricting must reflect 5 commissioner districts for Franklin County and in addition must align as closely as practicable with the following:

(1) Commissioner District Number 1, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Temple, Wilton and the portion of Farming-

ton located on the west side of the Sandy River. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

(2) Commissioner District Number 2, in the County of Franklin, consists of the portion of Farmington located on the east side of the Sandy River. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

(3) Commissioner District Number 3, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Avon, Carthage, Coplin, Eustis, North Franklin, Phillips, Rangeley, Rangeley Plantation, Sandy River, South Franklin, Strong, Weld and West Central Franklin. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

(4) Commissioner District Number 4, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Carrabassett Valley, Dallas, East Central Franklin, Industry, Kingfield, New Sharon, New Vineyard and Wyman Township. The term of office of the commissioner from this district expires in 2026 and every 4 years thereafter.

(5) Commissioner District Number 5, in the County of Franklin, consists of the minor civil divisions of Chesterville and Jay. The term of office of the commissioner from this district expires in 2026 and every 4 years thereafter.

**Sec. 3. Referendum; effective date.** This Act takes effect 90 days after its approval only for the purpose of permitting its submission by the county commissioners of Franklin to the legal voters of the county by ballot at the next general election to be held in November. The method of voting and the conduct of the referendum are governed by the Maine Revised Statutes, Title 21-A, and the county commissioners or county administrators shall perform the duties of the Secretary of State prescribed by Title 21-A in the same manner as the county commissioners are required to do in the case of a county bond referendum election held pursuant to Title 30-A, section 938. The subject matter of this Act must be reduced to the following question:

"Do you favor increasing the number of Franklin County commissioner districts from 3 to 5 and staggering the terms of the 5 county commissioners following redistricting conducted pursuant to the Maine Constitution in 2021?"

The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." Before becoming effective, this Act must be approved by a majority of the legal voters casting ballots at the general election, and the total number of votes cast for and against the acceptance of this Act at the election must equal or exceed 50% of the total number of votes cast in the county for Governor at the last gubernatorial election.

The result of a referendum must be declared by the county commissioners or county administrators and due certificate filed with the Secretary of State within 10 days after the date of the election.

This Act takes effect for all purposes upon approval of the referendum held in accordance with this section.

Effective pending referendum.

**CHAPTER 363  
S.P. 415 - L.D. 1327**

**An Act To Require Residential  
Mortgage Loan Servicers To  
Act in Good Faith in Dealings  
with Homeowners**

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

**Sec. 1. 14 MRSA §6113** is enacted to read:

**§6113. Mortgage servicer duty of good faith**

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

A. "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

B. Except as provided in subsection 5, "mortgage servicer" means a person that is responsible for:

- (1) Receiving scheduled periodic payments from an obligor pursuant to the terms of a mortgage described in section 6111, subsection 1, including amounts for escrow accounts;
- (2) Making or advancing payments to the owner of the loan or other 3rd parties with respect to the amounts received from the obligor pursuant to a loan servicing contract; and
- (3) Evaluating obligors for loss mitigation or loan modification options.

C. "Obligation" means a debt or other duty or liability of an obligor secured by a mortgage of the type described in section 6111, subsection 1.

D. "Obligor" means a person that:

- (1) Owes payment or performance of an obligation;
- (2) Has provided property other than the mortgaged property to secure payment of the obligation;
- (3) Has granted a mortgage interest with respect to the mortgaged property; or
- (4) Is otherwise accountable in whole or in part for payment of the obligation.

E. Except as provided in subsection 5, "servicer" means a person responsible for servicing an obligation, including a person that holds or owns an obligation or originates a mortgage loan if the person also services the obligation.

F. "Servicing" means any combination of the following:

- (1) Receiving a periodic payment from an obligor under the terms of an obligation, including an amount received for an escrow account;
- (2) Making or advancing payments to the owner of an obligation on account of an amount due from the obligor under a mortgage servicing loan document or a servicing contract;
- (3) Making a payment to the obligor under a home equity conversion mortgage or reverse mortgage;
- (4) Evaluating the obligor for loss mitigation or communicating with the obligor with respect to loss mitigation;
- (5) Collecting funds from a homeowner for deposit into an escrow account and making payments out of an escrow account; and
- (6) Taking any other action with respect to an obligation that affects the obligor's payment or performance of the obligation or that relates to the enforcement of the obligation.

**2. Duty of good faith.** A mortgage servicer shall act in good faith toward an obligor in the servicing of an obligation secured by a mortgage and in any foreclosure action relating to such an obligation.

**3. Effect of violation during foreclosure.** If during a foreclosure action a servicer controlling or managing the action on its own behalf or on behalf of the owner of the obligation subject to foreclosure is shown to have committed a violation of its duty of good faith under subsection 2, the court may dismiss the action, stay the action on appropriate terms and conditions or impose other appropriate sanctions until the violation is cured.

**4. Remedies for violation.** The following are remedies for a violation of the duty of good faith under subsection 2.

A. A homeowner or obligor injured by a violation of the duty of good faith may bring an action against the servicer for all actual damages sustained by the homeowner or obligor.

B. In addition to the damages recoverable under this subsection, the court may award a homeowner or obligor statutory damages not exceeding \$15,000 for a pattern or practice of the servicer's violating the duty of good faith. In determining whether to award statutory damages and the amount of statutory damages, the court shall consider all relevant factors, including:

- (1) The frequency and persistence of violations by the servicer;
- (2) The nature of the violations;
- (3) The extent to which the violations were intentional; and
- (4) The extent to which the actions that constitute violations are prohibited by state or federal laws, rules or regulations, and the extent to which such actions constitute violations by the servicer of any consent judgments to which it is a party.

C. If the court determines during a foreclosure action or an independent action for damages that there has been a violation of the duty of good faith:

- (1) The servicer may not charge the loan owner for, or add to the amount of the obligation, any attorney's fees or costs incurred as a result of the violation or any other attorney's fees or costs incurred before the servicer cures the violation; and
- (2) The court shall order the servicer to pay to the obligor the obligor's costs incurred in the action and reasonable attorney's fees as determined by the court.

**5. Exclusion.** The terms "mortgage servicer" and "servicer" defined in subsection 1 do not include a supervised financial organization as defined in Title 9-A, section 1-301, subsection 38-A; a financial institution holding company as defined in Title 9-B, section 1011, subsection 1; a mutual holding company as defined in Title 9-B, section 1052, subsection 2; a credit union service organization as defined in 12 Code of Federal Regulations, Section 712.1; a subsidiary of a supervised financial organization, financial institution holding company, mutual holding company or credit union service organization; or the Maine State Housing Authority.

**Sec. 2. 14 MRSA §6321-A, sub-§11,** as amended by PL 2009, c. 476, Pt. B, §6 and affected by §9, is further amended to read:

**11. Parties to mediation.** A mediator shall include in the mediation process under this section any person the mediator determines is necessary for effective mediation. Mediation and appearance in person is mandatory for:

- A. The mortgagee, who has the authority to agree to a proposed settlement, loan modification or dismissal of the action, except that the mortgagee may participate by telephone or electronic means as long as that mortgagee is represented with authority to agree to a proposed settlement;
- B. The defendant;
- C. Counsel for the plaintiff; and
- D. Counsel for the defendant, if represented.

A mortgage servicer as defined in section 6113, subsection 1, paragraph B participating in the mediation process submits to the jurisdiction of the court with respect to the power of the court to sanction parties who fail to participate in the mediation process in good faith as required by section 6113, subsection 2.

**Sec. 3. 14 MRSA §6321-A, sub-§12,** as enacted by PL 2009, c. 402, §18, is amended to read:

**12. Good faith effort.** Each party and each party's attorney, if any, must be present at mediation as required by this section and shall make a good faith effort to mediate all issues. If any party or attorney fails to attend or to make a good faith effort to mediate, the court may impose appropriate sanctions. A mortgage servicer as defined in section 6113, subsection 1, paragraph B participating in the mediation process shall participate in good faith as required by section 6113, subsection 2. In determining the nature and extent of appropriate sanctions, the court shall consider the need for deterrence of similar future conduct by the entity being sanctioned and by others and may take into account prior orders imposing sanctions upon the sanctioned party, whether in the same case or in other previous cases. The imposition of any sanction does not bar any independent action by a defendant to seek recovery with respect to the actions giving rise to the order of sanctions.

**Sec. 4. 14 MRSA §6321-A, sub-§13,** as amended by PL 2013, c. 521, Pt. F, §2, is further amended to read:

**13. Report.** A mediator must complete a report for each mediation conducted under this section. The mediator's report must indicate in a manner as determined by the court that the parties completed in full the Net Present Value Worksheet in the Federal Deposit Insurance Corporation Loan Modification Program Guide or other reasonable determination of net

present value. If the mediation did not result in the settlement or dismissal of the action, the report must include the outcomes of the Net Present Value Worksheet or other determination of net present value. As part of the report, the mediator may notify the court if, in the mediator's opinion, either party failed to negotiate in good faith. The mediator's report must also include a statement of all agreements reached at mediation, with sufficient specificity to put all parties on notice of their obligations under agreements reached at mediation, including but not limited to a description of all documents that must be completed and provided pursuant to the agreements reached at mediation and the time frame during which all actions are required to be taken by the parties, including decisions and determinations of eligibility for all loss mitigation options. The mediator's report must identify the name of any mortgage servicer as defined in section 6113, subsection 1, paragraph B that participates in the mediation process, and any order of sanctions must likewise identify the name of the mortgage servicer.

See title page for effective date.

## CHAPTER 364

### H.P. 1009 - L.D. 1395

#### An Act To Create Fairness for Dispatchers in the Maine Public Employees Retirement System

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

**Sec. 1. 5 MRSA §18313** is enacted to read:

#### **§18313. Dispatchers**

**1. Definition.** For the purposes of this chapter, "dispatcher" means a person whose primary employment duties consist of any combination of:

A. Acting as an emergency medical dispatcher as defined by Title 32, section 85-A, subsection 1, paragraph D;

B. Answering, directing or dispatching the response to public safety requests for service at a public safety answering point as defined by Title 25, section 2921, subsection 7;

C. Answering, directing or dispatching the response of emergency services for municipal fire protection pursuant to Title 30-A, chapter 153; or

D. Answering, directing or dispatching the response of law enforcement officers as defined by Title 25, section 2801-A, subsection 5.

**2. Contribution rate.** Except as provided in subsections 3 and 4, a dispatcher employed by a par-

ticipating local district that provides a special retirement benefit under section 18453, subsection 4 or 5 shall contribute to the Participating Local District Retirement Program or must have pick-up contributions made by the employer at a rate of 8% of earnable compensation as long as the person is employed as a dispatcher.

**3. Exception.** A participating local district may elect to reduce the rate of contribution set out in subsection 2 to 6.5% of earnable compensation for all dispatchers who continue employment after attaining eligibility for retirement during the remainder of their employment as dispatchers.

**4. Member contributions to Participating Local District Consolidated Retirement Plan.** The board may establish by rule the rate at which dispatchers who participate in the consolidated plan described in chapter 427 contribute to that plan. Rules adopted pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter 2-A.

**Sec. 2. 5 MRSA §18453, sub-§2**, as amended by PL 2013, c. 602, Pt. B, §2, is further amended to read:

**2. Employee Special Plan #2.** A Except as provided in this subsection, a retirement benefit to police officers, firefighters, sheriffs, full-time deputy sheriffs, county corrections employees, dispatchers, emergency medical services persons as defined in Title 32, section 83, subsection 12, including but not limited to first responders, emergency medical technicians, advanced emergency medical technicians and paramedics, or any other participating local district employees who have completed 20 to 25 years of creditable service, the number of years to be selected by the participating local district. A participating local district may not elect to provide retirement benefits to its dispatchers in a plan that requires less than 25 years of creditable service. For the purposes of this subsection, "county corrections employees" means employees of the county who are employed at a county jail and whose duties include contact with prisoners or juvenile detainees. The benefits must be computed as follows:

A. Except as provided in paragraph B, 1/2 of the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977; is determined, on a pro rata basis, on the member's current annual salary on the date of retirement or current final compensation, whichever is greater, and the part of the service retirement benefit based upon membership service after June 30, 1977; is determined in accordance with paragraph A.

**Sec. 3. 5 MRSA §18453, sub-§3**, as amended by PL 2013, c. 602, Pt. B, §3, is further amended to read:

**3. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan #1.** A retirement benefit equal to 1/2 of the member's average final compensation to a firefighter, including the chief of a fire department, ~~and a dispatcher or~~ an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55.

**Sec. 4. 5 MRSA §18453, sub-§4,** as amended by PL 2013, c. 602, Pt. B, §4, is further amended to read:

**4. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan #2.** A retirement benefit to a firefighter, including the chief of a fire department, ~~and a dispatcher or~~ an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55. The benefits ~~shall~~ must be computed as follows:

A. Except as provided in paragraph B, 2/3 of the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

**Sec. 5. 5 MRSA §18453, sub-§5,** as amended by PL 2013, c. 602, Pt. B, §5, is further amended to read:

**5. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan #3.** A Except as provided in this subsection, a retirement benefit to a firefighter, including the chief of a fire department, ~~and a dispatcher or~~ an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed 20 to 25 years of creditable service in that capacity, the number of years to be selected by the participating local district, and who retires at any age. A participating local district may not elect to provide retirement benefits to its dispatchers in a plan that requires less than 25 years of creditable service. The benefits ~~shall~~ must be computed as follows:

A. Except as provided under paragraph B, 2/3 of the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

See title page for effective date.

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## CHAPTER 365

### H.P. 1071 - L.D. 1464

#### An Act To Support Electrification of Certain Technologies for the Benefit of Maine Consumers and Utility Systems and the Environment

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

**Sec. 1. 35-A MRSA §10102, sub-§3-A** is enacted to read:

**3-A. Beneficial electrification.** "Beneficial electrification" means electrification of a technology that results in reduction in the use of a fossil fuel, including electrification of a technology that would otherwise require energy from a fossil fuel, and that provides a benefit to a utility, a ratepayer or the environment, without causing harm to utilities, ratepayers or the environment, by improving the efficiency of the electricity grid or reducing consumer costs or emissions, including carbon emissions.

**Sec. 2. 35-A MRSA §10110, sub-§1, ¶C,** as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

C. "Conservation programs" means programs developed by the trust pursuant to this section designed to reduce inefficient electricity use or to increase the efficiency with which electricity is used.

**Sec. 3. 35-A MRSA §10110, sub-§2, ¶A,** as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

A. The trust shall consider, without limitation, conservation programs that:

- (1) Increase consumer awareness of cost-effective options for conserving energy;
- (2) Create more favorable market conditions for the increased use of energy-efficient products and services;

- (3) Promote sustainable economic development and reduce environmental damage;
- (4) Reduce the price of electricity over time for all consumers by achieving reductions in demand for electricity during peak use periods, including by the implementation of beneficial electrification; and
- (5) Reduce total energy costs for electricity consumers in the State by increasing the efficiency with which electricity is consumed.

**Sec. 4. Efficiency Maine Trust to study barriers to beneficial electrification.** The Efficiency Maine Trust established in the Maine Revised Statutes, Title 35-A, section 10103, in consultation with stakeholders, shall study barriers to beneficial electrification in the transportation and heating sectors in the State. The study must identify social, technological, legal, regulatory and economic barriers to beneficial electrification for the transportation and heating sectors in the State. The study must include information on potential roles for electric utilities, natural gas utilities and competitive markets in supporting beneficial electrification, including benefits and drawbacks of these potential roles and examples of specific activities that may be conducted and specific needs that may be best served by the electric utilities, natural gas utilities or competitive markets. At the request of the trust, the Public Utilities Commission shall order electric and natural gas utilities to provide information requested by the trust to carry out the study. The Department of Transportation and the Maine Turnpike Authority shall provide information to the trust on potential barriers to beneficial electrification and solutions to overcome those barriers in areas under their jurisdiction. The trust may seek information regarding the study from other agencies or from private persons, organizations or interest groups. The trust shall provide public notice of the opportunity for the public to submit written information or comments to the trust before and after a draft of the study is completed. The trust shall develop a report based on the study. The report must:

1. Identify barriers to beneficial electrification in the transportation and heating sectors of the State;
2. Identify additional information that the trust may require to make additional recommendations or analyses;
3. Consider potential roles of utilities in supporting beneficial electrification;
4. Identify areas or populations in the State less likely to benefit directly from beneficial electrification without additional policy development or utility intervention; and
5. Recommend opportunities for beneficial electrification.

By February 1, 2020, the trust shall submit its report and any recommended legislation to the Joint Standing Committee on Energy, Utilities and Technology. The committee may report out legislation to the Second Regular Session of the 129th Legislature related to the report.

For purposes of this section, "beneficial electrification" has the same meaning as in the Maine Revised Statutes, Title 35-A, section 10102, subsection 3-A.

**Sec. 5. Public Utilities Commission to request proposals for pilot program to implement beneficial electrification in the transportation sector.** The Public Utilities Commission, referred to in this section as "the commission," shall request proposals from utilities and from entities that are not utilities, including the Efficiency Maine Trust established in the Maine Revised Statutes, Title 35-A, section 10103 for pilot programs that are limited in duration and scope to support beneficial electrification of the transportation sector of the State.

1. Proposals under this section must be submitted to the commission no later than December 1, 2019. A proposal under this section may address:

- A. Electric vehicle chargers that make use of load management. For purposes of this paragraph, "load management" means the process of balancing the supply of electricity on a network with the electrical load by adjusting the load rather than the power station output;
- B. Utility investment in electricity delivery infrastructure for direct current electric vehicle fast-charging technology, including polyphase electric service;
- C. Fees for the delivery of electricity for direct current electric vehicle fast-charging technology, including the use of financial incentives or short-term waivers of the fees; and
- D. Customer engagement and awareness programs. An applicant shall include the participation of the Efficiency Maine Trust as a neutral 3rd party to provide input into the development and content of information submitted under this paragraph.

The commission shall require that a synopsis of the proposal that is suitable for public review and comment be submitted along with a proposal submitted under this section and shall allow public review of and comment on the synopsis. In its review of proposals, the commission shall consider whether and to what extent a proposal may duplicate related efforts currently being undertaken by the Efficiency Maine Trust. On or before March 1, 2020, the commission shall select one or more pilot program proposals submitted under this section that it finds are reasonably expected to result in information and data that would meaning-

fully inform future efforts regarding beneficial electrification. The commission may impose limitations on the duration, scope or cost of a pilot program proposal and require modifications of a proposal prior to approval.

2. Subsequent to the selection of proposals under subsection 1, the commission may request additional proposals under this section that include criteria under subsection 1 and other criteria the commission determines necessary to be submitted no earlier than January 1, 2021. A proposal submitted under this subsection must be reviewed pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 4. The commission shall allow public comment on a proposal submitted under this subsection. On or before August 1, 2021, the commission may select one or more proposals submitted under this subsection that are reasonably likely to result in beneficial electrification.

3. The commission shall determine a schedule to implement a proposal selected under subsection 1 or 2. By December 1, 2022, the commission shall complete a review of the implemented pilot program that assesses the effectiveness of each of the program's elements in supporting beneficial electrification of the transportation sector of the State.

4. For purposes of this section, "beneficial electrification" has the same meaning as in the Maine Revised Statutes, Title 35-A, section 10102, subsection 3-A.

See title page for effective date.

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## CHAPTER 366

### H.P. 1155 - L.D. 1596

#### An Act To Enhance the Long-term Stability of Certain At-risk Youth

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

**Sec. 1. 4 MRSA §152, sub-§14**, as amended by PL 2007, c. 670, §2, is further amended to read:

**14. Civil violations.** Jurisdiction over all civil violations, as provided in Title 17-A, section 9, and traffic infractions; ~~and~~

**Sec. 2. 4 MRSA §152, sub-§15**, as enacted by PL 2007, c. 670, §3, is amended to read:

**15. Restoration of right to possess firearms.** Exclusive jurisdiction to conduct de novo review of a determination by the Commissioner of Public Safety pursuant to Title 15, section 393, subsection 4-A; ~~and~~

**Sec. 3. 4 MRSA §152, sub-§16** is enacted to read:

**16. At-risk noncitizen petitions.** Jurisdiction over petitions regarding the protection, well-being, care and custody of unmarried noncitizens 18 years of age or older and under 21 years of age pursuant to Title 22, chapter 1071, subchapter 17.

**Sec. 4. 18-C MRSA §5-104, sub-§1-A** is enacted to read:

**1-A. At-risk noncitizen petitions.** The court has original jurisdiction over a petition regarding the protection, well-being, care and custody of an unmarried noncitizen pursuant to Title 22, chapter 1071, subchapter 17 who has not attained 18 years of age.

**Sec. 5. 22 MRSA c. 1071, sub-c. 17** is enacted to read:

### SUBCHAPTER 17

#### AT-RISK NONCITIZEN CHILDREN

##### §4099-I. At-risk noncitizen children

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

A. "At-risk" means there is reasonable cause to suspect that a child's health, safety and welfare is in jeopardy due to abuse, neglect, abandonment or similar circumstances and that return to the child's or the child's parent's country of origin or country of last habitual residence would not be in the best interest of the child.

B. Notwithstanding section 4002, subsection 2, "child" means an unmarried person who has not attained 21 years of age.

C. "Court" includes, but is not limited to, the Probate Court and District Court, or any other state court with juvenile jurisdiction.

D. "Dependent on the court" means subject to the jurisdiction of a court competent to make decisions concerning the protection, well-being, care and custody of a child for findings, orders or referrals to support the health, safety and welfare of a child or to remedy the effects on a child of abuse, neglect, abandonment or similar circumstances.

E. "Noncitizen" means any person who is not a United States citizen.

F. "Similar circumstances" means conditions that have an effect on a child comparable to abuse, neglect or abandonment, including, but not limited to, the death of a parent.

**2. Petition for special findings and rulings for certain at-risk noncitizen children.** An at-risk noncitizen child may petition the court for special findings. Upon reviewing the petition or complaint seeking special findings, any supporting affidavits and

other evidence presented, the court shall issue findings of fact and rulings of law that must determine whether the child who is the subject of the proceeding:

- A. Is dependent on the court;
- B. Has suffered from abuse, neglect, abandonment or similar circumstances;
- C. May not be viably reunified with one or both parents due to abuse, neglect, abandonment or similar circumstances; and
- D. May not be returned to the child's or the child's parent's country of origin or country of last habitual residence because it is not in the best interest of the child.

A court making a decision under this subsection is acting as a juvenile court in that it has jurisdiction over a child.

The health and safety of the child must be of paramount concern. When considering the child's health and safety, the court shall consider whether present or past living conditions will adversely affect the child's physical, mental or emotional health.

**3. Notice.** If the identity or location of the child's parents is unknown or if the parents reside outside of the United States, the court may serve notice using any alternative method of service the court determines is appropriate or waive service when the child is described in 8 United States Code, Section 1101(a)(27)(J)(2019) and 8 United States Code, Section 1357(h)(2019).

**4. Expedient adjudication.** A court shall hear, adjudicate and issue findings of fact and rulings of law on any petition or complaint for special findings under this section as soon as it is administratively feasible and prior to the child reaching 21 years of age to serve the best interest of the child.

**5. Availability of special findings.** Special findings are available under subsection 2 for the protection, well-being, care and custody of an at-risk noncitizen child for whom a remedy is not otherwise available or appropriate under Title 18-C, Title 19-A or this Title.

**6. Referral for services or protection.** A child who is the subject of a petition for special findings under subsection 2 may be referred for psychiatric, psychological, educational, occupational, medical, dental or social services or for protection against human trafficking or domestic violence. Participation in any referred services is voluntary.

**7. Additional available remedies; similar findings of fact and rulings of law.** Nothing in this section prevents a petitioner from filing a complaint under Title 18-C, Title 19-A or this Title or for any other remedy available under the laws of this State to protect the at-risk noncitizen child from further abuse or other

harm, or to provide support. Nothing in this section prevents the court from issuing similar findings of fact and rulings of law to those in subsection 2 in any other proceeding concerning a noncitizen child.

**8. Construction.** This section must be liberally construed to promote the best interest of the child.

See title page for effective date.

## CHAPTER 367

### H.P. 1167 - L.D. 1615

#### An Act To Enact the Peer-to-peer Car Sharing Insurance Act

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

**Sec. 1. 24-A MRSA c. 95** is enacted to read:

#### CHAPTER 95

#### PEER-TO-PEER CAR SHARING INSURANCE ACT

##### §7401. Short title

This chapter may be known and cited as "the Peer-to-peer Car Sharing Insurance Act."

##### §7402. Definitions

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

**1. Car sharing delivery period.** "Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.

**2. Car sharing period.** "Car sharing period" means the time period that commences with the car sharing delivery period or, if there is no delivery period, that commences with the car sharing start time and in either case ends at the car sharing termination time.

**3. Car sharing program agreement.** "Car sharing program agreement" means an agreement describing the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a program.

**4. Car sharing start time.** "Car sharing start time" means the time when a shared vehicle becomes subject to the control of a shared vehicle driver, which must be at or after the time the reservation of the shared vehicle is scheduled to begin as documented in the records of a program.

**5. Car sharing termination time.** "Car sharing termination time" means the time of the earliest of the following events:

A. The expiration of the agreed-upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;

B. When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a program; and

C. When the shared vehicle owner or the shared vehicle owner's authorized designee takes possession and control of the shared vehicle.

**6. Insurer.** "Insurer" means an insurer authorized to transact business in this State or an insurer that is authorized as a surplus lines insurer.

**7. Motor vehicle.** "Motor vehicle" has the same meaning as in Title 29-A, section 101, subsection 42.

**8. Peer-to-peer car sharing.** "Peer-to-peer car sharing" means the authorized use of a motor vehicle by an individual other than the registered owner through a program.

**9. Peer-to-peer car sharing program; program.** "Peer-to-peer car sharing program" or "program" means a business platform that, digitally or otherwise, connects registered owners of motor vehicles with individuals to enable the sharing of motor vehicles for financial consideration.

**10. Provider.** "Provider" means a person that facilitates peer-to-peer car sharing through the ownership and operation of a peer-to-peer car sharing program.

**11. Shared vehicle.** "Shared vehicle" means a motor vehicle that is:

A. Available for sharing through a peer-to-peer car sharing program;

B. Used nonexclusively for peer-to-peer car sharing pursuant to a car sharing program agreement; and

C. Used by the shared vehicle owner for personal use outside of peer-to-peer car sharing.

**12. Shared vehicle driver.** "Shared vehicle driver" means an individual authorized to use a shared vehicle.

**13. Shared vehicle owner.** "Shared vehicle owner" means the registered owner of a shared vehicle.

**§7403. Requirements and limitations for shared vehicle through peer-to-peer car sharing**

**1. Classification.** A motor vehicle insured, or required to be insured, by its registered owner pursuant to Title 29-A, section 1601 may not be classified as a commercial motor vehicle, for-hire transportation vehicle, permissive use vehicle, taxicab or livery solely on the basis that the registered owner allows the motor vehicle to be used as a shared vehicle through peer-to-peer car sharing.

**2. Exclusion of coverage.** An insurer that writes motor vehicle liability insurance in the State may exclude any coverage and the duty to defend or indemnify for any claim afforded during the car sharing period under a shared vehicle owner's motor vehicle liability insurance policy. Nothing in this chapter invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing or hire or for any business use.

**3. Exemption; vicarious liability.** A provider and a shared vehicle owner are exempt from vicarious liability in accordance with 49 United States Code, Section 30106 and under any state or local law that imposes liability solely based on vehicle ownership.

**4. Provider insurance; other requirements.** For each shared vehicle participating in a program, a provider shall:

A. Procure insurance coverage of the shared vehicle during the car sharing period. At a minimum, the insurance must provide:

(1) Primary liability coverage for the shared vehicle owner and secondary liability coverage for the shared vehicle driver in an amount not less than 3 times the minimum requirements for liability in Title 29-A, section 1605; and

(2) Beginning June 1, 2020, property and casualty coverage, including comprehensive and collision protection, for physical loss to the shared vehicle during the time that the vehicle is in the custody of the provider or shared vehicle driver in an amount not less than the replacement cost of the shared vehicle;

B. Provide the shared vehicle owner with suitable written proof of compliance with the insurance requirements of this subsection. A copy of the written proof of compliance must be maintained in the shared vehicle by the shared vehicle owner during any time the shared vehicle is operated by a shared vehicle driver or any individual other than the shared vehicle owner pursuant to a program;

C. Comply with the provisions of Title 29-A, section 254 relating to requirements for retention of records relating to the identity of shared vehicle drivers, including a record of the shared vehicle driver's driver's license and the exact time the vehicle is used as a shared vehicle in a shared vehicle driver's possession; and

D. Cooperate in a claims coverage investigation to facilitate the exchange of relevant information with directly involved parties and any insurer of a shared vehicle owner or a shared vehicle driver participating in a program.

5. Cancellation or termination of insurance. If any insurance policy procured by a provider is cancelled or terminated, the provider shall send notice within 15 days to all shared vehicle owners participating in the provider's program.

#### **§7404. Liability provisions**

1. Provider liable as if owner. Notwithstanding any provision of law to the contrary or any provision in a motor vehicle insurance policy, in the event a loss or injury occurs during a car sharing period or while a motor vehicle is under the control of a provider, the provider is deemed the owner of the motor vehicle under Title 29-A, section 1652 and any provision of law that may impose liability upon the owner of a motor vehicle solely based on ownership of the motor vehicle. The provider retains liability regardless of any lapse in the provider's policy or whether that liability is covered under the provider's policy or any other insurance policy under which the provider is insured.

2. Indemnification. In the event that the shared vehicle owner or the shared vehicle owner's insurer is named as a defendant in a civil action for a loss or injury that occurs during any time within the car sharing period or when the motor vehicle is under the control of the provider, the provider's insurer has the duty to defend and indemnify the shared vehicle owner and the shared vehicle owner's insurer.

#### **§7405. Insurance for peer-to-peer car sharing programs**

1. Authorization for liability and property and casualty insurance. An insurer may issue or issue for delivery in this State any policy of liability and property and casualty insurance to a provider to insure the provider and any shared vehicle driver or authorized operator or occupant of a shared vehicle and any employee, agent or officer of the program as long as the policy meets the requirements of this section.

2. Coordination of insurance. A program policy written in accordance with this section is primary with respect to any other insurance available to the shared vehicle owner but is secondary with respect to any other insurance available to the shared vehicle driver or authorized operator or occupant of the shared

vehicle. The policy must comply with the requirements of section 7403, subsection 4.

3. Filing of rates and forms. For the purposes of any insurance policy written in accordance with this section, the insurer shall file rates and forms with the superintendent for approval.

4. Identification of insured under the policy. An insurer that issues a policy in accordance with this section shall issue the policy in a manner that identifies the provider as the named insured. The policy must include a provision that provides coverage without prior notice to the insurer for all shared vehicles during the car sharing period and that provides coverage for any shared vehicle driver or authorized operator or occupant of a shared vehicle as an insured under the policy to the same extent that coverage would be provided under a motor vehicle policy issued in accordance with Title 29-A, section 1605.

#### **§7406. Enforcement provisions**

1. Investigation and examination by superintendent. The superintendent may conduct investigations and examinations of insurers or other persons to enforce the provisions of this chapter. Upon request of the superintendent, a person subject to this chapter shall make available to the superintendent all accounts, books and records that are necessary to enable the superintendent to determine compliance or noncompliance with this chapter.

2. Enforcement actions. The superintendent may assess civil penalties or take any other action permitted under section 12-A against any person who violates any provision of this chapter or the superintendent's rules and orders, and nothing in this section may be construed as limiting the superintendent's authority to take enforcement action under section 12-A in connection with violations of applicable provisions of this Title.

3. Administrative procedures. Any person aggrieved by an order of the superintendent under this chapter may submit an application for a hearing as provided in section 229, upon which the procedures set forth in section 229 apply.

See title page for effective date.

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## CHAPTER 368

### H.P. 1200 - L.D. 1676

#### An Act To Enhance the Ability of the State To Prosecute the Crime of Operating Under the Influence

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

**Sec. 1. 29-A MRSA §2431, sub-§2, ¶A**, as amended by PL 2013, c. 459, §3, is further amended to read:

A. A ~~person~~ laboratory certified or licensed in accordance with section 2524 conducting a chemical analysis of blood, breath or urine to determine an alcohol level or the presence of a drug or drug metabolite may issue a certificate stating the results of the analysis.

**Sec. 2. 29-A MRSA §2431, sub-§2, ¶C**, as amended by PL 2013, c. 459, §3, is further amended to read:

C. A certificate issued in accordance with paragraph A or B, when duly signed and sworn, is prima facie evidence that:

- (1) ~~The person taking the specimen was authorized to do so;~~
- (2) Materials used in the taking of the specimen were of a quality appropriate for the purpose of producing reliable test results ~~as determined by the Department of Health and Human Services;~~
- (3) Materials required to be approved by the Department of Health and Human Services were in fact approved;
- (4) The sample tested was in fact the same sample taken from the defendant; and
- (5) The alcohol level or the presence of a drug or drug metabolite in the blood or urine of the defendant at the time the sample was taken was as stated in the certificate.

**Sec. 3. 29-A MRSA §2524, sub-§2**, as amended by PL 2013, c. 459, §11, is further amended to read:

**2. Laboratories qualified to analyze blood for blood tests.** A ~~person~~ laboratory conducting an analysis of blood-alcohol level or the presence of a drug or drug metabolite must either be certified by the Department of Health and Human Services or be licensed to do so under the laws of this State or any other state and also certified by the United States Department of Health and Human Services under the federal Clinical Laboratory Improvement Amendments of 1988, 42 United States Code, Section 263a (2018).

**Sec. 4. 29-A MRSA §2524, sub-§4**, as amended by PL 2013, c. 459, §11, is further amended to read:

**4. Chemical tests on blood and urine specimens.** A sample specimen of blood or urine may be submitted to the Department of Health and Human Services or to a person certified by the Department of Health and Human Services laboratory qualified pursuant to subsection 2 for the purpose of conducting

chemical tests to determine alcohol level or the presence of a drug or drug metabolite.

**Sec. 5. 29-A MRSA §2524, sub-§5**, as amended by PL 2013, c. 459, §11, is further amended to read:

**5. Equipment for taking specimens.** For purposes of this section, ~~only~~ collection kits having a stamp of approval affixed by the Department of Health and Human Services may be used to take a sample specimen of blood or urine, ~~except that. A sample specimen of blood or urine may also be taken in any collection tube of the type normally used in a laboratory qualified pursuant to subsection 2. The fact that a laboratory qualified pursuant to subsection 2 supplied the collection tube is prima facie evidence that the collection tube is the type of tube normally used in such a laboratory. Alternatively,~~ a self-contained, breath-alcohol testing apparatus if reasonably available may be used to determine the alcohol level.

Approved breath-alcohol testing apparatus must have a stamp of approval affixed by the Department of Health and Human Services after periodic testing. That stamp is valid for no more than one year.

**Sec. 6. 29-A MRSA §2524, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

**6. Procedures for operation and testing of testing apparatus.** The Department of Health and Human Services shall establish, by rule, the procedures for the operation and testing of testing apparatus used in laboratories certified by the Department of Health and Human Services.

**Sec. 7. 29-A MRSA §2528**, as amended by PL 2013, c. 459, §12, is further amended to read:

**§2528. Liability**

A physician, ~~physician's assistant;~~ physician assistant; registered nurse; other health care provider; other person whose occupational license or training allows that person to draw blood, including but not limited to an emergency medical services person or law enforcement officer; ~~hospital or other health care provider;~~ emergency medical service; or law enforcement agency in the exercise of due care is not liable for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this chapter.

See title page for effective date.

**CHAPTER 369  
H.P. 1202 - L.D. 1678**

**An Act To Authorize the  
Commissioner of Corrections  
To Designate Additional  
Employees of the Department  
of Corrections To Collect  
Biological Samples**

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

**Sec. 1. 25 MRSA §1575, sub-§2-A**, as amended by PL 2005, c. 329, §5, is further amended to read:

**2-A. Person to collect biological sample.** A person described in subsection 2, a corrections officer or other staff member of a county jail or ~~Department of Corrections facility~~ who is designated by the sheriff or jail administrator of that county jail or a corrections officer, probation officer, juvenile community corrections officer or other staff member of the Department of Corrections who is designated by the Commissioner of Corrections and is trained to collect biological samples, ~~a probation officer or a juvenile community corrections officer~~ may collect a biological sample that is not a blood sample.

See title page for effective date.

**CHAPTER 370  
S.P. 573 - L.D. 1724**

**An Act To Amend the Maine  
Emergency Medical Services  
Act of 1982 and Related  
Provisions**

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

**Sec. 1. 5 MRSA §18312, sub-§1**, as enacted by PL 2013, c. 602, Pt. B, §1, is amended to read:

**1. Contribution rate.** Except as provided in subsections 2 and 3, an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a ~~first responder, basic emergency medical technician, services person or an advanced emergency medical technician and paramedic~~, person, employed by a participating local district that provides a special retirement benefit under section 18453, subsection 4 or 5 shall contribute to the Participating Local District Retirement Program or must have pick-up contributions made by the employer at a rate of 8% of earnable compensation as long as the person is employed as an emergency medical services person.

**Sec. 2. 5 MRSA §18453, sub-§2**, as amended by PL 2013, c. 602, Pt. B, §2, is further amended to read:

**2. Employee Special Plan #2.** A retirement benefit to police officers, firefighters, sheriffs, full-time deputy sheriffs, county corrections employees, emergency medical services persons as defined in Title 32, section 83, subsection 12, including but not limited to ~~first responders, basic emergency medical technicians, services persons and advanced emergency medical technicians and paramedics, persons~~, or any other participating local district employees who have completed 20 to 25 years of creditable service, the number of years to be selected by the participating local district. For the purposes of this subsection, "county corrections employees" means employees of the county who are employed at a county jail and whose duties include contact with prisoners or juvenile detainees. The benefits must be computed as follows:

A. Except as provided in paragraph B, 1/2 of the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current annual salary on the date of retirement or current final compensation, whichever is greater, and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

**Sec. 3. 5 MRSA §18453, sub-§3**, as amended by PL 2013, c. 602, Pt. B, §3, is further amended to read:

**3. Firefighter and Emergency Medical Services Person Special Plan #1.** A retirement benefit equal to 1/2 of the member's average final compensation to a firefighter, including the chief of a fire department, and an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a ~~first responder, basic emergency medical technician, services person or an advanced emergency medical technician and paramedic~~ person, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55 years of age.

**Sec. 4. 5 MRSA §18453, sub-§4**, as amended by PL 2013, c. 602, Pt. B, §4, is further amended to read:

**4. Firefighter and Emergency Medical Services Person Special Plan #2.** A retirement benefit to a firefighter, including the chief of a fire department, and an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a ~~first responder, basic emergency medical technician, services person or an advanced emergency medical technician and paramedic~~, person, who has

completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55 years of age. The benefits ~~shall~~ must be computed as follows:

A. Except as provided in paragraph B, 2/3 of the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

**Sec. 5. 5 MRSA §18453, sub-§5**, as amended by PL 2013, c. 602, Pt. B, §5, is further amended to read:

**5. Firefighter and Emergency Medical Services Person Special Plan #3.** A retirement benefit to a firefighter, including the chief of a fire department, and an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a ~~first responder, basic emergency medical technician, services person or an~~ advanced emergency medical ~~technician and paramedic~~ person, who has completed 20 to 25 years of creditable service in that capacity, the number of years to be selected by the participating local district and who retires at any age. The benefits ~~shall~~ must be computed as follows:

A. Except as provided under paragraph B, 2/3 of the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

**Sec. 6. 7 MRSA §4019, sub-§1**, as amended by PL 2011, c. 288, §1, is further amended to read:

**1. Removal authorized.** A law enforcement officer, humane agent, animal control officer, firefighter as defined in Title 26, section 2101, ~~first responder as defined in Title 32, section 83, subsection 13-A~~ or security guard licensed under Title 32, chapter 93, referred to in this section as "authorized persons," may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.

**Sec. 7. 24 MRSA §2904, sub-§3, ¶E**, as corrected by RR 2005, c. 2, §20, is amended to read:

E. "Emergency medical services person" ~~includes a first responder, as defined in Title 32, section 83, subsection 13-A;~~ means a basic emergency medical ~~technician~~ services person, as defined in Title 32, section 83, subsection 7; 6, and an advanced emergency medical ~~technician~~ person, as defined in Title 32, section 83, subsection 1.

**Sec. 8. 32 MRSA §83, sub-§1**, as enacted by PL 1981, c. 661, §2, is amended to read:

**1. Advanced emergency medical person.** "Advanced emergency medical ~~technician~~ person" means an emergency medical ~~services~~ services person licensed to perform advanced emergency medical treatment.

**Sec. 9. 32 MRSA §83, sub-§6**, as amended by PL 2015, c. 82, §1, is further amended to read:

**6. Basic emergency medical services person.** "Basic emergency medical services person" means a person licensed to perform basic emergency medical treatment. ~~Licensed emergency medical responders and basic emergency medical technicians are basic emergency medical services persons.~~

**Sec. 10. 32 MRSA §83, sub-§7**, as amended by PL 1999, c. 182, §5, is repealed.

**Sec. 11. 32 MRSA §83, sub-§13-A**, as amended by PL 2015, c. 82, §2, is repealed.

**Sec. 12. 32 MRSA §83, sub-§16-B**, as amended by PL 2015, c. 82, §3, is further amended to read:

**16-B. Medical Direction and Practices Board.** "Medical Direction and Practices Board" means the board consisting of each regional medical director, an emergency physician representing the Maine Chapter of the American College of Emergency Medicine Physicians, an at-large member, a toxicologist or licensed pharmacist, a person licensed under section 85 to provide basic emergency medical treatment, a person licensed under section 85 to provide advanced emergency medical treatment, a pediatric physician, the statewide ~~assistant~~ associate emergency medical services medical director and the statewide emergency medical services medical director. The Medical Direction and Practices Board is responsible for creation, adoption and maintenance of Maine Emergency Medical Services protocols.

**Sec. 13. 32 MRSA §83, sub-§21-B** is enacted to read:

**21-B. Statewide associate emergency medical services medical director.** "Statewide associate emergency medical services medical director" means a licensed physician appointed by the board pursuant to section 84, subsection 1, paragraph C.

**Sec. 14. 32 MRSA §84, sub-§1, ¶C**, as amended by PL 2011, c. 271, §6, is further amended to read:

C. The board shall appoint a licensed physician as statewide emergency medical services medical director and may appoint a licensed physician as statewide ~~assistant~~ associate emergency medical services medical director. These physicians shall advise Maine Emergency Medical Services and shall carry out the duties assigned to the medical director pursuant to this chapter, or as specified by contract. A person appointed and serving as the statewide emergency medical services medical director or statewide ~~assistant~~ associate emergency medical services medical director is immune from any civil liability, as are employees of governmental entities under the Maine Tort Claims Act, for acts performed within the scope of the medical director's duties.

**Sec. 15. 32 MRSA §85, sub-§2**, as amended by PL 2001, c. 229, §3, is further amended to read:

**2. Advanced emergency medical treatment.** With the advice and consultation noted in subsection 1, the board may provide, by rule, which advanced skills, techniques and judgments may be supervised by a physician by means of standing orders, by voice radio and by other means. In every case, advanced emergency medical treatment must be given in accordance with protocols adopted by the Medical Direction and Practices Board.

The board may establish by rule appropriate licensure levels for advanced emergency medical ~~technicians~~ persons and fix the qualifications for persons to hold those licenses.

**Sec. 16. 32 MRSA §88, sub-§1, ¶A**, as amended by PL 2013, c. 62, §1, is further amended to read:

A. The board has one member representing each region and ~~11~~ 12 persons in addition. Of the additional persons, one is an emergency physician, one a representative of emergency medical dispatch providers, one a representative of the public, one a representative of for-profit ambulance services, one an emergency professional nurse, one a representative of nontransporting emergency medical services, one a representative of hospitals, one a fire chief, one a representative of a statewide association of fire chiefs, one a municipal emergency medical services provider ~~and~~, one a representative of not-for-profit ambulance services ~~and~~ one a representative in the field of pediatrics. The members that represent for-profit ambulance services, nontransporting emergency medical services and not-for-profit ambulance services must be licensed emergency medical services persons. One of the nonpublic members must be a volun-

teer emergency medical services provider. Appointments are for 3-year terms. Members are appointed by the Governor. The ~~state statewide emergency medical services~~ medical director is an and statewide associate emergency medical services medical director are ex officio nonvoting ~~member~~ members of the board.

**Sec. 17. 32 MRSA §88, sub-§3, ¶A**, as enacted by PL 2001, c. 229, §4, is amended to read:

A. Issue warnings, censures or reprimands to a licensee, ~~deny or refuse to renew a license and suspend or revoke a license~~. Each warning, censure ~~or~~, reprimand ~~and revocation~~ issued must be based upon violations of different applicable laws, rules or conditions of licensure or must be based upon separate instances of actionable conduct or activity;

**Sec. 18. 32 MRSA §93-A, sub-§1**, as amended by PL 1991, c. 588, §25, is further amended to read:

**1. Emergency medical treatment supervision.** ~~No~~ A physician functioning within the medical control system established by the regional medical director and practicing in a hospital to or from which patients are transported under section 86 or health care practitioner under such a physician's supervision who gives oral or written instructions to a basic emergency medical services person or an advanced emergency medical ~~technician~~ person for the provision of emergency medical treatment outside the hospital ~~may be~~ is not civilly liable for negligence as a result of issuing the instructions, if the instructions were in accordance with the protocol for the patient's reported condition. For the purpose of aiding in establishing the use of a protocol that permits the immunity provided in this subsection, the following provisions apply:

A. The basic emergency medical services person or advanced emergency medical ~~technician~~ person to whom the instructions are given shall document those instructions on the state ambulance run record; and

B. The physician or health care practitioner giving the instructions shall maintain a medical control log documenting those instructions at the time they were given and shall sign the log.

The immunity provided in this subsection extends to the hospital in which the physician described in this subsection is practicing or the health care practitioner described in this subsection is being supervised.

See title page for effective date.

**CHAPTER 371**  
**H.P. 1232 - L.D. 1730**

**An Act To Amend the Laws  
Governing Elections**

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

**Sec. 1. 21-A MRSA §22, sub-§2**, as enacted by PL 1997, c. 248, §1, is amended to read:

**2. Ballots.** ~~Ballots~~ Official ballots, whether in paper form or in an electronic or image format, are not public records and may be inspected only in accordance with this Title. For purposes of this subsection, "official ballot" means a ballot used by a voter to cast a vote at an election. "Official ballot" includes an absentee ballot and a ballot cast on election day at a voting place.

**Sec. 2. 21-A MRSA §23, sub-§5**, as amended by PL 2005, c. 453, §7, is further amended to read:

**5. Receipt of incoming voting list.** The registrar shall keep the receipt for certified copies of the incoming voting list required by section 624, subsection 2; in the registrar's office for ~~one year~~ 6 months.

**Sec. 3. 21-A MRSA §23, sub-§7**, as amended by PL 2011, c. 534, §1, is further amended to read:

**7. Ballots and other election materials.** For 22 months following an election in which a candidate for a federal office is on the ballot, the clerk shall keep the ballots, tabulation materials related to those ballots and challenge certificates, if any, in the clerk's office or other secure location under the control of the clerk, unless sooner released to the Secretary of State or required by the Secretary of State to be kept longer. Once released to the Secretary of State, they must be kept by the Secretary of State until any appeal period bearing on the validity of the election has expired. Notwithstanding this subsection, test ballots and documentation of preelection testing of tabulating or accessible voting devices must be kept for 6 months and ballots used for municipal elections conducted under this Title, referenda elections or special legislative elections must be kept for 2 months.

**Sec. 4. 21-A MRSA §103, first ¶**, as amended by PL 2005, c. 453, §9, is further amended to read:

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board. The appeal must be filed within 30 days after receipt of notice of the registrar's decision.

**Sec. 5. 21-A MRSA §142, sub-§1**, as amended by PL 2005, c. 453, §23, is repealed.

**Sec. 6. 21-A MRSA §142, sub-§1-A** is enacted to read:

**1-A. Application.** To enroll in a party, an applicant must complete and sign an approved state voter registration application as provided in section 152 or 154, the national mail voter registration form published by the United States Election Assistance Commission or the federal postcard application published by the United States Department of Defense, Federal Voting Assistance Program.

**Sec. 7. 21-A MRSA §143**, as amended by PL 2005, c. 453, §25, is repealed.

**Sec. 8. 21-A MRSA §143-A** is enacted to read:

**§143-A. Enrollment on election day**

A voter who is not enrolled in a party may enroll at any election by personally filing the application required by section 142 with the registrar, if the registrar is located at the voting place on election day, or with the election clerk in charge of the incoming voting list, if the registrar is not located at the voting place on election day. The election clerk shall annotate the incoming voting list with the designation of the party selected by the voter and provide the voter with the correct ballots for the new party, if applicable.

**Sec. 9. 21-A MRSA §163, first ¶**, as amended by PL 2009, c. 253, §15, is further amended to read:

In a municipality that does not have a registration appeals board, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's registration application, the person may appeal in writing to the municipal officers ~~by filing a complaint~~. The appeal must be filed within 30 days after receipt of notice of the registrar's decision. The municipal officers shall immediately fix a time and place for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the municipal officers may affirm, modify or reverse the decision of the registrar of voters. The municipal officers shall issue the decision to the voter in writing and shall provide information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the municipal officers to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

**Sec. 10. 21-A MRSA §335, sub-§1, ¶A**, as enacted by PL 1985, c. 161, §6, is amended to read:

A. When 2 United States Senators ~~or 2 county commissioners~~ are to be nominated, the primary

petition must contain the term of office sought by the candidate.

**Sec. 11. 21-A MRSA §354, sub-§1, ¶A**, as enacted by PL 1985, c. 161, §6, is amended to read:

A. When 2 United States Senators ~~or 2 county commissioners~~ are to be nominated, the nomination petition must contain the term of office sought by the candidate.

**Sec. 12. 21-A MRSA §355, sub-§3**, as amended by PL 1999, c. 645, §2, is further amended to read:

**3. Qualifications declared.** The consent must contain a declaration of the candidate's place of residence and the fact that the candidate has not been enrolled in a party qualified to participate in a primary or general election after March 1st of that election year and that the candidate meets the qualifications of the office the candidate seeks. The candidate must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. If, pursuant to the challenge procedures in section 356, any part of the declaration is found to be false by the Secretary of State, the consent and the nomination petition are void. The candidate must remain unenrolled from March 1st until the general election in order to remain qualified as an unenrolled candidate for the office sought in the nomination petition in that election year.

A. Candidates for the office of county charter commission need not verify by oath or affirmation that they are not enrolled in a party.

**Sec. 13. 21-A MRSA §365, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended to read:

**2. County committee.** A county committee makes choices for all county offices, except that committee members residing within county commissioner districts make choices for county commissioner, and committee members residing within senatorial districts make choices for State Senator.

**Sec. 14. 21-A MRSA §601, sub-§2, ¶C**, as amended by PL 2001, c. 310, §29, is further amended to read:

C. When 2 United States Senators are to be nominated or elected, the term of office sought by each candidate must be specified on the ballot.

**Sec. 15. 21-A MRSA §601, sub-§2, ¶H**, as amended by PL 2007, c. 455, §18, is further amended to read:

H. The name of each nominee or each candidate for nomination must appear on the ballot as follows: last name first followed by the first name and middle name or initial; last name first followed by the first name or the first initial and the

middle name; or last name first followed by the first name.

**Sec. 16. 21-A MRSA §607, sub-§§1 and 2**, as enacted by PL 1985, c. 161, §6, are amended to read:

**1. Furnished by Secretary of State.** The Secretary of State shall furnish or approve an official ballot box for each voting district.

**2. Described.** The boxes must be of uniform design in municipalities that use the same system of tabulation. Each box must be equipped with a suitable lock and key method of securing the ballots against tampering, as approved by the Secretary of State. ~~At the top of the box there must be an opening large enough to allow a single, folded ballot to be inserted, and no larger, with a slide device by which the opening may be covered or uncovered.~~ The box must have an opening large enough to allow voters to deposit ballots but not large enough to allow an unauthorized person to touch or remove the ballots. In a municipality that counts ballots by hand, the box must be large enough to receive the ballots deposited in it at any election.

**Sec. 17. 21-A MRSA §609**, as enacted by PL 2011, c. 342, §17, is amended to read:

**§609. Ballot security materials**

The Secretary of State shall furnish each municipality with tamper-proof ballot security containers ~~and locks~~ that are equipped with a suitable method of securing the ballots against tampering, which must be used for securing used ballots and other election materials for statewide elections conducted under this Title. If a state-supplied container or ~~lock~~ security mechanism becomes defective, lost or destroyed, the clerk must apply in writing to the Secretary of State for a replacement. The Secretary of State shall supply or approve a replacement at the expense of the municipality. If a municipality wishes to use a tamper-proof ballot security container to seal municipal election ballots and materials, that municipality must obtain the container and ~~lock~~ security mechanism at its own expense. ~~For each election, the Secretary of State also must furnish uniquely numbered seals to be used to secure the containers.~~

**Sec. 18. 21-A MRSA §651, sub-§2-B**, as amended by PL 2003, c. 584, §8, is further amended to read:

**2-B. Opening of ballot packages.** No more than ~~one hour~~ 2 hours before the opening of the polls, the warden shall break the seals on the packages containing the ballots and distribute the ballots to the election clerks in charge of them. The breaking of the seals on the packages containing the ballots is a public proceeding and any member of the public may be present.

**Sec. 19. 21-A MRSA §661, sub-§3**, as amended by PL 2005, c. 453, §54, is further amended to read:

**3. Registration and enrollment.** The registrar shall accept registrations under section 122 and shall accept the enrollment of any voter under section 143-143-A.

**Sec. 20. 21-A MRSA §671, sub-§1**, as amended by PL 2005, c. 453, §55, is further amended to read:

**1. Name announced.** A voter who wishes to vote must state the voter's name and, upon request, residence address to an election clerk, who shall announce the name in a loud, clear voice. If the voter's stated residence address is different from the residence address listed on the incoming voting list, the voter must be directed to complete an updated voter registration application before voting.

**Sec. 21. 21-A MRSA §682, sub-§2, ¶¶A and B**, as amended by PL 2005, c. 568, §14, are further amended to read:

A. Influence another person's decision regarding a candidate for an office or question that is on the ballot for the election that day; or

B. Attempt to influence another person's decision regarding a candidate for an office or question that is on the ballot for the election that day.

**Sec. 22. 21-A MRSA §682, sub-§3**, as amended by PL 2015, c. 447, §22, is further amended to read:

**3. Advertising prohibited.** A person may not display advertising material; operate an advertising medium, including a sound amplification device; or display or distribute campaign literature, posters, palm cards, buttons, badges or stickers containing a candidate's name or otherwise intending to influence the opinion of any voter regarding a candidate for an office or question that is on the ballot for the election that day on any public property located within 250 feet of the entrance to either the voting place or the building in which the registrar's office is located. The term "sound amplification device" includes, but is not limited to, sound trucks, loudspeakers and blowhorns.

A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place for the purposes of voting. It does not prohibit a person who is at the polls solely for the purpose of voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

B. Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to election day. If arrangements are not

made in advance of the election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising.

**Sec. 23. 21-A MRSA §698, sub-§2-A, ¶A**, as repealed and replaced by PL 2011, c. 342, §26, is amended to read:

A. Each tamper-proof ballot security container must be ~~locked with a state supplied lock and sealed with a uniquely numbered seal~~ secured with the security mechanism supplied or approved by the Secretary of State before leaving the voting place. The lock and seal numbers must correlate with a certificate identifying the person sealing the container and the time of the sealing. Each sealed container must be recorded on a certificate identifying the container number, any unique numbers associated with the security mechanism and the person sealing the container and the time of sealing.

**Sec. 24. 21-A MRSA §698, sub-§2-A, ¶B**, as enacted by PL 2011, c. 342, §26, is amended to read:

B. Ballots and election materials for municipal elections conducted at the same time as a state election must be sealed separately from state ballots and other state election materials and may not be sealed in the state-supplied tamper-proof ballot security containers. If municipalities wish to use tamper-proof ballot security containers to seal municipal election materials, they must obtain the containers and ~~locks~~ security mechanisms at their own expense.

**Sec. 25. 21-A MRSA §712**, as amended by PL 2015, c. 447, §24, is further amended to read:

**§712. Return not delivered**

If an election return is not delivered to the Secretary of State by 5 p.m. on the ~~3rd~~ 2nd business day after an election, the Secretary of State may send a courier to the municipality concerned, and the clerk shall give that courier a certified copy of the return. The municipality shall reimburse the Secretary of State for the costs of the courier service.

**Sec. 26. 21-A MRSA §722**, as amended by PL 2017, c. 316, §5, is further amended to read:

**§722. Secretary of State to tabulate and print results**

Within 20 days after an election, the Secretary of State shall tabulate the election returns and submit a certified copy of the tabulation to the Governor. The tabulation of a candidate or referendum election is considered final as of the date the certified copy is submitted to the Governor, except for any contests in which a recount is pending.

**1. How tabulated.** The Secretary of State shall tabulate all votes that appear by an election return to have been cast for each question or candidate whose name appeared on the ballot. For elections determined by ranked-choice voting, the Secretary of State shall tabulate the votes according to the ranked-choice voting method described in section 723-A. The Secretary of State shall tabulate the votes that appear by an election return to have been cast for a declared write-in candidate ~~based on a recount requested and conducted pursuant to section 737-A, subsection 2-A pursuant to section 722-A.~~

**1-A. Form of tabulation.** The tabulation must include the total votes for each question choice or candidate whose name appeared on the ballot. The tabulation also must include the total votes for any ~~declared~~ write-in candidates ~~who qualified to have their votes tabulated under subsection 1~~ as follows.

A. For a write-in candidate who receives 5% or more of the votes cast for that office, the Secretary of State shall report the votes under the candidate's name.

B. For a write-in candidate who receives less than 5% of the votes cast for that office, the Secretary of State shall report the votes under the designation "others."

**2. Correction of return.** If it appears that an election return does not agree with the record of the vote at any voting place, the Secretary of State shall correct the tabulation by obtaining a certified copy of the record from the clerk.

**3. Tabulation printed.** The Secretary of State shall have copies of the tabulation printed and made available to the public.

**Sec. 27. 21-A MRSA §724**, as amended by PL 2009, c. 253, §40, is repealed and the following enacted in its place:

**§724. Election certificate issued**

Within a reasonable time after an election, the Secretary of State shall prepare and the Governor shall sign an election certificate, in accordance with Title 5, section 84, for each person elected to office according to the tabulation submitted under section 722. If the result of an election is being appealed to the Supreme Judicial Court, or referred to the appropriate legislative body, after a recount pursuant to section 737-A, subsection 10, the certificate must be issued to the apparent winner of the election based on the final recount tabulation.

**Sec. 28. 21-A MRSA §737-A, first ¶**, as amended by PL 2017, c. 141, §3, is further amended to read:

Once a recount is requested for an election for the office of State Senator or State Representative or for a

county office that does not encompass more than one county, the Secretary of State shall notify the ~~State Police contracted courier service, who~~ which shall take physical control of all ballots and related materials involved in the recount as soon as possible and deliver them to the recount facility. When a recount is requested for a statewide office, congressional office or statewide referendum or for a county office that encompasses more than one county, the Secretary of State may direct the ~~State Police courier~~ to retrieve ballots from certain voting jurisdictions and deliver them to the recount facility so that the recount may be conducted in stages until the requesting candidate or the lead applicant for a referendum recount concedes or until all the ballots are recounted. If a qualified courier service is not available to provide these services, the State Police shall collect and deliver the ballots as described in this section at the request of the Secretary of State.

**Sec. 29. 21-A MRSA §737-A, 2nd ¶**, as enacted by PL 1993, c. 473, §31 and affected by §46, is amended to read:

~~The State Police~~ Secretary of State shall store and maintain exclusive control over the ballots and other materials pending and during the recount ~~except when the counting is being conducted by the Secretary of State and until the courier, or the State Police if requested, retrieves the materials for return to the municipalities.~~

**Sec. 30. 21-A MRSA §737-A, sub-§1**, as amended by PL 2017, c. 141, §4, is further amended to read:

**1. Deposit for legislative or single county office recount.** This subsection applies to a recount for an election for the office of State Senator or State Representative or for a county office that does not encompass more than one county. All deposits required by this section must be made with the Secretary of State when a recount is requested by a losing candidate or an undeclared write-in candidate. ~~Once the State Police have custody of the ballots and other election materials from the municipalities, the deposit made by the candidate requesting the recount is forfeited to the State if the resulting count fails to change the outcome of the election. If the recount reverses the election, the deposit must be returned to the candidate requesting the recount. The amount of the deposit is calculated as follows.~~

A. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is 1.5% or less of the total votes cast for that office, a deposit is not required.

B. If the percentage difference shown by the official tabulation between the leading candidate and

the requesting candidate is more than 1.5% and less than or equal to 4% of the total votes cast for that office, the deposit is \$500.

C. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 4% and less than or equal to 6% of the total votes cast for that office, the deposit is \$1,000.

D. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 6% and less than or equal to 8% of the total votes cast for that office, the deposit is \$2,500.

E. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 8% and less than or equal to 10% of the total votes cast for that office, the deposit is \$5,000.

F. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 10% of the total votes cast for that office, the deposit is \$10,000.

**Sec. 31. 21-A MRSA §737-A, sub-§1-A, ¶B**, as enacted by PL 2017, c. 141, §5, is amended to read:

B. If the difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 1% of the total votes cast for that office or more than 1,000 votes, whichever is less, the deposit is \$5,000 or 10% of the reasonable estimate of the cost to the State of performing the first stage of the recount, whichever is greater. After completion of the recount, if the recount has not changed the result of the election, the Secretary of State shall calculate the actual cost of the procedure, which must be paid by the requesting candidate. If the deposit is greater than the actual cost, the overpayment must be refunded to the candidate. If the actual cost is greater than the deposit, the candidate shall pay the remainder of the actual cost to the State. Once the courier, or the State Police have if requested, has taken custody of the ballots and other election materials for the first stage of the recount, the deposit made by the candidate requesting the recount is forfeited to the State even if the candidate withdraws from the recount before the recount begins. If a recount reverses the election, the deposit must be returned to the candidate requesting the recount.

**Sec. 32. 21-A MRSA §737-A, sub-§8**, as amended by PL 2009, c. 253, §44, is further amended to read:

**8. Final recount tabulation.** ~~If it is found that a mistake was made in counting the ballots on election day, or if the recount results show that an undeclared write-in candidate received votes for a particular office~~ the final recount tabulation as defined by rule is different than the results shown on the tabulation submitted to the Governor pursuant to section 722, the Secretary of State shall submit a certified copy of a corrected tabulation to the Governor.

**Sec. 33. 21-A MRSA §737-A, sub-§10**, as enacted by PL 1993, c. 473, §31 and affected by §46, is amended to read:

**10. Appeals.** For all elections, except for the ~~Senate and the House of Representatives offices of United States Senator, United States Representative, State Senator and State Representative~~, if there are enough challenged or disputed ballots to affect the result of an election, the Secretary of State shall forward the ballots and all related records for that election to the clerk of the Supreme Judicial Court. The Supreme Judicial Court shall determine the result of the election pursuant to procedures adopted by court rule. The decision of the Supreme Judicial Court is final and must be certified to the Governor by the Chief Justice.

~~For all elections If there are enough challenged or disputed ballots to affect the result of an election to the Senate and the House of Representatives, each House shall establish procedures for recount appeals. office of United States Senator, United States Representative, State Senator or State Representative, the Secretary of State shall notify the appropriate officials according to the rules and procedures adopted by each of those legislative bodies.~~

**Sec. 34. 21-A MRSA §738, sub-§2, ¶B**, as enacted by PL 2017, c. 141, §8, is amended to read:

B. If the difference shown by the official tabulation between the yes and the no votes is more than 1% of the total votes cast for that question or more than 1,000 votes, whichever is less, the deposit is \$5,000 or 10% of the reasonable estimate of the cost to the State of performing the first stage of the recount, whichever is greater. After the completion of the recount, if the recount has not changed the result of the election, the Secretary of State shall calculate the cost of the procedure, which must be paid by the petitioners. If the deposit is greater than the actual cost, the overpayment must be refunded to the petitioners. If the actual cost is greater than the deposit, the petitioners shall pay to the State the remainder of the actual cost. Once the State Police have courier, or the State Police if requested, has taken custody of the ballots and other election materials for the first stage of the recount, the deposit made by the petitioners is forfeited to the State even if the petitioners withdraw from the recount before the re-

count begins. If a recount reverses the result of the election, the deposit must be returned to the petitioners.

**Sec. 35. 21-A MRSA §753-B, sub-§5**, as amended by PL 2017, c. 248, §7 and c. 433, §1, is repealed and the following enacted in its place:

**5. Alternate method of balloting by residents of certain licensed facilities.** The municipal clerk shall designate one time during the 30-day period prior to an election during which the municipal clerk shall be present in each licensed nursing home subject to the provisions of Title 22, chapter 405; licensed level IV residential care facility subject to the provisions of Title 22, chapter 1664; and licensed assisted living program with more than 6 beds subject to the provisions of Title 22, chapter 1664, in the municipality for the purpose of conducting absentee voting by residents of these facilities. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. The clerk shall post a notice in the municipal office that absentee voting will be conducted as prescribed in this subsection. The clerk shall provide a notice to each licensed facility of the date and time when absentee voting will be conducted. The notice must state that the licensed facility is required to notify the contact person or persons, if any, for each resident that absentee voting will be conducted. Each licensed facility must provide notice, which may be in the form of an e-mail or an electronic newsletter, to the contact person or persons, if any, for each resident of the date and time when absentee voting will be conducted at the facility. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk. As used in this subsection, "level IV residential care facility" means a residential care facility as defined by Title 22, section 7852, subsection 14 that has a licensed capacity of more than 6 residents.

**Sec. 36. 21-A MRSA §754-A, sub-§1, ¶D**, as amended by PL 1999, c. 645, §7, is further amended to read:

D. The voter or an immediate family member of the voter shall ~~then return the sealed envelope containing the voted ballot to the clerk of the municipality where the voter resides by mail or deliver in person the sealed envelope containing the voted ballot to the clerk of the municipality of which the voter is a resident, by personal delivery or by depositing it into a secured drop box accessible by only the municipal clerk.~~ The voter shall send a completed voter registration or absentee ballot application, if necessary, in a separate envelope.

**Sec. 37. 21-A MRSA §760-B, first ¶**, as amended by PL 2015, c. 406, §1, is further amended to read:

Any municipality or jurisdiction that conducts its own elections may opt to process absentee ballots beginning on the ~~3rd~~ 4th day immediately prior to election day, ~~except that processing on a Sunday is not permitted.~~ The clerk shall use the following procedure when processing the absentee ballots during this time.

**Sec. 38. 21-A MRSA §760-B, sub-§§2 and 3**, as amended by PL 2015, c. 406, §1, are further amended to read:

**2. Notice of early processing.** The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using ~~the~~ a notice of ~~election under section 621-A~~ early processing form provided by the Secretary of State, stating the days and times that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At least 60 days before election day, the clerk shall provide a copy of the notice of ~~election~~ early processing to the Secretary of State and the chairs of each political party of the municipality indicating that early processing of absentee ballots will occur. The notice to the political parties must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or as a scanned attachment to an e-mail address established by the Secretary of State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before election day, the municipality may not process absentee ballots prior to election day.

**3. Inspection of absentee envelopes before processing.** A member of the public may make a written request of the clerk to inspect absentee ballot applications and envelopes before they are processed if the request is made by 9:00 a.m. on each day that the clerk will process absentee ballots as specified on the notice of ~~election prior to election day~~ early processing under subsection 2. The clerk shall make the absentee ballot applications and envelopes received by that time available for public inspection for one hour before the starting time specified in the notice of ~~election~~ early processing for processing the absentee ballots. The clerk may immediately proceed to process the ballots after the one-hour inspection time has elapsed.

**Sec. 39. 21-A MRSA §1204-B, sub-§80, ¶A**, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is amended to read:

A. In Kennebec County, the minor civil divisions of Vassalboro and Windsor; and the following census units in the minor civil division of Augusta: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1022, 1023, 1024, 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2016, 2017, 2019, 2020, 2021, 2022,

2023, 2037 and 2049 of Tract 010100; and Block 1026 of Tract 010500; and

**Sec. 40. 30-A MRSA §62, sub-§2,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 41. 30-A MRSA §5772, sub-§2-A,** as enacted by PL 1991, c. 548, Pt. D, §7 and affected by §10, is amended to read:

**2-A. Financial statement required.** The treasurer of the municipality shall prepare a signed statement to accompany any question submitted to the electors for ratification of a general obligation of the municipality bond issue. To meet this requirement, the signed statement of the municipal treasurer may be printed on the ballot or it may be printed as a separate document that is made available to voters. The statement must set forth:

A. The total amount of bonds of the municipality outstanding and unpaid, the total amount of bonds of the municipality authorized and unissued and the total amount of bonds of the municipality contemplated to be issued if the enactment submitted to the electors is ratified;

B. An estimate and explanation of costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, the total cost of principal and interest to be paid at maturity and any other substantive information relating to the debt of the municipality as the treasurer may ~~deem~~ consider appropriate; and

C. A declaration that the validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the estimate made pursuant to paragraph B. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

See title page for effective date.

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**CHAPTER 372**

**H.P. 1254 - L.D. 1765**

**An Act To Expand and Clarify the Prohibition of Hazing at Elementary Schools, Secondary Schools and Postsecondary Institutions**

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

**Sec. 1. 20-A MRSA §6553, sub-§1, ¶A,** as amended by PL 1999, c. 351, §4, is further amended to read:

A. "Injurious hazing" means any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity.

**Sec. 2. 20-A MRSA §10004, sub-§1, ¶A,** as enacted by PL 1983, c. 159, is amended to read:

A. "Injurious hazing" means any action or situation ~~which, including harassing behavior, that~~ recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled at an institution in this State or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity.

See title page for effective date.

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**CHAPTER 373**

**H.P. 1255 - L.D. 1768**

**An Act To Amend the Barbering and Cosmetology Licensing Laws**

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

**Sec. 1. 32 MRSA §14202, sub-§3-A,** as amended by PL 2011, c. 286, Pt. M, §1, is repealed.

**Sec. 2. 32 MRSA §14202, sub-§5,** as enacted by PL 1991, c. 397, §6, is amended to read:

**5. Establishment.** "Establishment" ~~or "shop"~~ means a beauty shop or salon, cosmetology shop or salon, barber hair styling shop or salon ~~or~~ hair styling shop or salon, hair design shop or salon or any premises, structure, building or part of a building where any activity licensed under this chapter is practiced.

**Sec. 3. 32 MRSA §14202, sub-§5-A,** as enacted by PL 2011, c. 286, Pt. M, §2, is repealed.

**Sec. 4. 32 MRSA §14202, sub-§6,** as enacted by PL 1991, c. 397, §6, is amended to read:

**6. Mobile establishment.** "Mobile ~~shop~~ establishment" means a mobile vehicle or mobile structure designed, constructed or adapted to serve as ~~a shop~~ an

establishment at a number of sites and capable of being readily moved from any site at any time.

**Sec. 5. 32 MRSA §14202, sub-§8**, as enacted by PL 1991, c. 397, §6, is repealed.

**Sec. 6. 32 MRSA §14202, sub-§8-A** is enacted to read:

**8-A. Practice of barber hair styling.** "Practice of barber hair styling" means any one or any combination of the following practices, when done for hire or compensation, upon the head of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

A. Shaving, trimming or cutting the beard or mustache or removing superfluous hair;

B. Massaging of the scalp, face and neck and giving a facial and scalp treatment with creams, lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, but such appliances may not be galvanic or faradic;

C. Shampooing or applying hair tonics and conditioners;

D. Cutting, arranging and styling human hair; or

E. Cutting, fitting or styling hairpieces or wigs.

**Sec. 7. 32 MRSA §14202, sub-§9, ¶D**, as enacted by PL 1991, c. 397, §6, is amended to read:

D. Arranging, dressing, curling, waving, cleansing, cutting, trimming, removing, which includes shaving, singeing, bleaching, coloring, relaxing or similarly treating the hair of any person;

**Sec. 8. 32 MRSA §14202, sub-§9-A** is enacted to read:

**9-A. Practice of hair design.** "Practice of hair design" means any one or any combination of the following practices, when done for hire or compensation, upon the head of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

A. Shaving, trimming or cutting the beard or mustache or removing superfluous hair;

B. Massaging of the scalp, face and neck and giving a facial and scalp treatment with creams, lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, but such appliances may not be galvanic or faradic;

C. Shampooing or applying hair tonics and conditioners;

D. Arranging, dressing, curling, waving, cleansing, cutting, trimming, removing, singeing, bleaching, coloring, relaxing or similarly treating the hair of any person; or

E. Cutting, fitting or styling hairpieces or wigs.

**Sec. 9. 32 MRSA §14202, sub-§10-A**, as amended by PL 2011, c. 286, Pt. M, §4, is further amended to read:

**10-A. School.** "School" means a school or education institution where a program of study in cosmetology, ~~barbering, limited barbering~~ barber hair styling, hair design, aesthetics or nail technology or the instruction of cosmetology, ~~barbering, limited barbering~~ barber hair styling, hair design, aesthetics or nail technology is offered or taught.

**Sec. 10. 32 MRSA §14202, sub-§11**, as amended by PL 2011, c. 286, Pt. M, §5, is repealed and the following enacted in its place:

**11. Student.** "Student" means any person duly enrolled in a school licensed by the director and engaged in learning and acquiring a knowledge of the practice of:

A. Cosmetology;

B. Barber hair styling;

C. Aesthetics;

D. Nail technology;

E. Instructing; or

F. Hair design.

**Sec. 11. 32 MRSA §14202, sub-§13**, as amended by PL 2011, c. 286, Pt. M, §6, is repealed and the following enacted in its place:

**13. Trainee.** "Trainee" means any person who, under the direct supervision of a person licensed under this chapter in the same category as the training performed and in accordance with rules adopted by the director, is engaged in learning and acquiring a knowledge of the practice of:

A. Cosmetology;

B. Barber hair styling;

C. Aesthetics;

D. Nail technology;

E. Instructing; or

F. Hair design.

**Sec. 12. 32 MRSA §14203, sub-§1-A** is enacted to read:

**1-A. Activities exempted.** A license under this chapter is not required for the following activities:

A. Hair braiding services;

B. Threading services for removal of unwanted facial hair;

C. Selling makeup, oils and cosmetics and application of those products during the process of sell-

ing those products by persons employed by a retail store; and

D. Tanning services by means of airbrushing or spray tanning.

**Sec. 13. 32 MRSA §14203, sub-§2**, as amended by PL 2011, c. 286, Pt. M, §7, is further amended to read:

**2. Exceptions.** The practice of cosmetology, ~~barbering, limited barbering barber hair styling, hair design~~, aesthetics or nail technology may be ~~carried on~~ performed only by persons duly licensed to practice in this State and only in an establishment licensed by the director, except as provided in this subsection. Duly licensed persons may practice their respective practices:

- A. On patients in hospitals or nursing homes;
- B. On residents of youth camps;
- C. On inmates or residents of institutions of the Department of Health and Human Services or the Department of Corrections;
- D. On invalids or handicapped persons in those persons' places of residence;
- E. On residents of nursing homes;
- F. On hotel or motel occupants in their hotel or motel rooms;
- G. On persons in their residences;
- H. On persons in their private businesses;
- I. On human remains in licensed funeral establishments; and
- J. On persons at special events ~~with a special event services permit. Services rendered pursuant to this paragraph must be rendered for compensation. A person may not perform special event services without first obtaining a special event services permit from the director. The services provided pursuant to the special event services permit must comply with any applicable public health and safety requirements, the requirements of this chapter and all federal, state and local laws such as weddings, conventions and other similar events as determined by the director.~~

The services provided pursuant to this subsection must comply with any applicable health and safety requirements, the requirements of this chapter and rules adopted under this chapter and all federal, state and local laws.

**Sec. 14. 32 MRSA §14203, sub-§3**, as enacted by PL 2015, c. 132, §1, is repealed.

**Sec. 15. 32 MRSA §14204, first ¶**, as amended by PL 2011, c. 286, Pt. M, §8, is further amended to read:

A person may not instruct in any of the branches of aesthetics, ~~barbering, limited barbering barber hair styling~~, cosmetology, hair design or nail technology unless that person holds a valid license to practice and is authorized to instruct in each respective practice issued under this chapter, except that when specifically authorized by law, physicians may instruct without holding a license to practice in a branch of aesthetics, ~~barbering, limited barbering barber hair styling~~, cosmetology, hair design or nail technology.

**Sec. 16. 32 MRSA §14205, sub-§1**, as amended by PL 2011, c. 286, Pt. M, §9, is further amended to read:

**1. Penalties.** A person is subject to the provisions of section 14236-A and Title 10, section 8003, subsection 5-A if that person:

- A. Practices ~~barbering, limited barbering barber hair styling~~, cosmetology, hair design, nail technology or aesthetics in this State without having obtained a license as provided by this chapter;
- B. Employs a person to practice ~~barbering, limited barbering barber hair styling~~, cosmetology, hair design, nail technology or aesthetics who does not have a license; or
- C. Falsely professes to be qualified to practice or instruct ~~barbering, limited barbering barber hair styling~~, cosmetology, hair design, nail technology or aesthetics under this chapter.

**Sec. 17. 32 MRSA §14212-A, sub-§2, ¶A**, as amended by PL 2011, c. 286, Pt. M, §10, is further amended to read:

- A. Requirements for the licensure of aestheticians, ~~barbers, limited barbers barber hair stylists~~, cosmetologists, hair designers, nail technicians, ~~demonstrators~~, instructors and trainees;

**Sec. 18. 32 MRSA §14212-A, sub-§2, ¶C**, as enacted by PL 2009, c. 369, Pt. B, §10, is amended to read:

- C. Requirements for licensing and operation of physical facilities and inspection of establishments ~~and booths~~ consistent with this chapter; and

**Sec. 19. 32 MRSA §14224, sub-§1**, as amended by PL 2011, c. 286, Pt. M, §11, is further amended to read:

**1. Practice; license required.** A person may not practice cosmetology, ~~barbering, limited barbering barber hair styling, hair design~~, nail technology or aesthetics or act as a trainee in this State unless that person has first obtained a license as provided in this chapter.

**Sec. 20. 32 MRSA §14224, sub-§2**, as amended by PL 2011, c. 286, Pt. M, §12, is repealed and the following enacted in its place:

**2. Level 1 establishment license and level 2 establishment license; operation; license required.** A person, firm, corporation or other legal entity may not provide services in, operate or cause to be operated a level 1 establishment or a level 2 establishment where cosmetology, barber hair styling, hair design, nail technology or aesthetics is practiced unless that establishment has been licensed by the director. A level 1 establishment license or a level 2 establishment license issued pursuant to this subsection authorizes the operation of an establishment only at the location for which the license is issued. Operation of a level 1 establishment or level 2 establishment at any other location is unlawful unless a license for the new location has been obtained in compliance with this chapter and applicable rules.

A. A level 1 establishment licensee is a person who owns an establishment, who may hold a license to practice under this chapter and who may employ one or more individuals licensed to practice in one or a combination of the practices licensed under this chapter. A level 1 establishment owner may lease space or a chair or station within or on the owner's premises to a level 2 establishment owner.

B. A level 2 establishment licensee is a person who holds a license to practice under this chapter and who leases space or a chair or station, pursuant to a written agreement or contract, within or on the premises of a licensed level 1 establishment and who provides services separate and apart from the level 1 establishment licensee. A level 2 establishment licensee is not an employee of the level 1 establishment licensee from whom the level 2 establishment licensee leases space or a chair or station and is subject to licensure, fees and compliance with laws and rules in the same manner as the level 1 establishment licensee. A person who is required to work under the supervision of a person licensed to practice under this chapter such as a holder of a temporary license issued pursuant to section 14230 or a trainee licensed pursuant to section 14232 is not eligible for a level 2 establishment license.

The director shall furnish to each licensed cosmetologist, barber hair stylist, hair designer, nail technician or aesthetician a license certifying that the holder of that license is entitled to practice in this State. The licensee shall post the license in a conspicuous place where it may be readily seen and read by all persons served. The reproduction, altering or defacing of any license is prohibited.

The exceptions listed in section 14203, subsection 2 do not permit the practice of cosmetology, barber hair styling, hair design, nail technology or aesthetics in food establishments or food preparation areas.

**Sec. 21. 32 MRSA §14224, sub-§2-B**, as amended by PL 2009, c. 369, Pt. B, §12, is further amended to read:

**2-B. Change of ownership.** The owner of a new ~~shop~~ establishment is required to apply to the director for licensure of that ~~shop~~ establishment. The owner of a licensed ~~shop~~ that undergoes a change in location is required to reapply to the director for licensure. The owner or owners of a licensed ~~shop~~ establishment that undergoes a change in ownership shall notify the director within ~~7~~ 10 calendar days of the change. If a ~~shop~~ an establishment has more than one owner and the change in ownership results from the death or divorce of one of the owners, the notice must be provided to the director as set forth in subsection 2-C. Whenever there is a change of ownership, the ~~shop~~ establishment license is valid for 30 calendar days from the transaction date to allow the new owner to comply with this section.

**Sec. 22. 32 MRSA §14224, sub-§2-C**, as amended by PL 2009, c. 369, Pt. B, §13, is further amended to read:

**2-C. Ownership changes resulting from death or divorce of an owner.** If a licensed ~~shop~~ establishment has more than one owner and ownership changes as a result of the death or divorce of one of the owners, the director shall reissue the license for the remaining license period as long as a remaining owner is named on the existing license and the director is notified within 30 calendar days of the divorce decree or the date of death. A ~~shop~~ An establishment license is valid for 60 calendar days following the death of the person in whose name the ~~shop~~ establishment is licensed.

**Sec. 23. 32 MRSA §14224, sub-§2-D**, as enacted by PL 1997, c. 622, §2, is repealed.

**Sec. 24. 32 MRSA §14224, sub-§2-E** is enacted to read:

**2-E. Change of establishment location.** The owner of a licensed establishment that undergoes a change in location shall notify the director, in a format as prescribed by the director, within 10 calendar days of the change in location. The director shall issue a license for the new location. The owner is not required to submit a new application and fee. The new location is subject to all requirements for the operation of an establishment and may be subject to inspection.

**Sec. 25. 32 MRSA §14224, sub-§3**, as amended by PL 2011, c. 286, Pt. M, §13, is further amended to read:

**3. Trainee.** A trainee cosmetologist, ~~barber, limited~~ barber hair stylist, hair designer, nail technician or aesthetician licensed pursuant to section 14232 may not independently conduct a practice but may, as a trainee, do any or all acts constituting the practice under the immediate personal supervision of a person

duly licensed and approved by the director in a licensed ~~shop~~ establishment.

**Sec. 26. 32 MRSA §14224, sub-§4**, as amended by PL 2011, c. 286, Pt. M, §14, is further amended to read:

**4. Student.** A student studying the practice of cosmetology, ~~barbering, limited barbering~~ barber hair styling, hair design, nail technology, aesthetics or instructing must be enrolled in a school licensed by the director pursuant to section 14233.

**Sec. 27. 32 MRSA §14225**, as amended by PL 2011, c. 286, Pt. M, §15, is further amended to read:

**§14225. Special mobile establishment license**

The director may, subject to section 14212-A, subsection 2, adopt rules authorizing the issuance of special mobile ~~shop~~ establishment licenses, including requirements for mobile ~~shops~~ establishments, locations for these ~~shops~~ establishments and any other rules that the director considers necessary. The fee for a special mobile ~~shop~~ establishment license is set under section 14238.

A special mobile ~~shop~~ establishment license issued pursuant to this section must set out on the license the area in which that mobile ~~shop~~ establishment is authorized to operate and any other special requirements or restrictions to which that license is subject. A separate license must be obtained for each municipality in which a mobile ~~shop~~ establishment operates.

**Sec. 28. 32 MRSA §14226, sub-§§1 and 2**, as enacted by PL 1991, c. 397, §6, are repealed.

**Sec. 29. 32 MRSA §14226-A** is enacted to read:

**§14226-A. Qualifications; hair designer**

A person is eligible to obtain a license under this chapter for the practice of hair design if that person:

**1. Training.** Has satisfactorily completed a course of instruction in the practice of hair design of 1,200 hours in not less than 7 months in a school licensed by the director or has experience in the practice of hair design as a trainee of 2,000 hours distributed over a period of at least 12 months; and

**2. Examination.** Has passed an approved examination.

**Sec. 30. 32 MRSA §14227**, as amended by PL 2011, c. 286, Pt. M, §§18 and 19, is repealed.

**Sec. 31. 32 MRSA §14227-A**, as enacted by PL 2011, c. 286, Pt. M, §20, is amended to read:

**§14227-A. Qualifications; barber hair styling**

A person is eligible to obtain a license under this chapter for the practice of ~~limited barbering~~ barber hair styling if that person:

~~1. Age. Is at least 17 years of age;~~

~~2. Education. Has satisfactorily completed the 10th grade in a secondary school or its equivalent;~~

**3. Training.** Has satisfactorily completed a course of instruction in the practice of ~~limited barbering~~ barber hair styling of 800 hours in not less than 5 months in a school licensed by the director or has experience in the practice of ~~limited barbering~~ barber hair styling as a trainee of 1,600 hours distributed over a period of at least 10 months; and

**4. Examination.** Has passed an approved examination.

Only individuals licensed under this section may hold themselves out as barber hair stylists, barbers or hair stylists.

**Sec. 32. 32 MRSA §14228, sub-§§1 and 2**, as enacted by PL 1991, c. 397, §6, are repealed.

**Sec. 33. 32 MRSA §14229, sub-§§1 and 2**, as enacted by PL 1991, c. 397, §6, are repealed.

**Sec. 34. 32 MRSA §14229-A**, as amended by PL 2011, c. 286, Pt. M, §23, is further amended to read:

**§14229-A. Initial license; reexamination**

Within one year of notification of passing an examination, the applicant must pay a fee as set under section 14238 to receive ~~a first~~ an initial license; otherwise, the applicant must retake the full examination to apply for initial licensure. The ~~first~~ initial license is valid until the next renewal period. The director has the authority to waive the one-year time period for extenuating circumstances.

**Sec. 35. 32 MRSA §14230**, as amended by PL 2011, c. 286, Pt. M, §24, is further amended to read:

**§14230. Temporary license**

If an applicant to practice cosmetology, ~~barbering, limited barbering~~ barber hair styling, hair design, nail technology or aesthetics qualifies for examination, the director may issue ~~to that applicant~~ a temporary license to practice under the direct supervision of a qualified supervisor, as determined by rules, within a licensed ~~shop~~ establishment. The applicant must pay the fee as set under section 14238. A temporary license expires 6 months from the date of issuance and is not renewable. The applicant is not considered a trainee.

**Sec. 36. 32 MRSA §14231, first ¶**, as amended by PL 2011, c. 286, Pt. M, §25, is further amended to read:

The director may ~~waive the examination and grant~~ issue a license to any applicant who presents proof of being licensed to practice by another state or other jurisdiction of the United States ~~or as long as no cause~~

exists for denial of a license under section 14236-A. The director may grant a license to any applicant who presents proof of being licensed in another country that maintains professional standards considered by the director to be equivalent to or higher than those set forth in this chapter, as long as no cause exists for denial of a license under section 14236-A. Such an applicant must pay the fee as provided in section 14238.

**Sec. 37. 32 MRSA §14232, sub-§2,** as amended by PL 2011, c. 286, Pt. M, §26, is further amended to read:

**2. Filing with the director.** Before beginning training, a trainee must file with the director:

- A. The employer's name, ~~shop~~ establishment name and address;
- B. The date that the training will begin;
- C. The type of training, such as cosmetology, ~~barbering, limited barbering~~ barber hair styling, hair design, nail technology or aesthetics;
- D. Evidence of age; and
- E. ~~Evidence of satisfactory completion of the 10th grade or its equivalent; and~~
- F. The name of the licensee who will directly supervise the trainee in compliance with section 14224, subsection 3.

Trainees who change their place of employment ~~must, employer or qualified supervisor shall, as prescribed, notify the director within 10 calendar days of the change and must file a new. The trainee is not required to submit a new application and fee.~~

**Sec. 38. 32 MRSA §14232, sub-§3-A** is enacted to read:

**3-A. Qualified supervisor; trainees per establishment.** A level 1 establishment licensee may have no more than 5 trainees at one time. A level 2 establishment licensee may have no more than one trainee at one time. A qualified supervisor may not supervise more than 2 trainees at one time.

**Sec. 39. 32 MRSA §14232, sub-§4,** as amended by PL 2011, c. 286, Pt. M, §26, is further amended to read:

**4. Renewal; display; examination.** ~~The director shall furnish a trainee license to each trainee.~~ A trainee license is renewable upon payment of the fee as set under section 14238. The license must be displayed as provided for licenses in section 14224. The term "trainee" must appear in conspicuous print on the license. To be licensed as a cosmetologist, ~~barber, limited barber~~ hair stylist, hair designer, aesthetician or nail technician, a trainee, upon completion of the required training in accordance with this chapter, must pass an approved examination.

**Sec. 40. 32 MRSA §14233, 2nd ¶,** as amended by PL 2011, c. 286, Pt. M, §27, is further amended to read:

To be eligible for enrollment, the student must be at least 16 years of age ~~and have satisfactorily completed the 10th grade or its equivalent.~~ Schools may accept a student who is 15 years of age at the time of enrollment if the student attains 16 years of age during the course of the study enrollment period. Evidence of the student's eligibility and enrollment in the school must be maintained by the school and presented to the director or a designee of the director as required by rule and upon request.

**Sec. 41. 32 MRSA §14234,** as amended by PL 2009, c. 369, Pt. B, §32, is repealed.

**Sec. 42. 32 MRSA §14235, first ¶,** as amended by PL 2011, c. 286, Pt. M, §28, is further amended to read:

Licensees must renew their licenses ~~annually~~ by filing an application and paying the renewal fee as set under section 14238. The expiration dates for licenses issued under this chapter may be established by the commissioner.

**Sec. 43. 32 MRSA §14236-A, sub-§1,** as amended by PL 2011, c. 286, Pt. M, §29, is further amended to read:

**1. Disciplinary action.** In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the director ~~or the director's designee~~ may deny a license, refuse to renew a license under this chapter or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

- A. Addiction, as confirmed by professional diagnosis, to the use of alcohol or other drugs that has resulted or may result in the licensee's being unable to perform duties or being unable to perform those duties in a manner that would not endanger the health or safety of the public to be served;
- B. A professional diagnosis of mental incompetence;
- C. Engaging in false, misleading or deceptive advertising;
- D. Employing a person to practice cosmetology, ~~barbering, limited barbering~~ barber hair styling, hair design, nail technology or aesthetics who does not hold a valid license, unless that person is a trainee within the meaning of this chapter; or
- E. Any negligence or misconduct in any of the practices licensed under this chapter.

**Sec. 44. 32 MRSA §14246, sub-§4** is enacted to read:

**4. Exemption.** A career and technical education center pursuant to Title 20-A, chapter 313 that does not assess or collect tuition for a course of study offered is exempt from the surety bond or financial audit filing requirement under this section.

**Sec. 45. 32 MRSA §14248**, as amended by PL 2009, c. 369, Pt. B, §40, is further amended to read:

**§14248. On-site evaluations**

The director ~~shall~~ may conduct biennial on-site evaluations of schools to ensure compliance with this subchapter and applicable rules. The expense of the on-site evaluation must be borne by the school examined.

**Sec. 46. 32 MRSA §14250**, as amended by PL 2009, c. 369, Pt. B, §42, is repealed.

**Sec. 47. Transition provision.** Notwithstanding any provision to the contrary in the Maine Revised Statutes, Title 32, chapter 126:

**1. Barber licensees.** The Department of Professional and Financial Regulation shall provide each person holding an active barber license on the effective date of this Act the option of being issued a barber hair stylist license to perform haircutting services that do not involve chemical services or, if the licensee intends to perform chemical services, excluding skin care or nail technology services, a hair designer license, or, if the licensee intends to perform hair and chemical services, skin care and nail technology services, a cosmetologist license;

**2. Limited barber licensees.** The Department of Professional and Financial Regulation shall issue each person holding an active limited barber license on the effective date of this Act a barber hair stylist license;

**3. Instructor license to teach barbering.** The Department of Professional and Financial Regulation shall issue each person holding an active instructor license to teach barbering on the effective date of this Act an instructor license to teach barber hair styling;

**4. Booth licensees.** The Department of Professional and Financial Regulation shall issue each person holding an active booth license on the effective date of this Act a level 2 establishment license upon affirmation, by the licensee and the level 1 establishment owner, that the level 2 establishment owner is a lessee of the level 1 establishment owner and is not an employee; and

**5. Demonstrator licensees.** The Department of Professional and Financial Regulation shall notify each person holding an active demonstrator license on the effective date of this Act that, upon the expiration of the demonstrator license, the license will not be renewed.

See title page for effective date.

**CHAPTER 374  
H.P. 1269 - L.D. 1784**

**An Act To Increase Land Permit by Rule Application Fees**

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

**Sec. 1. 38 MRSA §352, sub-§5-A**, as amended by PL 2009, c. 374, §1, is further amended to read:

**5-A. Accounting system.** In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions keep accurate and regular daily time records. These records must describe the matters worked on, services performed and the amount of time devoted to those matters and services, as well as amounts of money expended in performing those functions. Records must be kept for a sufficient duration of time as determined by the commissioner to establish to the commissioner's satisfaction that the fees are appropriate.

TABLE I

MAXIMUM FEES IN DOLLARS

TITLE 36 SECTION	PROCESSING FEE	CERTIFICATION FEE
656, sub-§1, ¶E, Pollution Control Facilities		
A. Water pollution control facilities with capacities at least 4,000 gallons of waste per day and §1760, sub-§29, water pollution control facilities	\$250	\$20
B. Air pollution control and §1760, sub-§30, air pollution control facilities	250	20
TITLE 38 SECTION	PROCESSING FEE	LICENSE FEE
344, sub-§7, Permit by rule	<del>\$50</del> \$250	\$0
413, Waste discharge licenses	See section 353-B	
420-D, Storm water management		

A. If structural means of storm water control are used	\$400 for the first acre of disturbed area, plus \$200 for each additional whole acre of disturbed area	\$100 for the first acre of disturbed area, plus \$50 for each additional whole acre of disturbed area	D. Any alteration of a coastal sand dune	3,500	1,500
			E. Condition compliance	84	0
			F. Minor modification	184	0
B. If solely vegetative means of storm water control are used	\$200 for the first acre of disturbed area, plus \$100 for each additional whole acre of disturbed area	\$50 for the first acre of disturbed area, plus \$25 for each additional whole acre of disturbed area	485-A, Site location of development		
			A. Residential subdivisions		
			1. Affordable housing	50/lot	50/lot
			2. On public water and sewers	175/lot	175/lot
			3. All Other	250/lot	250/lot
			B. Industrial parks	460/lot	460/lot
			C. Mining	1,500	1,000
C. When a permit by rule is required	\$55	none	D. Structures	4,000	2,000
			E. Other	1,000	1,000
If a project described in paragraph A or B is reviewed and approved by a professional engineer at a soil and water conservation district office that has a memorandum of understanding with the department concerning review of projects pursuant to this section, the total applicable fee is reduced to a processing fee of \$100 for the first acre of disturbed area, plus a license fee of \$50 for each additional whole acre of disturbed area.			543, Oily waste discharge	40	160
			560, Vessels at anchorage	125	100
			587, Ambient air quality or emissions standards variances	5,050	50
			590, Air emissions licenses	See section 353-A	
480-E, Natural resources protection			633, Hydropower projects		
A. Any alteration of a protected natural resource, except coastal wetlands and coastal sand dunes, causing less than 20,000 square feet of alteration of the resource	140	50	A. New or expanded generating capacity	450/MW	50/MW
			B. Maintenance and repair or other structural alterations not involving an increase in generating capacity	150	150
B. Any alteration of a coastal wetland causing less than 20,000 square feet of alteration of the resource	240	60	33 United States Code, Chapter 26, Water Quality Certifications, in conjunction with applications for hydropower project licensing or relicensing		
C. Any alteration of a protected natural resource, except coastal sand dunes, causing 20,000 square feet or more of alteration of the resource	.015/sq. ft. alteration	.005/sq. ft. alteration	A. Initial consultation	1,000	0
			B. Second consultation	1,000	0
			C. Application		
			1. Storage	1,000	0
			2. Generating	300/MW	50/MW
C-1. Significant groundwater well	4,577	1,961	1304, Waste management		
			A. Septage disposal		
			1. Site designation	50	25
C-2. Activity within a community public water supply primary protection area	183	64	B. Land application of sludges and residuals program approval		
			1. Industrial sludge	400	400

			MAXIMUM FEES IN DOLLARS		
			TITLE 38 SECTION	PROCESSING FEE	ANNUAL LICENSE FEE
2. Municipal sludge	300	275			
3. Bioash	300	275			
4. Wood ash	300	75			
5. Food waste	300	75			
6. Other residuals	300	175			
C. Landfill			1278, Asbestos abatement		
1. Closing plans for secure landfills	1,500	1,500	A. Asbestos abatement contractor	\$0	\$650
2. Closing plans for attenuation landfills	500	500	B. Asbestos abatement worker	0	50
3. Post-closure report	175	175	C. Asbestos consultant	0	650
4. Preliminary information reports	175	175	D. Asbestos analytical laboratory	0	400
5. License transfers	500	175	E. Training provider	0	500
6. Special waste disposal			F. Other categories of asbestos professionals except asbestos abatement workers	0	100
a. One-time disposal of quantities of 6 cubic yards or less	50	50	G. Notification		
b. One-time disposal of quantities greater than 6 cubic yards	100	100	1. Project size greater than 100 square feet or 100 linear feet and less than 500 square feet or 2,500 linear feet	100	0
c. Program approval for routine disposal of a special waste	300	300	2. Project size 500 square feet or 2,500 linear feet, or greater, and less than 1,000 square feet or 5,000 linear feet	150	0
7. Minor revision for secure landfills	600	100	3. Project size 1,000 square feet or 5,000 linear feet, or greater	300	0
8. Minor revision for attenuation landfills	100	100	1304, Waste management		
9. Public benefit determination	175	175	A. Septage disposal		
D. Incineration facility			1. Landspreading	\$550	\$250
2. License transfer	175	175	2. Storage	50	75
E. License transfer other than for landfills and incinerators	100	100	B. Residuals compost facility		
F. Minor revision for septage facilities and solid waste facilities other than landfills	100	100	1. Type I	150	150
G. Permit by rule for one-time activities	100	100	3. Type II and Type III less than 3,500 cubic yards	700	500
			5. Type II and Type III 3,500 cubic yards or greater	1,400	850
			C. Land application of sludges and residuals		
			1. Sites with program approval		
			a. Industrial sludge	150	250
			b. Municipal sludge	75	200

TABLE II

WASTE MANAGEMENT FEES - ANNUAL LICENSE

c. Bioash	75	200
d. Wood ash	50	125
e. Food waste	50	125
f. Other residuals	50	125
2. Sites without program approval		
a. Industrial sludge	300	550
b. Municipal sludge	150	250
c. Bioash	150	250
d. Wood ash	75	200
e. Food waste	75	200
f. Other	75	200
1310-N, Solid waste facility siting		
A. Landfill		
1. Existing, nonsecure municipal solid waste landfills accepting waste from fewer than 15,000 people	3,500	1,000
2. Existing, nonsecure municipal solid waste landfills accepting waste from more than 15,000 people	3,500	3,500
3. New or expanded for secure landfill	5,000	8,500
5. Nonsecure wood waste or demolition debris landfills, or both, if less than or equal to 6 acres	700	750
B. Incineration facilities		
1. New or expanded for the acceptance of municipal or special wastes, or both	3,500	5,000
2. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less	3,500	1,000
C. Transfer station and storage facility	750	175
D. Tire storage facility	400	450
F. Processing facility other than municipal solid waste composting	700	700
G. Beneficial use activities other than agronomic utilization		
3. Fuel substitution	700	500

4. Beneficial use without risk assessment	700	200
5. Beneficial use with risk assessment	1,400	500
H. Permit by rule for ongoing activities	100	100

**Sec. 2. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF  
Maine Environmental Protection Fund 0421**

Initiative: Provides allocation to administer licensing and permitting programs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$222,615	\$296,820
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$222,615	\$296,820

See title page for effective date.

**CHAPTER 375  
H.P. 1273 - L.D. 1791**

**An Act To Amend Licensure  
for Professional Engineers**

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

**Sec. 1. 32 MRSA §1251, sub-§1-C** is enacted to read:

**1-C. Engineering technology accreditation commission.** "Engineering technology accreditation commission" means the engineering technology accreditation commission of the accreditation board.

**Sec. 2. 32 MRSA §1251, sub-§5**, as enacted by PL 2013, c. 296, §1, is repealed.

**Sec. 3. 32 MRSA §1254, sub-§2**, as amended by PL 2005, c. 315, §4, is further amended to read:

**2. Exception.** A Any department of this State or any of its political subdivisions or any county, city, town, township or plantation may require the services of a licensed professional engineer for any public works project if the services of the professional engineer are required to comply with any provision of law or rule.

**Sec. 4. 32 MRSA §1255, sub-§1**, as amended by PL 2005, c. 315, §5, is repealed.

**Sec. 5. 32 MRSA §1255, sub-§2**, as amended by PL 2005, c. 315, §6, is repealed.

**Sec. 6. 32 MRSA §1255, sub-§3**, as amended by PL 2005, c. 315, §7, is further amended to read:

**3. Certain employees.** An employee or a subordinate of a person holding a license under this chapter, ~~or an employee of a person exempted from licensure by subsections 1 and 2, provided that as long as~~ the practice does not include responsible charge or design or supervision by the employee or subordinate;

**Sec. 7. 32 MRSA §1255, sub-§8**, as enacted by PL 2007, c. 379, §3, is amended to read:

**8. Persons engaged in design of minor construction.** Persons engaged in the design of the following minor construction do not need to provide stamped and sealed plans and specifications unless specifically required by the code enforcement officer.

- A. Detached one-family or 2-family residences;
- B. Farm buildings with an overall floor plan not exceeding 3,000 square feet;
- C. Single bathroom additions or renovations in an existing building if there is no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal;
- D. Revisions or additions to plumbing systems costing up to \$10,000 if the work has no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal and does not involve roof drains;
- E. Revisions to existing heating, ventilation and air conditioning systems and design of new heating, ventilation and air conditioning systems if the work has no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal requirements and the project does not include more than one heating, ventilation and air conditioning unit with a maximum cooling capacity of 5 tons or heating capacity of 200,000 BTUs;
- F. Revisions or additions to structural systems costing up to \$10,000 if the design is in accordance with the tables provided in the International Building Code; and
- G. Revisions or additions to electrical systems costing up to \$10,000 if the work has no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal.

All the work ~~that is~~ done under these exemptions must be in accordance with the licensing requirements of the trade involved, including, but not limited to, all applicable construction industry design standards such as the National Fire Protection Association ~~standards, codes, the Maine Uniform Building and Energy Code~~ adopted pursuant to Title 10, chapter 1103 and any other state and municipal building and energy codes ~~the State Fire Marshal's requirements and ASHRAE Standard 62 and ASHRAE Standard 90~~ then in effect.

**Sec. 8. 32 MRSA §1256, first ¶**, as amended by PL 2005, c. 315, §10, is further amended to read:

A person who practices or offers to practice the profession of engineering in this State without being licensed or exempted in accordance with this chapter, or a person presenting or attempting to use the license or the seal of another, or a person who gives a false or forged evidence of any kind to the board or to a member of the board in obtaining a license, or a person who falsely impersonates any other licensee of like or different name, or a person who attempts to use an expired or revoked license, or a person who violates any of the provisions of this chapter for which a penalty has not been prescribed commits a civil violation for which a fine of not more than ~~\$1,000~~ \$10,000 may be adjudged.

**Sec. 9. 32 MRSA §1306, sub-§3**, as amended by PL 2005, c. 315, §15, is further amended to read:

**3. Hearings.** Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise considered necessary to the fulfillment of its responsibilities under this chapter.

The board may not refuse to renew a license for any reason other than failure to pay a required fee ~~and~~ or failure to meet the ~~continuing education~~ professional development requirements, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, ~~provided that as long as~~ the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of the application, the reasons for the denial and the right to request a hearing. Hearings must be conducted in conformity with Title 5, chapter 375, subchapter 4 to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

**Sec. 10. 32 MRSA §1309**, as amended by PL 2005, c. 315, §17, is further amended to read:

**§1309. Roster of licensed professional engineers**

~~A. The board shall maintain a roster showing the names of all active licensed professional engineers and newly certified engineer-interns is prepared by the board during the first calendar quarter of each even-numbered year on its publicly accessible website. A supplementary roster of newly licensed professional engineers and newly certified engineer-interns is prepared by the board during the first calendar quarter of each odd-numbered year. The rosters must give the place of business of each listed licensed professional engineer. Copies of the roster and of the supplementary roster are provided to each active professional engineer listed on the roster and furnished to the public must be made available upon request for such fees as the board may authorize in its rules.~~

**Sec. 11. 32 MRSA §1352-A, sub-§1, ¶B**, as amended by PL 2013, c. 296, §2, is further amended to read:

B. A person holding ~~a certificate of an active national council record verification issued by the national council~~ whose qualifications meet the requirements of this chapter upon application may be licensed without further examination.

**Sec. 12. 32 MRSA §1352-A, sub-§1, ¶¶D and E**, as amended by PL 2013, c. 296, §2, are further amended to read:

D. An applicant who provides proof of graduation from an engineering technology curriculum approved by the engineering technology accreditation commission or of an equivalent engineering technology curriculum of 4 years or more; has passed the national council examination in the fundamentals of engineering; has a record of an additional 4 years or more of progressive engineering experience, after graduation, of a grade and character that indicates to the board that the applicant may be competent to practice and has experienced increased engineering responsibilities; and has passed the national council examination in the principles and practice of engineering may be licensed as a professional engineer. An applicant for licensure may not sit for the principles and practice of engineering examination until the applicant has passed the fundamentals of engineering examination.

E. An applicant who ~~has a baccalaureate~~ provides proof of graduation from an engineering or engineering technology curriculum ~~that has not been~~ approved by the accreditation board or from an allied science curriculum of 4 years or more; has passed the national council ~~written~~ examination in the fundamentals of engineering; has a record of an additional 8 years or more of progressive engineering experience, after graduation, of a grade and character that indicates to the board that the

applicant may be competent to practice and has experienced increased engineering responsibilities; and has passed the national council examination in the principles and practice of engineering may be licensed as a professional engineer. An applicant for licensure may not sit for the principles and practice of engineering examination until the applicant has passed the fundamentals of engineering examination.

**Sec. 13. 32 MRSA §1352-A, sub-§2, ¶A**, as amended by PL 2013, c. 296, §3, is further amended to read:

A. An applicant for certification as an engineer-intern is eligible to sit for the fundamentals of engineering examination during the applicant's senior year of college before graduation from ~~a program approved by the accreditation board~~ an engineering or engineering technology program of 4 years or more. Certification as an engineer-intern may not take place until ~~verification~~ the applicant has passed the national council examination in the fundamentals of engineering and provided proof of graduation is received.

**Sec. 14. 32 MRSA §1352-A, sub-§2, ¶C**, as amended by PL 2013, c. 296, §3, is further amended to read:

C. An applicant who provides proof of graduation from an engineering technology curriculum approved by the engineering technology accreditation commission of 4 years or more and has passed the national council examination in the fundamentals of engineering may be certified as an engineer-intern.

**Sec. 15. 32 MRSA §1352-A, sub-§2, ¶D**, as amended by PL 2013, c. 588, Pt. A, §40, is further amended to read:

D. An applicant who ~~is a graduate~~ provides proof of graduation from an engineering or engineering technology curriculum not approved by the accreditation board or an allied science curriculum of 4 years or more and who has submitted a transcript showing the completion of the minimum number of engineering science and design credits as required in ~~a curriculum approved by the accreditation board~~ the national council engineering education standard and who has passed the national council examination in the fundamentals of engineering may be certified as an engineer-intern.

**Sec. 16. 32 MRSA §1354**, as amended by PL 2013, c. 296, §5, is further amended to read:

**§1354. Examinations**

~~Examinations required on fundamental engineering subjects may be taken as provided in section 1352-A. The principles and practices of engineering~~

examinations may not be taken until the applicant has completed a period of engineering experience as set forth in section 1352-A.

The passing grade on any examination is established by the ~~board~~ national council. ~~If an applicant receives a failing grade on the principles and practices of engineering examination, that applicant may be readmitted to 2 subsequent examinations. An applicant who fails to complete the application process within 5 years, or who fails the principles and practices of engineering examination a 3rd time must reapply to the board, meet qualification requirements that are in effect at the time of the new application and present 3 new references and new updated documentation for each subsequent request for reexamination satisfactory to the board that the applicant has acquired additional education and experience and is prepared to retake the examination. Upon approval by the board, that applicant may be permitted to retake the examination of engineering work experience.~~

**Sec. 17. 32 MRSA §1356, last ¶**, as amended by PL 2005, c. 315, §23, is further amended to read:

The board, for reasons it may determine sufficient, may reissue a license to a professional engineer or a certificate to an engineer-intern to any person whose license or certificate has been revoked, ~~provided that as long as~~ 4 or more members of the board vote in favor of that reissuance. A new license as a professional engineer or certificate as an engineer-intern, to replace any license or certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board and a ~~charge~~ fee established by the board.

**Sec. 18. 32 MRSA §1361, 2nd ¶**, as amended by PL 2013, c. 296, §7, is further amended to read:

A retired licensee may retain but not use the seal and may not practice engineering. A retired licensee may apply for reinstatement to active status in accordance with section 1357 and after completing ~~continuing education~~ professional development requirements according to board rules.

**Sec. 19. 32 MRSA §1362**, as amended by PL 2005, c. 315, §27, is further amended to read:

#### **§1362. Professional development**

**1. Requirement for renewal.** Beginning with registrations or licenses that expire in December 2005, every person seeking renewal under section 1357 must provide evidence satisfactory to the board that the person has completed 30 ~~continuing~~ professional education development hours within the period for which the registration or license was issued.

**2. Failure to meet requirement.** The board may not renew a license of an applicant who fails to meet the ~~continuing~~ professional education development requirements under subsection 1. If an applicant sub-

sequently fulfills the requirement after the license has expired, the board may renew the license for the remainder of the 2-year period for which a renewal would have been valid but for the applicant's failure to meet the ~~continuing~~ professional education development requirement.

**3. Review; monitoring.** The board shall review and monitor compliance with the ~~continuing~~ professional education development requirement under subsection 1.

**4. Exemptions.** Notwithstanding any other provisions of this chapter, the board or a 3-person committee of the board may allow an exemption or a partial exemption of the requirements of this section to a person seeking renewal under section 1357 upon the showing of an extenuating situation, hardship or disability.

See title page for effective date.

## CHAPTER 376

### S.P. 606 - L.D. 1793

#### An Act To Update the Laws Governing Personal Vehicle Rental Coverage

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

**Sec. 1. 24-A MRSA §2927, sub-§1, ¶D**, as enacted by PL 1991, c. 335, is amended to read:

D. "Private passenger motor vehicle" ~~means a motor vehicle of the~~ includes a private passenger, sedan, station wagon or private passenger minivan type automobile, a sport utility vehicle, a pickup truck and a van, as defined in rule.

**Sec. 2. 24-A MRSA §2927, sub-§5** is enacted to read:

**5. Rulemaking.** The superintendent shall adopt rules as necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 377

### H.P. 1286 - L.D. 1806

#### An Act To Amend the Laws Governing Veterans' Services

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

**Sec. 1. 37-B MRSA §501, first ¶**, as amended by PL 2015, c. 465, Pt. A, §2, is further amended to read:

The Maine Bureau of ~~Maine~~ Veterans' Services, referred to in this chapter as the "bureau," is established and shall provide informational services, program assistance, memorial facilities and financial aid to veterans in the State and their dependents in order to ensure that they receive all entitlements due under the law, are relieved to the extent possible of financial hardship, receive every opportunity for self-improvement through higher education and are afforded proper recognition for their service and sacrifice to the Nation. The bureau shall serve as the primary source of information for veterans in the State regarding all services, benefits and honors administered by the State and, to the maximum extent possible, services and benefits provided by the United States Department of Veterans Affairs, veterans' service organizations and other organizations dedicated to serving veterans.

**Sec. 2. 37-B MRSA §504, sub-§3, ¶B**, as amended by PL 1997, c. 455, §22, is further amended to read:

B. The immediate area surrounding the monument must be prepared and reserved as a suitable place for commemorating Memorial Day and other appropriate observances. The remaining grounds must be laid out in a ~~wheel-like pattern around the monument~~ manner suitable to the topography of the land, expanding from the center ~~as required when possible~~. Suitable buildings may be erected for purposes the director determines necessary.

**Sec. 3. 37-B MRSA §504, sub-§3, ¶C**, as repealed and replaced by PL 2007, c. 167, §2, is amended to read:

C. All nongreen burial section grave markers must be flat-type granite or 42-inch upright white marble grave markers as furnished by the United States Department of Veterans Affairs, National Cemetery Administration. Grave markers for a green burial section must be granite as furnished by the National Cemetery Administration. All boxes caskets used for burial in nongreen burial sections must be protected with permanent vaults. Permanent vaults must be reinforced and properly cured and match pounds per square inch specifications imposed by the National Cemetery Administration. Vaults may be either water-resistant or waterproof or have drain holes in their liner boxes as long as they meet the stated specifications. Headstones and vaults are not provided at state expense. The process of a burial in a green burial section may not include the use of embalming fluids and must use a shroud made of natural biodegradable fabric, and the decedent must be strapped

onto a wooden board of appropriate size or placed in a wicker casket or a wooden casket that has been assembled with wooden dowels and contains no metal.

**Sec. 4. 37-B MRSA §505, sub-§2, ¶A**, as amended by PL 2017, c. 108, §6, is further amended to read:

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

(1) "Child" means a natural child whose mother or father is or was a veteran or a child who was adopted prior to turning 18 years of age and whose adoptive mother or father is or was a veteran and who:

- (a) Is at least 16 years of age;
- (b) Has graduated from high school; and
- (c) Enrolled in a degree program and was awarded benefits under this subsection prior to the child's 22nd birthday. If the child is unable to enroll in a degree program prior to turning 22 years of age due to service in the United States Armed Forces, then the child may apply to begin this benefit until reaching 26 years of age. Other requirements must be met as described in paragraph F.

"Child" includes a stepchild whose parent is married to an eligible veteran for at least 5 years and remains married to the veteran during the period for which benefits are received.

The director may waive the requirements of this subparagraph when the director determines that there are special and extenuating circumstances that may have a negative effect on a dependent.

(2) "Spouse" means the person currently legally married to a living veteran or the unmarried widow or widower of a deceased veteran, not previously divorced from that veteran.

Awards under the educational benefits program are authorized to provide benefits to only one spouse per veteran.

(3) "Veteran" means any person who served in the military or naval forces of the United States and entered the service from this State or has been a resident of this State for 5 years immediately preceding application for aid and, if living, continues to reside in this State throughout the duration of benefits administered under the educational benefits program and who:

- (a) Has a total permanent disability resulting from a service-connected disability as a result of service;
- (b) Was killed in action;
- (c) Died from a service-connected disability as a result of service;
- (d) At the time of death was totally and permanently disabled due to service-connected disability, but whose death was not related to the service-connected disability; or
- (e) Is a member of the Armed Forces on active duty who has been listed for more than 90 days as missing in action, captured or forcibly detained or interned in the line of duty by a foreign government or power.

The continuous residency requirement of this subparagraph does not apply to a person who is receiving educational benefits under this chapter on or before January 1, 2006.

**Sec. 5. 37-B MRSA §505, sub-§2, ¶F**, as amended by PL 2013, c. 569, §3, is further amended to read:

F. A child of a veteran who is attending state-supported postsecondary vocational schools or institutions of collegiate grade must be admitted free of tuition including mandatory fees and lab fees for ~~associate certificate programs, associate degree programs~~ and bachelor's ~~degree~~ programs. The tuition waiver provided under this paragraph may not exceed the cost of 120 undergraduate credit hours at the in-state tuition rate at the University of Maine campus located at Orono and may be reduced by an amount necessary to ensure that the value of this waiver, combined with all other grants and benefits received by the student, does not exceed the total cost of education. Room and board may not be waived. A child of a veteran has 6 10 academic years from the date of first entrance to complete 120 credit hours. For degree programs that require more than 120 credit hours, the state-supported postsecondary vocational school or institution of collegiate grade may grant a tuition waiver beyond 120 credit hours. If such a waiver is granted, the state-supported postsecondary vocational school or institution of collegiate grade shall notify the director. The director may waive the limit of 6 10 consecutive academic years when the recipient's education has been interrupted by severe medical disability, learning disability, illness or other hardship, making continued attendance impossible, however, the extension may not exceed 2 academic years. Students

must maintain at least a 2.0 or "C" grade point average to continue receiving educational benefits. If a student's grade point average falls below 2.0 or a "C," then the student has one semester to bring the grade point average up to at least 2.0 or a "C." If after that semester the student's grade point average is below 2.0 or a "C," the student loses educational benefits under this paragraph until the student achieves a grade point average of at least 2.0 or a "C."

**Sec. 6. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "bureau of Maine veterans' services" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Maine bureau of veterans' services" or "bureau" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

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## CHAPTER 378

### S.P. 611 - L.D. 1810

#### An Act To Amend the Jurisdiction of Certain Reviews Conducted Pursuant to the State Government Evaluation Act

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

**Sec. 1. 3 MRSA §959, sub-§1, ¶C**, as amended by PL 2013, c. 588, Pt. E, §1 and affected by §2 and amended by PL 2015, c. 429, §23, is further amended to read:

C. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in 2021;
- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters, in 2015;
- (19) Department of Economic and Community Development in 2021;
- (23) Maine State Housing Authority in 2015;
- (32) Finance Authority of Maine in 2017;  
and
- ~~(36) Board of Dental Practice in 2019;~~

- ~~(37) Board of Osteopathic Licensure in 2019;~~
- ~~(38) Board of Licensure in Medicine in 2019;~~
- ~~(41) State Board of Nursing in 2019;~~
- ~~(42) State Board of Optometry in 2019; and~~
- (45) State Board of Registration for Professional Engineers in 2019.

**Sec. 2. 3 MRSA §959, sub-§1, ¶R** is enacted to read:

R. The joint standing committee of the Legislature having jurisdiction over professional licensing of health care professions matters shall use the following list as a guideline for scheduling reviews:

- (1) Board of Dental Practice in 2019;
- (2) Board of Osteopathic Licensure in 2019;
- (3) Board of Licensure in Medicine in 2019;
- (4) State Board of Nursing in 2019; and
- (5) State Board of Optometry in 2019.

See title page for effective date.

**CHAPTER 379**

**H.P. 1294 - L.D. 1817**

**An Act To Make Technical Changes to the Maine Tax Laws**

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

**PART A**

**Sec. A-1. 36 MRSA §208**, as amended by PL 2017, c. 288, Pt. A, §36, is further amended to read:

**§208. Equalization**

The State Tax Assessor has the duty of equalizing the state and county taxes among ~~the several towns all municipalities~~ and the unorganized territory. The State Tax Assessor shall equalize and adjust the assessment list of each ~~town municipality~~, by adding to or deducting from it such amount as will make it equal to its just value as of April 1st. Notice of the proposed valuations of municipalities within each county must be sent annually by certified mail to the chair of the board of assessors, and chair of the board of selectmen in municipalities having selectmen, of each municipality within that county on or before the first day of October. The valuation so determined is subject to review by the State Board of Property Tax Review pursuant to subchapter 2-A, but the valuation finally certified to the Secretary of State pursuant to section 381

must be used for all computations required by law to be based upon the state valuation with respect to municipalities.

**Sec. A-2. 36 MRSA §381**, as corrected by RR 2013, c. 2, §44, is amended to read:

**§381. State valuation; definition; to be filed with Bureau of Revenue Services annually**

The term "state valuation" as used in reference to the unorganized territory in this Title, except in this chapter ~~and chapter 105~~, means an annual valuation of all property subject to a Maine property tax but not taxable by a municipality. The annual valuation is to be completed by and on file in the office of the Bureau of Revenue Services prior to the assessment of the annual property tax in the unorganized territory. The annual valuation is to be based on the status of property on April 1st. In this chapter, ~~in chapter 105~~ and outside of this Title, the term "state valuation" means the valuation filed with the Secretary of State pursuant to section 305, subsection 1.

**Sec. A-3. 36 MRSA §506-A**, as amended by PL 2009, c. 434, §14, is further amended to read:

**§506-A. Overpayment of taxes**

Except as provided in section 506, a taxpayer who pays an amount in excess of that finally assessed must be repaid the amount of the overpayment plus interest from the date of overpayment at a rate to be established by the municipality. The rate of interest may not exceed the interest rate established by the municipality for delinquent taxes nor may it be less than that rate reduced by ~~4% 4 percentage points~~. If a municipality fails to establish a rate of interest for overpayments of taxes, it shall pay interest at the rate it has established for delinquent taxes.

**Sec. A-4. 36 MRSA §691, sub-§1, ¶A**, as repealed and replaced by PL 2017, c. 475, Pt. A, §61, is amended to read:

A. "Eligible business equipment" means qualified property that, in the absence of this subchapter, would first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" includes, without limitation, repair parts, replacement parts, replacement equipment, additions, accessions and accessories to other qualified ~~business~~ property that first became subject to assessment under this Part before April 1, 2008 if the part, addition, equipment, accession or accessory would, in the absence of this subchapter, first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" also includes inventory parts. "Eligible business equipment" does not include property eligible for exemption under section 652.

"Eligible business equipment" does not include:

- (1) Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions;
- (2) Lamps and lighting fixtures used primarily for the purpose of providing general purpose office or worker lighting;
- (3) Property owned or used by an excluded person;
- (4) Telecommunications personal property subject to the tax imposed by section 457;
- (5) Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:
  - (a) Associated equipment as defined in Title 8, section 1001, subsection 2;
  - (b) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;
  - (c) An electronic video machine as defined in Title 17, section 1831, subsection 4;
  - (d) Equipment used in the playing phases of lottery schemes; and
  - (e) Repair and replacement parts of a gambling machine or device;
- (6) Property located at a retail sales facility and used primarily in a retail sales activity unless the property is owned by a business that operates a retail sales facility in the State exceeding 100,000 square feet of interior customer selling space that is used primarily for retail sales and whose Maine-based operations derive less than 30% of their total annual revenue on a calendar year basis from sales that are made at a retail sales facility located in the State. For purposes of this subparagraph, the following terms have the following meanings:
  - (a) "Primarily" means more than 50% of the time;
  - (b) "Retail sales activity" means an activity associated with the selection and retail purchase of goods or rental of tangible personal property. "Retail sales activity" does not include production as de-

finied in section 1752, subsection 9-B; and

- (c) "Retail sales facility" means a structure used to serve customers who are physically present at the facility for the purpose of selection and retail purchase of goods or rental of tangible personal property. "Retail sales facility" does not include a separate structure that is used as a warehouse or call center facility;
- (7) Property that is not entitled to an exemption by reason of the additional limitations imposed by subsection 2; or
- (8) Personal property that would otherwise be entitled to exemption under this subchapter used primarily to support a telecommunications antenna used by a telecommunications business subject to the tax imposed by section 457.

**Sec. A-5. 36 MRSA §843, sub-§4**, as amended by PL 2009, c. 434, §16, is further amended to read:

**4. Payment requirements for taxpayers.** If the taxpayer has filed an appeal under this section without having paid an amount of current taxes equal to the amount of taxes paid in the ~~next~~ immediately preceding tax year, as long as that amount does not exceed the amount of taxes due in the current tax year or the amount of taxes in the current tax year not in dispute, whichever is greater, by or after the due date or according to a payment schedule mutually agreed to in writing by the taxpayer and the municipal officers, the appeal process must be suspended until the taxes, together with any accrued interest and costs, have been paid. If an appeal is in process upon expiration of a due date or written payment schedule date for payment of taxes in a particular municipality, without the appropriate amount of taxes having been paid, whether the taxes are due for the year under appeal or a subsequent tax year, the appeal process must be suspended until the appropriate amount of taxes described in this subsection, together with any accrued interest and costs, has been paid. This subsection does not apply to property with a valuation of less than \$500,000.

**Sec. A-6. 36 MRSA §1112, 3rd ¶**, as amended by PL 2011, c. 618, §8, is further amended to read:

A penalty may not be assessed at the time of a change of use from the farmland classification of land subject to taxation under this subchapter to the open space classification of land subject to taxation under this subchapter. A penalty may not be assessed upon the withdrawal of farmland or open space land from taxation under this subchapter if the owner applies for the land to be classified as and the land is accepted for classification as timberland under subchapter 2-A. There also is no penalty imposed when land classified

as timberland is accepted for classification as open space land. A penalty may not be assessed upon withdrawal of open space land from taxation under this subchapter if the owner applies for the land to be classified as and the land is accepted for classification as farmland under this subchapter. A penalty may not be assessed upon withdrawal of land enrolled under the Maine Tree Growth Tax Law if the owner applies for the land to be classified as and the land is accepted for classification as farmland under this chapter. The recapture penalty for withdrawal from farmland classification within 10 years of a transfer from either open space tax classification or timberland tax classification is the same imposed on withdrawal from the prior tax classification, open space or tree growth. The recapture penalty for withdrawal from farmland classification more than 10 years after such a transfer will be the regular farmland recapture penalty provided for in this section. In the event a penalty is later assessed under subchapter 2-A, the period of time that the land was taxed as farmland or as open space land under this subchapter must be included for purposes of establishing the amount of the penalty. The recapture penalty for withdrawal from open space classification within 10 years of a transfer from tree growth classification occurring on or after August 1, 2012 is the same that would be imposed if the land were being withdrawn from the tree growth classification. The recapture penalty for withdrawal from open space classification more than 10 years after such a transfer will be the open space recapture penalty provided for in this section.

**Sec. A-7. 36 MRSA §1285**, as amended by PL 1979, c. 666, §33, is further amended to read:

**§1285. Collection of taxes in unorganized territory**

In addition to the methods of collecting state taxes provided by law, owners of real estate in the unorganized townships shall be territory are liable to pay for payment of such taxes to the State Tax Assessor upon demand. If such taxes ~~shall are~~ not be paid within 30 days after such demand, the State Tax Assessor may collect the same, with interest as provided by law, by a civil action in the name of the State. ~~Such This~~ action ~~shall must~~ be brought in a court of competent jurisdiction in the county where such ~~unorganized townships are~~ real estate is located, and the Attorney General may begin and prosecute such actions when requested by the State Tax Assessor. The demand ~~shall be~~ is sufficient if made by a writing mailed to such owner or ~~his~~ the owner's agent at ~~his~~ the owner's usual ~~post office~~ post office address. In case such owner resides ~~without~~ outside the State and has no agent within the State known to the State Tax Assessor, such demand ~~shall be~~ is sufficient if made upon the Director of the Bureau of Forestry. Such action ~~shall must~~ be brought not less than 30 days after the giving or mailing of the demand. The beginning of such action, obtaining execution and collecting the

same ~~shall be~~ is deemed a waiver of the rights of the State under sections 1281 and 1282. In case the owners of any such real estate are unknown, the demand ~~shall be~~ is sufficient if advertised in the state paper and in some newspaper, if any, published in the county in which the real estate ~~lies~~ is located.

**Sec. A-8. 36 MRSA §6652, sub-§1-C, ¶C**, as amended by PL 2001, c. 396, §47, is further amended to read:

C. A cogeneration facility is eligible for reimbursement on that portion of property taxes paid multiplied by a fraction, the numerator of which is the total amount of useful energy produced by the facility during the property tax year ~~immediately preceding the property tax year~~ for which a claim is being made that is directly used by a manufacturing facility without transmission over the facilities of a transmission and distribution utility as defined in Title 35-A, section 102, subsection 20-B and the denominator of which is the total amount of useful energy produced by the facility during the property tax year immediately preceding the property tax year for which a claim is being made.

**Sec. A-9. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 36, chapter 103, subchapter 1, in the subchapter headnote, the words "state valuation; abatements" are amended to read "state valuation" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**PART B**

**Sec. B-1. 36 MRSA §1752, sub-§15**, as amended by PL 2005, c. 218, §16, is repealed.

**Sec. B-2. 36 MRSA §1752, sub-§16**, as amended by PL 1965, c. 114, is repealed.

**Sec. B-3. 36 MRSA §1752, sub-§21**, as amended by PL 2005, c. 215, §17, is further amended to read:

**21. Use.** "Use" ~~includes~~ means the exercise in this State of any right or power over tangible personal property incident to its ownership, including storage of the property and the derivation of income from the rental of the property, whether received in money or in the form of other benefits, ~~by a lessor from the rental of tangible personal property located in this State.~~ "Use" does not include keeping, retaining or exercising power over tangible personal property brought into the State for the purpose of subsequently transporting it outside the State for use by the purchaser thereafter solely outside the State or for the purpose of being processed, fabricated, manufactured or incorporated into or attached to other tangible personal property to be transported outside the State and thereafter used by the purchaser solely outside the State.

**Sec. B-4. 36 MRSA §1760, first ¶,** as amended by PL 1999, c. 521, Pt. A, §6, is further amended to read:

Subject to the provisions of section 1760-C, no tax on sales, storage or use may be collected upon or in connection with:

**Sec. B-5. 36 MRSA §1760, sub-§50,** as amended by PL 2013, c. 420, §1, is repealed and the following enacted in its place:

**50. Certain libraries; library support organizations. Sales:**

A. To a nonprofit free public lending library that is funded in part or wholly by the State or any political subdivision of the State or the Federal Government; and

B. By a library as described in paragraph A or a nonprofit corporation organized to support a library as described in paragraph A, as long as the proceeds from the sales are used to benefit the library.

**Sec. B-6. 36 MRSA §1861,** as amended by PL 1995, c. 640, §6, is further amended to read:

**§1861. Imposition**

A tax is imposed, at the respective rate provided in section 1811, on the storage, use or other consumption in this State of tangible personal property or a service, the sale of which would be subject to tax under section 1764 or 1811. Every person so storing, using or otherwise consuming is liable for the tax until the person has paid the tax or has taken a receipt from the seller, as duly authorized by the assessor, showing that the seller has collected the sales or use tax, in which case the seller is liable for it. Retailers registered under section 1754-B or 1756 shall collect the tax and make remittance to the assessor. The amount of the tax payable by the purchaser is that provided in the case of sales taxes by section 1812. When tangible personal property purchased for resale is withdrawn from inventory by the retailer for the retailer's own use, use tax liability accrues at the date of withdrawal.

**Sec. B-7. 36 MRSA §2903, sub-§1,** as amended by PL 2011, c. 240, §24, is further amended to read:

**1. Excise tax imposed.** ~~Beginning July 1, 2008 and ending June 30, 2009, an~~ An excise tax is imposed on internal combustion engine fuel used or sold in this State, including sales to the State or a political subdivision of the State, at the rate of ~~28.4¢~~ 30.0¢ per gallon, except that the rate is 3.4¢ per gallon on internal combustion engine fuel bought or used for the purpose of propelling jet or turbojet engine aircraft. ~~Beginning July 1, 2009, an excise tax is imposed on internal combustion engine fuel used or sold in this State, including sales to the State or a political subdivision of~~

~~the State, at the rate of 29.5¢ per gallon, except that the rate is 3.4¢ per gallon on internal combustion engine fuel bought or used for the purpose of propelling jet engine aircraft. The tax rate provided by this subsection except the rate of tax imposed on fuel bought or used for the purpose of propelling jet engine aircraft is subject to an annual inflation adjustment pursuant to section 3321. Any fuel containing at least 10% internal combustion engine fuel is subject to the tax imposed by this section.~~

**Sec. B-8. 36 MRSA §3203, sub-§1-B,** as amended by PL 2011, c. 240, §25, is further amended to read:

**1-B. Generally; rates.** Except as provided in section 3204-A, ~~beginning July 1, 2008 and ending June 30, 2009,~~ an excise tax is levied and imposed on all suppliers of distillates sold, on all retailers of low-energy fuel sold and on all users of special fuel used in this State for each gallon of distillate at the rate of ~~29.6¢~~ 31.2¢ per gallon. ~~Beginning July 1, 2009, an excise tax is levied and imposed on all suppliers of distillates sold, on all retailers of low energy fuel sold and on all users of special fuel used in this State for each gallon of distillate at the rate of 30.7¢ per gallon.~~ Tax rates for each gallon of low-energy fuel are based on the British Thermal Unit, referred to in this subsection as "BTU," energy content for each fuel as based on gasoline gallon equivalents or the comparable measure for distillates. The gasoline gallon equivalent is the amount of alternative fuel that equals the BTU energy content of one gallon of gasoline. ~~In the case of distillates, the tax rate provided by this section is subject to annual inflation adjustment pursuant to section 3321.~~ For purposes of this subsection, "base rate" means the rate in effect for gasoline or diesel on July 1st of each year ~~as indexed under section 3321.~~ A biodiesel blend containing less than 90% biodiesel fuel is subject to the rate of tax imposed on diesel.

A. This paragraph establishes the applicable BTU values and tax rates based on gasoline gallon equivalents.

Fuel type based on gasoline	BTU content per gallon or gasoline gallon equivalent	Tax rate formula (BTU value fuel/BTU value gasoline) x base rate gasoline
Gasoline	115,000	100% x base rate
Propane	84,500	73% x base rate
Compressed Natural Gas (CNG)	115,000	100% x base rate
Methanol	56,800	49% x base rate
Ethanol	76,000	66% x base rate
Hydrogen	115,000	100% x base rate

Hydrogen Compressed Natural Gas	115,000	100% x base rate
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B. This paragraph establishes the applicable BTU values and tax rates based on distillate gallon equivalents.

Fuel type based on diesel	BTU content per gallon or gallon equivalent	Tax rate formula (BTU value fuel/BTU value diesel) x base rate diesel
Diesel	128,400	100% x base rate
Liquefied Natural Gas (LNG)	73,500	57% x base rate
Biodiesel	118,300	92% x base rate

C. The conversion factors established in this paragraph must be used in converting to gasoline gallon equivalents.

(1) For compressed natural gas, BTUs per 100 standard cubic feet is 93,000, and there are 123.66 standard cubic feet per gasoline gallon equivalent.

(2) For hydrogen, BTUs per 100 standard cubic feet is 27,000, and there are 425.93 standard cubic feet per gasoline gallon equivalent.

(3) For hydrogen compressed natural gas, BTUs per 100 standard cubic feet is 79,800, and there are 144.11 standard cubic feet per gasoline gallon equivalent.

**Sec. B-9. 36 MRSA §3208, first ¶,** as amended by PL 2007, c. 438, §78, is further amended to read:

Every user subject to the tax imposed by section 3203 is entitled to a credit on the tax, equivalent to the then current rate of taxation per gallon imposed by section 3203 ~~as adjusted pursuant to section 3321~~, on all special fuel purchased by that user from a supplier or retailer licensed in accordance with section 3204 upon which the tax imposed by section 3203 has been paid. Evidence of the payment of that tax, in a form required by or satisfactory to the State Tax Assessor, must be furnished by each user claiming the credit. When the amount of the credit to which any user is entitled for any quarter exceeds the amount of the tax for which that user is liable for the same quarter, the excess may be allowed as a credit on the tax for which that user would be otherwise liable for another quarter or quarters. Upon application to the assessor, the excess may be refunded if the applicant has paid to another state or province under a lawful requirement of that jurisdiction a tax similar in effect to the tax imposed by section 3203 on the use or consumption of that fuel outside the State, at the same rate per gallon

that tax was paid in this State, but in no case to exceed the then current rate per gallon of the tax imposed by section 3203 ~~as adjusted pursuant to section 3321~~. Upon receipt of the application the assessor, if satisfied after investigation that a refund is justified, shall so certify to the State Controller. The refund must be paid out of the Highway Fund. This credit lapses at the end of the last quarter of the year following that in which the credit arose.

**Sec. B-10. 36 MRSA §4362-A, sub-§1,** as amended by PL 2015, c. 300, Pt. A, §36, is further amended to read:

**1. Generally.** A distributor doing business in this State shall obtain a license from the assessor. A license must be obtained for each wholesale outlet maintained by the distributor. A distributor's license must be prominently displayed on the premises of the business covered by the license. A person required to be licensed as a distributor pursuant to this chapter must also be in compliance with Title 22, section 1580-L. A distributor's license issued pursuant to this section is not a license within the meaning of that term in the Maine Administrative Procedure Act.

**Sec. B-11. 36 MRSA §4362-A, sub-§3,** as amended by PL 2003, c. 439, §2, is repealed.

**Sec. B-12. 36 MRSA §4362-A, sub-§5,** as amended by PL 2007, c. 438, §90, is further amended to read:

**5. Surrender, revocation and suspension.** When the business with respect to which a license was issued pursuant to this section is sold or ceases to do business in this State, the holder of the license shall immediately surrender it to the assessor. The assessor may revoke or suspend the license of a distributor for failure to comply with any provision of this chapter or if the distributor no longer imports or sells cigarettes. A license that has been revoked or suspended pursuant to this subsection must be immediately surrendered to the assessor. Any person aggrieved by a revocation or suspension may request reconsideration as provided in section 151.

**Sec. B-13. 36 MRSA §4366-A, sub-§4-A,** as amended by PL 2011, c. 441, §1, is repealed.

**Sec. B-14. 36 MRSA §4366-A, sub-§4-B,** as enacted by PL 2011, c. 441, §2, is amended to read:

**4-B. Redemption of stamps.** ~~Beginning July 1, 2012, the~~ The assessor shall redeem any unused, uncancelled stamps presented within one year of the date of purchase by a licensed distributor at a price equal to the amount paid for them. Credit for uncancelled stamps is allowed only on full, unopened rolls unless the distributor ceases business as a distributor and returns the license issued under section 4362-A. The assessor may also redeem, at face value, cigarette tax stamps affixed to packages of cigarettes that have be-

come unsalable if application is made within 90 days of the return of the unsalable cigarettes to the manufacturer or of the destruction of the unsalable cigarettes by the distributor. The assessor may either witness the destruction of the unsalable cigarettes or may accept another form of proof that the unsalable cigarettes have been destroyed by the distributor or returned to the manufacturer.

**Sec. B-15. 36 MRSA §4402, sub-§1**, as amended by PL 2015, c. 300, Pt. A, §37, is further amended to read:

**1. Generally.** Every distributor shall obtain a license from the State Tax Assessor before engaging in business. A retailer required to be licensed as a distributor pursuant to this chapter must also hold a current retail tobacco license issued under Title 22, ~~section 1551-A~~ chapter 262-A, subchapter 1. A distributor's license must be prominently displayed on the premises of the business covered by the license and may not be transferred to any other person. A distributor's license issued pursuant to this section is not a license within the meaning of that term in the Maine Administrative Procedure Act.

**Sec. B-16. 36 MRSA §4402, sub-§3**, as enacted by PL 2005, c. 627, §7, is repealed.

**Sec. B-17. 36 MRSA §4402, sub-§5**, as amended by PL 2013, c. 331, Pt. C, §31 and affected by §41, is further amended to read:

**5. Surrender, revocation and suspension.** When the business with respect to which a license was issued pursuant to this section is sold or ceases to do business in this State, the holder of the license shall immediately surrender it to the assessor. The assessor may revoke or suspend the license of any distributor for failure to comply with any provision of this chapter or if the person no longer imports or sells tobacco products. A license that has been revoked or suspended pursuant to this subsection must be immediately surrendered to the assessor. A person aggrieved by a revocation or suspension may request reconsideration as provided in section 151.

**Sec. B-18. 36 MRSA §4402, sub-§§6 and 7**, as enacted by PL 2005, c. 627, §7, are amended to read:

**6. License directory maintained.** The assessor shall maintain a directory of distributors licensed pursuant to this chapter. The assessor shall update the directory as necessary, but not less than annually. Notwithstanding the provisions of section 191, the list must be available to the public and must be posted on a publicly accessible website maintained by the assessor. The directory must be mailed annually to all retailers at or near the time of renewal of a retail tobacco license issued under Title 22, ~~section 1551-A~~ chapter 262-A, subchapter 1.

**7. Notification.** A ~~licensed distributor that does not renew or maintain a license, or that has its license suspended or revoked,~~ within 10 business days of the suspension or revocation, shall inform in writing all its accounts in this State that it no longer holds a valid license under this section. ~~The licensed distributor shall inform its accounts in this State within 10 business days of the event giving rise to such notice.~~ Notwithstanding the provisions of section 191, the assessor may publish the names of distributors that ~~have not renewed or maintained a license or that have had a license suspended or revoked.~~

**Sec. B-19. 36 MRSA §4404, 2nd ¶**, as amended by PL 2011, c. 441, §3, is repealed.

**Sec. B-20. 36 MRSA §4404, 3rd ¶**, as enacted by PL 2011, c. 441, §4, is amended to read:

~~Beginning July 1, 2012, the~~ The return must include further information as the assessor may prescribe and must show a credit for any tobacco products exempted as provided in section 4403. Records must be maintained to substantiate the exemption. Tax previously paid on tobacco products that are returned to a manufacturer or a distributor because the product has become unfit for use, sale or consumption and for tobacco products that are returned to a distributor that are subsequently destroyed by the distributor may be taken as a credit on a subsequent return. The assessor may either witness the destruction of the product or may accept another form of proof that the product has been destroyed by the distributor or returned to the manufacturer.

## PART C

**Sec. C-1. 36 MRSA §191, sub-§2, ¶VV**, as amended by PL 2013, c. 331, Pt. B, §3, is repealed.

**Sec. C-2. 36 MRSA §5121**, as amended by PL 2003, c. 390, §26, is further amended to read:

### §5121. Maine taxable income

The Maine taxable income of a resident individual is equal to the individual's federal adjusted gross income ~~as defined by the Code~~ with the modifications and less the deductions and personal exemptions provided in this chapter.

**Sec. C-3. 36 MRSA §5122, sub-§2, ¶E**, as amended by PL 2017, c. 375, Pt. C, §1, is further amended to read:

E. Pick-up contributions paid to the taxpayer by the Maine Public Employees Retirement System or distributed as the result of a rollover, whether or not included in federal adjusted gross income, that have been previously taxed under this Part. For tax years beginning on or after January 1, 2018, in the case of a distribution as a result of a rollover, the modification allowed under this paragraph may be subtracted fully or in part during

the tax year of the rollover. Any amount not subtracted in the tax year of the rollover may be subtracted within the 2 tax years immediately following the year of the rollover, except that the total amount subtracted over the 3-year period may not exceed the pick-up contributions that have been previously taxed under this Part during that 3 year period;

**Sec. C-4. 36 MRSA §5219-BB, sub-§3**, as amended by PL 2009, c. 361, §28 and affected by §37, is further amended to read:

**3. Increased credit for a certified affordable housing project.** The credit allowed under this section is increased to 30% of certified qualified rehabilitation expenditures for a certified affordable housing project. If the certified affordable housing project for which an increased credit was allowed under this subsection does not remain an affordable housing project for 30 years from the date the affordable housing project is placed in service, the owner of the property is subject to the repayment provisions of Title 30-A, section 4722, subsection 1, paragraph DD. Upon notification by the Maine Historic Preservation Commission and the Maine State Housing Authority pursuant to Title 30-A, section 4722, subsection 1, paragraph DD, subparagraph 4 (4), the State Tax Assessor shall raise the credit increase amount allowed rate under this subsection that was in effect in the calendar year prior to the calendar year in which the notification was received by one percentage point for tax years beginning in the calendar year of that notification and for any subsequent tax year. The maximum total credit allowed under this subsection In no event may not the credit rate under this subsection exceed 35% of the taxpayer's certified qualified rehabilitation expenditures.

**Sec. C-5. 36 MRSA §5403, sub-§6**, as amended by PL 2017, c. 474, Pt. B, §23, is further amended to read:

**6. Property tax fairness credit.** Beginning in 2018 and each year thereafter, by the benefit base amounts in section 5219-KK, subsection 1, paragraph A-1, except that for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2017;

**Sec. C-6. PL 2017, c. 474, Pt. D, §4**, as corrected by RR 2017, c. 2, §17, is amended to read:

**Sec. D-4. Application.** This With the exception of those portions of those sections of this Part that enact the Maine Revised Statutes, Title 36, section 5200-A, subsection 1, paragraph FF and subsection 2, paragraph EE, which apply to tax years beginning on

or after January 1, 2018, this Part applies to tax years beginning on or after January 1, 2017, except that those portions of those sections of this Part that enact the Maine Revised Statutes, Title 36, section 5200-A, subsection 1, paragraph FF and subsection 2, paragraph EE apply to tax years beginning on or after January 1, 2018.

See title page for effective date.

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## CHAPTER 380

### H.P. 1296 - L.D. 1819

#### An Act To Harmonize State Income Tax Law and the Centralized Partnership Audit Rules of the Federal Internal Revenue Code of 1986

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

**Sec. 1. 36 MRSA §5190**, as enacted by P&SL 1969, c. 154, Pt. F, §1, is amended to read:

#### **§5190. Entity not taxable**

A partnership as such shall is not be subject to the tax imposed by this Part. Persons carrying on business as partners shall be are liable for the tax imposed by this Part only in their separate or individual capacities. This section does not apply to the taxes imposed by chapters 819 and 827 or the tax imposed on partnership audit adjustments pursuant to subchapter 2.

**Sec. 2. 36 MRSA c. 815, sub-c. 2** is enacted to read:

#### **SUBCHAPTER 2**

#### **PARTNERSHIP AUDITS**

#### **§5195. Definitions**

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

**1. Administrative adjustment request.** "Administrative adjustment request" means an administrative adjustment request filed by a partnership pursuant to the Code, Section 6227.

**2. Audited partnership.** "Audited partnership" means a partnership subject to a partnership-level audit resulting in a federal adjustment.

**3. Composite return.** "Composite return" means a Maine income tax return filed by a partnership or pass-through entity on behalf of some or all of its partners, beneficiaries or shareholders under rules adopted by the assessor.

**4. Corporate partner.** "Corporate partner" means a partner that is subject to tax pursuant to chapter 817.

**5. Direct partner.** "Direct partner" means a partner that holds an interest directly in a partnership or pass-through entity.

**6. Exempt partner.** "Exempt partner" means a partner that is subject to the tax imposed by chapter 819 or exempt from the taxes imposed by chapters 803, 809 and 817, except to the extent of unrelated business taxable income.

**7. Federal adjustment.** "Federal adjustment" means an adjustment to an item or amount determined under the Code that affects the computation of a taxpayer's Maine tax liability resulting from a partnership-level audit or other action by the IRS or an amended federal return, refund claim or administrative adjustment request filed by a taxpayer.

**8. Federal adjustments report.** "Federal adjustments report" means a method or form required by the assessor for use by a taxpayer to report final federal adjustments, including an amended tax return and an information return. A federal adjustments report is a return for purposes of this Title, including for the purpose of determining refund and assessment periods, interest and penalties.

**9. Federal partnership representative.** "Federal partnership representative" means the person designated by a partnership or appointed by the IRS to act on behalf of a partnership pursuant to the Code, Section 6223(a) for the reviewed year.

**10. Final determination date.** "Final determination date" has the same meaning as in section 5227-A, subsection 2.

**11. Final federal adjustment.** "Final federal adjustment" means a federal adjustment for which the final determination date has passed.

**12. Indirect partner.** "Indirect partner" means a partner in a partnership or pass-through entity that itself holds an interest directly, or through another indirect partner, in a partnership or pass-through entity.

**13. IRS.** "IRS" means the United States Internal Revenue Service.

**14. Nonresident partner.** "Nonresident partner" means an individual, trust or estate partner that is not a resident partner.

**15. Partner.** "Partner" means a person that holds an interest directly or indirectly in a partnership or pass-through entity.

**16. Partnership.** "Partnership" means an entity subject to taxation under the Code, Subtitle A, Chapter

1, Subchapter K other than a financial institution subject to tax pursuant to chapter 819.

**17. Partnership-level audit.** "Partnership-level audit" means an examination by the IRS at the partnership level pursuant to the Code, Subtitle F, Chapter 63, Subchapter C that results in federal adjustments.

**18. Pass-through entity.** "Pass-through entity" means an entity, other than a partnership, that is not subject to tax under chapter 817 or 819.

**19. Resident partner.** "Resident partner" means a partner that is a resident individual or a resident estate or trust under this Part.

**20. Reviewed year.** "Reviewed year" means the taxable year of a partnership that is subject to a partnership-level audit from which federal adjustments arise.

**21. State partnership representative.** "State partnership representative" means a partnership's federal partnership representative for the reviewed year unless the partnership designates in writing another person as its state partnership representative.

**22. Taxpayer.** "Taxpayer" has the same meaning as in section 111, subsection 7 and includes a partnership subject to a partnership-level audit or a partnership that has made an administrative adjustment request, as well as a tiered partner of that partnership.

**23. Tiered partner.** "Tiered partner" means a partner that is a partnership or pass-through entity.

**24. Unrelated business taxable income.** "Unrelated business taxable income" has the same meaning as in the Code, Section 512.

**§5196. Reporting federal adjustments; partnership-level audit and administrative adjustment request**

**1. General rule.** Except in the case of adjustments required to be reported for federal purposes under the Code, Section 6225(a)(2), a partner shall, in accordance with section 5227-A, report and pay any amount due with respect to adjustments arising from a partnership-level audit or other action by the IRS that is reported by the taxpayer on a timely filed amended federal income tax return, including a return or other similar report filed pursuant to the Code, Section 6225(c)(2), or a federal claim for refund by filing a federal adjustments report with the assessor for the reviewed year and, if applicable, paying the additional tax, penalties and interest due no later than 180 days after the final determination date.

In the case of a partnership with partners required to file a federal adjustments report pursuant to this subsection and included in a composite return or subject to withholding under section 5250-B in the reviewed year, the partnership shall file an amended composite return and amended withholding return as required by

the assessor and pay any additional tax, penalties and interest due no later than 180 days after the final determination date.

**2. Authority of state partnership representative.** The state partnership representative has sole authority to act on behalf of the partnership for the reviewed year with respect to any action required or permitted under this subchapter, and actions required or permitted under this Title arising from this subchapter, including a request for review pursuant to section 151. The partnership's direct partners and indirect partners are bound by the actions of the state partnership representative. The assessor may establish reasonable qualifications and procedures for designating a person other than the federal partnership representative to be the state partnership representative.

**3. Partnership reporting and payment.** An audited partnership is subject to tax with respect to final federal adjustments without regard to the election under the Code, Section 6226(a). The amount of tax is determined as provided in this subsection.

A. An audited partnership shall file a completed federal adjustments report, including the distributive share of the adjustment paid by partners under subsection 1 and other information required by the assessor, and, if subject to tax under this subsection, pay the tax due no later than 180 days after the final determination date.

B. The tax due pursuant to this subsection is determined as follows:

- (1) Exclude from final federal adjustments the distributive share of adjustments properly allocable to partners pursuant to subsection 1;
- (2) Exclude from final federal adjustments the distributive share of adjustments reported to direct exempt partners not subject to tax on unrelated business taxable income;
- (3) For the total distributive shares of the remaining final federal adjustments, remove the portion of such adjustments this State is prohibited from taxing under the Constitution of Maine or the United States Constitution, net of any expenses incurred in production of that income;
- (4) For the total distributive shares of the remaining final federal adjustments reported to direct corporate partners subject to tax under chapter 817, and to direct exempt partners subject to tax on unrelated business taxable income, apportion and allocate such adjustments as provided under chapter 821 and multiply the resulting amount by the highest tax rate under section 5200;
- (5) For the total distributive shares of the remaining final federal adjustments reported to

direct partners that are nonresident partners subject to tax under section 5111 or 5160, determine the amount of such adjustments that is Maine-source income under sections 5142 and 5192 and multiply the resulting amount by the highest tax rate under section 5111 for the applicable tax year;

(6) For the total distributive shares of the remaining final federal adjustments reported to tiered partners:

(a) Determine the amount of such adjustments that is of a type that would be subject to sourcing under section 5142, excluding section 5142, subsection 3, and calculate the portion of this amount sourced to this State;

(b) Determine the amount of such adjustments that is income subject to sourcing under section 5142, subsection 3; and

(c) Determine the portion of the amount determined in division (b) that can be established to the satisfaction of the assessor to be properly allocable to indirect partners that are nonresident partners or other partners not subject to tax on the adjustments;

(7) Multiply the total of the amounts determined in subparagraph (6), divisions (a) and (b), reduced by the amount determined in subparagraph (6), division (c), by the highest tax rate under section 5111;

(8) For the total distributive shares of the remaining final federal adjustments reported to resident direct partners subject to tax under section 5111 or 5160, multiply that amount by the highest tax rate under section 5111 for the applicable tax year; and

(9) Add the amounts determined in subparagraphs (4), (5), (7) and (8), along with interest and penalties as provided in sections 186 and 187-B, respectively.

C. Notwithstanding section 5219-H, a partnership may not claim any of the credits in chapter 822 against the tax imposed by this subsection. However, a partnership may claim a credit for income taxes imposed on and paid by the partnership to another state of the United States, a political subdivision of any such state, the District of Columbia or any political subdivision of a foreign country that is analogous to a state of the United States with respect to the distributive shares of the final federal adjustments reported to resident direct partners included in the calculation pursuant to paragraph B, subparagraph (8) and paid by the partnership to this State. The credit under this

paragraph is calculated in the same manner as the credit allowed by section 5217-A.

**4. Tiered partners.** The direct partners and indirect partners of an audited partnership that are tiered partners, and all the partners of those tiered partners that are subject to tax under section 5111, 5160 or 5200, are subject to the reporting and payment requirements of this section.

**5. Effect of partnership reporting and payment of amounts due.** Except for adjustments required to be reported and the tax paid under subsection 1, the proper reporting of final federal adjustments and payment of amounts due by a partnership under subsections 3 and 4 relieves the partners of the partnership of any tax liability resulting from their distributive shares of the adjustments so reported. The direct partners or indirect partners may not take any deduction or credit for this amount or claim a refund of the amount in this State.

**6. Failure of audited partnership or tiered partner to report or pay.** Nothing in this section prevents the assessor from assessing direct partners or indirect partners for taxes they owe, using the best information available, in the event that a partnership or tiered partner fails to timely make any report or payment required by this subchapter for any reason.

#### **§5197. Extensions of time**

The time periods provided for in this subchapter may be extended:

**1. Automatically for 60 days.** Automatically, upon written notice to the assessor, by 60 days for an audited partnership or tiered partner that has 10,000 or more direct partners; or

**2. Written agreement.** By written agreement between the taxpayer and the assessor.

Any extension granted under this section for filing the federal adjustments report extends the last day prescribed by law for assessing any additional tax pursuant to sections 141 and 5270 and the period for filing a claim for refund or credit of taxes pursuant to sections 144 and 5278 arising from the final federal adjustment.

#### **§5198. Rules**

The assessor may adopt rules governing the treatment of part-year residents and other rules necessary to implement this subchapter. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 36 MRSA §5227-A, sub-§2,** as amended by PL 2011, c. 1, Pt. CC, §3 and affected by §5, is further amended to read:

**2. Amended return filed.** The amended Maine return must be filed within 180 days from the date of

the final determination date of the change or correction or the filing of the federal amended return. For purposes of this subsection, "date of the final determination date" means the date on which the earliest of the following events occurs with respect to a federal taxable year:

A. The taxpayer has made payment of an additional income tax liability resulting from a federal audit, the taxpayer has not filed a petition for redetermination or claim for refund for the portions of the audit for which payment was made and the time for filing a petition for redetermination or refund claim has expired;

B. The taxpayer receives a refund from the United States Treasury that resulted from a federal audit;

C. The taxpayer signs Form 870-AD or another Internal Revenue Service form consenting to a deficiency or accepting an overassessment;

D. The taxpayer's time for filing a petition for redetermination with the United States Tax Court expires;

E. The taxpayer and the Internal Revenue Service enter into a closing agreement; and

F. A decision from the United States Tax Court, a District Court, a federal court of appeals, the United States Court of Federal Claims or the United States Supreme Court becomes final; and

G. The taxpayer files an amended return or similar report pursuant to the Code, Section 6225(c).

**Sec. 4. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 36, chapter 815, before section 5190, the headnote "subchapter 1, generally" is enacted and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 5. Application.** This Act applies to partnership-level audits, as defined in the Maine Revised Statutes, Title 36, section 5195, with respect to taxable years beginning on or after January 1, 2018.

See title page for effective date.

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## CHAPTER 381

### S.P. 615 - L.D. 1825

#### An Act To Authorize Limited Disclosure of Cigarette Sales Information To Ensure Continued Receipt of Tobacco Settlement Funds

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §1580-L, sub-§10**, as enacted by PL 2003, c. 439, §1, is repealed and the following enacted in its place:

**10. Disclosure of information.** Notwithstanding any provision of law to the contrary, the Department of Administrative and Financial Services, Bureau of Revenue Services is authorized to disclose to the Attorney General any tax information received by the Bureau of Revenue Services and requested by the Attorney General for purposes of determining compliance with and enforcing the provisions of this section. The Attorney General may share any information received under this section, other than information received from the Bureau of Revenue Services, with:

A. Federal, state or local agencies but only for purposes of enforcement of this section, subchapter 3 or corresponding laws of other states; and

B. Courts, arbitrators, data clearinghouses or similar entities for the purpose of assessing compliance with, resolving disputes arising under or making calculations required by the Master Settlement Agreement or agreements resolving disputes arising under the Master Settlement Agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

The Attorney General shall provide notice to the Department of Administrative and Financial Services, Bureau of Revenue Services of those persons certified under this section.

See title page for effective date.

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**CHAPTER 382**

**S.P. 619 - L.D. 1829**

**An Act Regarding Insurance Licensees**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 24-A MRSA §601, sub-§32** is enacted to read:

**32. Surplus lines.** Surplus lines authority fees may not exceed:

A. Issuance fee for surplus lines authority, \$150.

**Sec. 2. 24-A MRSA §1417**, as amended by PL 2001, c. 259, §§19 to 21, is further amended to read:

**§1417. Suspension; revocation; cancellation; refusal of license**

**1. Suspension, revocation, probation, denial.** Notwithstanding Title 5, chapter 375, subchapter VI, the superintendent may, after notice and opportunity

for hearing, deny, revoke, suspend, place on probation or limit the permissible activities under any license issued under this chapter, including business entity licenses, or any surplus lines broker license if the superintendent finds that, as to the applicant or licensee, any of the causes exist that are listed in section 1420-K, and that for purposes of this section apply to adjusters and consultants as well as producers.

**1-A. Nonresident licensing, loss of home state authority.** The superintendent may verify the home state license status of any nonresident licensee through the producer database maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries or any successor, or by contacting the licensee's home state regulator. If a nonresident licensee's license or authority in the licensee's home state is no longer active, whether as a result of suspension, revocation, termination, lapse, voluntary surrender or other action by the home state regulator, the superintendent may cancel the nonresident licensee's license or authority granted pursuant to section 1420-G, section 1427-A, subsection 1 or section 1477 30 days after the final action taken with respect to the home state license.

**3. Voluntary surrender.** The superintendent may, after notice and opportunity for a hearing under this section, deem the license suspended or revoked of a previously licensed person who voluntarily surrendered an insurance license.

**Sec. 3. 24-A MRSA §1476, sub-§1**, as enacted by PL 1997, c. 592, §43, is amended to read:

**1. Solicitation.** An adjuster seeking to provide adjusting services to an insured for a fee to be paid by the insured may not solicit or offer an adjustment services contract to any person for at least 36 hours after an accident or occurrence as a result of which the person might have a potential claim.

**Sec. 4. Activities of insurance adjusters; authority to report out a bill.** The Joint Standing Committee on Health Coverage, Insurance and Financial Services may report out a bill to the Second Regular Session of the 129th Legislature relating to the activities of insurance adjusters in the Maine Revised Statutes, Title 24-A, section 1476.

See title page for effective date.

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**CHAPTER 383**

**H.P. 1301 - L.D. 1830**

**An Act Establishing the Office of Policy Innovation and the Future**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §3101**, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is amended to read:

**§3101. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Director.** "Director" means the Director of the Governor's Office of Policy Innovation and Management the Future established by section 3102.

**2. Office.** "Office" means the Governor's Office of Policy Innovation and Management the Future established by section 3102.

**Sec. 2. 5 MRSA §3102**, as amended by PL 2017, c. 284, Pt. GG, §4, is repealed and the following enacted in its place:

**§3102. Office established; purpose**

The Office of Policy Innovation and the Future is established in the Executive Department to: support the creation of a coherent system of policy planning and coordinated implementation as one function and responsibility of the executive branch; serve the Governor as a research, advisory, consultative, coordinating and administrative agency; and advance policies that support a sustainable future for the State's people, communities, natural resources, physical infrastructure, industries, businesses and institutions by:

**1. Assistance; data; policy.** Providing technical assistance and data to the Governor by undertaking special studies and plans as directed and preparing policy;

**2. Coordination.** Facilitating general intergovernmental coordination;

**3. Innovation.** Supporting state efforts to encourage innovation and policy that facilitate innovation in the public and private sectors;

**4. Technology.** Supporting improved technology use for government programs and advancing responsible state data policies;

**5. Resources.** Supporting the development of the State's economy and energy resources with the conservation of its natural resources; and

**6. Analysis.** Conducting ongoing demographic, economic, workforce and other needed analyses to support state policy makers.

**Sec. 3. 5 MRSA §3103**, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is amended to read:

**§3103. Director**

The Director of the Governor's Office of Policy Innovation and Management the Future is appointed

by the Governor and serves at the pleasure of the Governor.

**Sec. 4. 5 MRSA §3104**, as amended by PL 2017, c. 284, Pt. GG, §5, is repealed.

**Sec. 5. 5 MRSA §3104-A** is enacted to read:

**§3104-A. Powers and duties**

The director shall exercise the powers of the office and is responsible for the execution of the duties of the office.

**1. Duties of the director.** The director shall:

A. Appoint and remove the staff of the office and prescribe the duties of the staff as necessary to implement the duties of the office, including:

(1) Hiring professional personnel competent by education, training and experience in the fields of economics and economic development, local and regional planning, statistics, human resources, natural resources, climate science, energy, transportation, finance, taxation, health, education and general science and policy making; and

(2) Employing office assistance as necessary to support the work of the office;

B. Supervise and administer the affairs of the office and advise the Governor and other officials of State Government on matters of statewide policy planning and consult with them about policy planning and development matters and projects that affect the future of the State and its people;

C. At the request of the Governor, act for the State in the initiation of or participation in any multi-governmental agency program related to the purposes of the office;

D. At the request of the Governor, prepare and submit a budget for the office; and

E. At the request of the Governor, report on the activities of the office and, after consultation with and approval by the Governor, submit such recommendations for legislative action as are determined necessary to further the purposes of this chapter.

**2. Duties of the office.** Under the supervision of the director, the office shall:

A. Provide technical assistance to the Governor in identifying intermediate and long-range goals and policies for the State and appropriate measures to achieve these goals;

B. Conduct continuing analysis of the economy, human resources, natural resources and energy resources of the State, as well as other issues as directed by the Governor; collect and collate all data and statistics relating to these matters; and assist

the Governor and state departments in formulating policies and programs to achieve identified goals;

C. Participate with other states or their subdivisions in interstate policy planning and provide guidance to other state or local governments to assist their policy planning;

D. Assist the State in applying for, using and leveraging federal and private grant-making sources on issues of importance to the State; and

E. Act as a coordinating agency among departments and agencies of State Government on issues requiring multiple departments or agencies to work together to develop strategies to respond to state challenges.

**Sec. 6. 5 MRSA §3106**, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is repealed and the following enacted in its place:

**§3106. Contracts; agreements**

With the consent of the Governor the office may employ expert and professional consultants, contract for services as the director determines necessary, within the limits of the funds provided and consistent with the powers and duties of the office, and enter into agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter.

**Sec. 7. 5 MRSA §3107**, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is repealed and the following enacted in its place:

**§3107. Governmental cooperation; temporary reassignment of governmental employees**

Any department, agency, authority, board, commission or other instrumentality of the State or other governmental unit may assist in the gathering of information, reports and data that relate to state policy planning and development. Upon request by the director, the Governor may assign to the office on a temporary basis personnel from any other state department or agency needed for a project assigned to the office.

**Sec. 8. 5 MRSA §3108**, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is repealed.

**Sec. 9. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 5, chapter 310, in the chapter headnote, the words "Governor's Office of Policy and Management" are amended to read "Office of Policy Innovation and the Future" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 10. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Governor's Office of Policy and

Management" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Office of Policy Innovation and the Future" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

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**CHAPTER 384**  
**H.P. 1193 - L.D. 1667**

**An Act To Amend the Laws  
Governing the State  
Compensation Commission**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Governor's current annual salary was established in 1987 and is the lowest in the nation; and

**Whereas**, the current annual salary of members of the Legislature was established in 1999 with an annual cost-of-living increase not to exceed 3% per year; and

**Whereas**, the State Compensation Commission, established in the Maine Revised Statutes, Title 3, chapter 1, is charged to review and make recommendations on compensation for all constitutional officers on an ongoing basis; and

**Whereas**, the State Compensation Commission must complete its work, including producing a report and holding a public hearing, by January 15, 2020; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 3 MRSA §2-B, sub-§2**, as amended by PL 2017, c. 242, §2, is further amended to read:

**2. Duties of commission.** No later than ~~May 1st of every odd numbered year~~ and January 15th of every even-numbered year the commission shall submit to the Legislature ~~an interim report of the commission, and no later than November 15th of every even-numbered year the commission shall submit to the Legislature~~ and the joint standing committee of the Legislature having jurisdiction over state and local government matters a final report of the commission.

In the ~~3rd~~ last year of each gubernatorial term of office, the ~~interim~~ report must contain a recommendation for compensation of the Governor as established in Title 2, section 1. A report under this subsection must contain:

- A. A description of the commission's activities;
- B. The recommendations of the commission:
  - (1-A) For the report required in the ~~3rd~~ last year of a gubernatorial term, for compensation for the Governor, including all payments for salaries, meals, housing, travel, mileage, constituent services and all other expenses and allowances;
  - (1-B) For compensation for justices and judges, including all payments for salaries, meals, housing, travel, mileage and all other expenses and allowances, and for additional services by any justice or judge. Nothing in this subparagraph prevents the judicial branch from making recommendations to the Governor or Legislature for compensation for justices and judges, including, but not limited to, recommendations made by the Chief Justice of the Supreme Judicial Court in preparing the budget of the judicial branch as required by Title 4, section 1; and
  - (1-C) For compensation of Legislators, representatives of Indian tribes, Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives, including all payments for salaries, meals, housing, travel, mileage, constituent services and all other expenses and allowances, and for additional services by the President of the Senate, Speaker of the House of Representatives and members of legislative leadership;
- C. The reasons for its recommendations;
- D. Drafts of any legislation required to implement its recommendations; and
- E. Any other material and recommendations that commission members may wish to submit.

Before reporting as required in this subsection and subsequent to giving public notice, the commission shall hold a public hearing on the report. Subsequent to reporting, the commission shall meet, if requested, with the Governor, the Legislative Council and legislative committees to discuss the report.

The joint standing committee of the Legislature having jurisdiction over state and local government matters may introduce a bill based upon the final report of the commission.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 19, 2019.

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## CHAPTER 385

### H.P. 1152 - L.D. 1593

#### An Act To Support Infrastructure Improvements in Schools

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §15915, sub-§1**, as repealed and replaced by PL 2011, c. 279, §1, is amended to read:

**1. Initial agreement for energy conservation improvements.** A school administrative unit may enter into an agreement of up to 20 years with an energy services company. For the purposes of this section, "energy services company" means a company or 3rd-party financing company that provides design, installation, operation, maintenance and financing of locally funded energy conservation improvements, air quality improvements or combined energy conservation and related air quality improvements at existing school administrative unit facilities. The school administrative unit's costs to enter into such an agreement are not applicable to the unit's school construction project costs, the debt service on which is eligible for subsidy purposes under section 15907. Such an agreement is deemed to be a professional service, which is not subject to the competitive bidding requirements of Title 5, section 1743-A, if the agreement:

- A. Provides for operation or maintenance of the improvement for at least 5 years or the entire term of the financing agreement if longer than 5 years;
- B. Requires a guaranty by the contractor that the improvement will meet performance criteria set forth in the agreement for at least 5 years or for the entire term of the financing agreement if longer than 5 years; and
- C. Has a total contract cost, excluding private or federal grant funds, interest and operating and maintenance costs, of less than \$2,500,000 \$10,000,000 for any school building or project.

A school administrative unit may select an energy services company on the basis of a request for qualifications or a request for proposals, and it is not required to use a competitive method set forth in this chapter and Title 5, section 1743-A and Private and Special Law 1999, chapter 79. The selection process must

include at a minimum a request for qualifications or a request for proposals that is advertised in a newspaper of general circulation in the school administrative unit and a newspaper of general circulation in the City of Augusta. The deadline for receipt of requests for qualifications or requests for proposals may not be less than 15 days from the last day the advertisement was published. The school administrative unit shall establish an interview committee, which must include the superintendent of the school administrative unit and at least one school board member. The interview committee shall interview not fewer than 3 energy services companies unless a smaller number of energy services companies responds to the request for qualifications or request for proposals. A request for qualifications or a request for proposals may not contain terms that require an energy services company to have more than 3 years of experience in the energy conservation field, a minimum number of prior projects or project references or membership in or accreditation from a regional, national or international association of energy services companies or to use equipment that is not generally available to energy services companies or terms that are otherwise included for the purpose of bias or favoritism toward a particular energy services company.

Objections to the terms of a request for qualifications or a request for proposals under this subsection are deemed waived if not delivered in writing to the office of the superintendent of schools in that school administrative unit within 7 days of the last publication of the newspaper advertisement. If an objection is received, the school board shall conduct a hearing on the objection within 14 days of its receipt. The school board shall allow interested energy services companies to speak at the hearing and shall issue a decision to either validate or invalidate the request for qualifications or the request for proposals within 7 days of the close of the hearing. A decision by the school board in response to an objection is a final government action subject to appeal to the Superior Court.

See title page for effective date.

**CHAPTER 386**

**S.P. 505 - L.D. 1586**

**An Act To Promote Major Food Processing and Manufacturing Facility Expansion and To Create Jobs in Maine**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** food processing and manufacturing facilities based in Maine create employment opportunities and generate significant economic growth; and

**Whereas,** there is an immediate need for greater employment opportunities and economic growth in the food processing and manufacturing industry; and

**Whereas,** investment in new food processing and manufacturing facilities is not likely to occur without the incentives provided in this legislation; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 36 MRSA §191, sub-§2, ¶¶HHH and III** are enacted to read:

HHH. The disclosure to the joint standing committee of the Legislature having jurisdiction over taxation matters pursuant to section 5219-VV, subsection 4, paragraph B of the revenue loss, including the loss due to refundable credits, attributable to each taxpayer claiming the tax credit for major food processing and manufacturing facility expansion provided under that section, regardless of the number of persons eligible for the credit.

III. The disclosure of information to the Department of Economic and Community Development necessary for the administration of the tax credit for major food processing and manufacturing facility expansion pursuant to section 5219-VV.

**Sec. 2. 36 MRSA §5219-VV** is enacted to read:

**§5219-VV. Credit for major food processing and manufacturing facility expansion**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Base level of employment" means the greater of:

(1) The total employment of a qualified applicant as of the March 31st, June 30th, September 30th and December 31st immediately preceding the application for a certificate of approval under subsection 2 divided by 4; and

(2) The qualified applicant's average employment during the base period.

B. "Base period" means the 3 calendar years prior to the year in which a qualified applicant's appli-

ation for a certificate of approval under subsection 2 is approved by the commissioner.

C. "Certified applicant" means a qualified applicant that has received a certificate of approval from the commissioner pursuant to this section.

D. "Commissioner" means the Commissioner of Economic and Community Development.

E. "Employees based in the State" means employees that perform 100% of employee-related activities for the employer at the facility in the State.

F. "Facility" means a food processing and manufacturing facility, plant or mill, including one or more structures and including the equipment, machinery, fixtures and personal property located in, on, over, under and adjacent to those structures, by which the applicant, as determined by the commissioner at the time of application, processes, produces and manufactures food from agricultural products primarily grown and harvested in the State.

G. "Full-time" means an average of at least 36 hours weekly during the period of measurement.

H. "Headquarters" means the principal office from which a qualified applicant directs its national or global business activities, as determined by the commissioner at the time of application.

I. "Primarily grown and harvested in the State" means that not less than 95% of the agricultural products processed in the facility are grown and harvested in the State, except when such products are not reasonably available by reason of an act of God, pestilence, weather or other factors beyond the reasonable control of the applicant or applicant's suppliers.

J. "Qualified applicant" means an applicant that, at the time an application for a certificate of approval is submitted, is itself, or is the parent or subsidiary of, an entity that satisfies all of the following criteria:

(1) The applicant's headquarters are, and have been for each of the last 5 years prior to application for a certificate of approval, located in the State;

(2) The applicant intends to make a qualified investment in the State within 5 years following the date of the application;

(3) Construction of the applicant's facility begins no sooner than April 1, 2019 as evidenced by the date of issuance of an appropriate municipal building permit;

(4) The applicant employs or will employ upon start-up of the facility at least 40 full-time employees based in the State; and

(5) The annual income derived from employment with the applicant of at least 75% of the applicant's employees exceeds the most recent annual per capita personal income in the county in which the facility is located.

K. "Qualified investment" means an investment of at least \$35,000,000 to design, permit, construct, modify, equip or expand the applicant's facility in the State. The investments and activities of a qualified applicant and other entities that are members of the qualified applicant's unitary business may be aggregated to determine whether a qualified investment has been made. A qualified investment does not include an investment made prior to April 1, 2019 or after December 31, 2024.

**2. Procedures for application; certificate of approval.** The provisions of this subsection govern the procedures for providing for and obtaining a certificate of approval.

A. A qualified applicant may apply to the commissioner for a certificate of approval. An applicant shall submit to the commissioner information demonstrating that the applicant is a qualified applicant. If a certified applicant undertakes to make an additional qualified investment, the certified applicant may apply to the commissioner for an additional certificate of approval.

B. The commissioner, within 30 days of receipt of an application submitted pursuant to paragraph A, shall determine whether the applicant is a qualified applicant and shall issue either a certificate of approval or a written denial indicating why the applicant is not qualified. The certificate issued by the commissioner must describe the qualified investment and specify the total amount of qualified investment approved under the certificate.

C. A certified applicant shall obtain approval from the commissioner to transfer the certificate of approval or, if the certified applicant has obtained a certificate of completion under paragraph E, that certificate of completion to another person. A certificate of approval or certificate of completion may be transferred only if all or substantially all of the assets of the certified applicant are, or will be, transferred to that person or if 50% or more of the certified applicant's voting stock is, or will be, acquired by that person. The commissioner shall approve the transfer of the certificate of approval or the certificate of completion only if at least one of the following conditions is satisfied:

(1) The transferee is a member of the applicant's unitary affiliated group at the time of the transfer; or

(2) The commissioner finds that the transferee will, and has the capacity to, maintain operations of the facility in the State in a manner that meets the minimum qualifications for continued eligibility of benefits under this section after the transfer occurs.

If the commissioner approves the transfer of the certificate, the transferee, from the date of the transfer, must be treated as the certified applicant and as eligible to claim any remaining benefit under the certificate of approval or the certificate of completion that has not been previously claimed by the transferor as long as the transferee meets the same eligibility requirements and conditions for the credit as applied to the original certified applicant.

D. The commissioner shall revoke a certificate of approval if the certified applicant or a person to whom a certificate of approval has been transferred pursuant to paragraph C fails to make a qualified investment within 5 years of the date of the certificate of approval. The commissioner shall revoke a certificate of approval or a certificate of completion under paragraph E if the applicant or transferee ceases operations of the facility in the State or the certificate of approval or certificate of completion is transferred to another person without approval from the commissioner pursuant to paragraph C. A certified applicant whose certificate of completion is revoked within 5 years after the date issued shall return within 60 days following revocation of the certificate to the State an amount equal to the total credits claimed for all tax years under this section. A certified applicant whose certificate of completion is revoked during the period from 6 years after through 10 years after the date the certificate was issued shall return within 60 days following revocation of the certificate to the State an amount equal to the total credits claimed under this section for the period from 6 years after through 10 years after the date the certificate was issued. The amount to be returned to the State under this paragraph is, for purposes of this Title, a tax subject to the collection and enforcement provisions contained in Part 1, including the application of applicable interest and penalties. The amount to be returned to the State must be added to the tax imposed on the taxpayer under this Part for the taxable year during which the certificate is revoked.

E. A certified applicant shall submit an application to the commissioner for a certificate of completion. If the commissioner determines that the certified applicant has made a qualified invest-

ment and satisfied the facility and employment criteria in subsection 1, paragraph J, the commissioner shall issue a certificate of completion to the certified applicant as soon as is practical. The certificate of completion must state the amount of qualified investment made by the certified applicant.

The commissioner may not issue certificates of approval under this subsection that total, in the aggregate, more than \$100,000,000 of qualified investment or any individual certificate of approval for more than \$85,000,000 of qualified investment.

**3. Refundable credit allowed.** A certified applicant is allowed a credit as provided in this subsection.

A. Subject to the limitations under paragraph B, beginning with the first full tax year after the certified applicant has been issued a certificate of completion under subsection 2, paragraph E or the tax year beginning on January 1, 2022, whichever is later, and for each of the following 19 tax years, a certified applicant is allowed a credit against the tax due under this Part for the taxable year in an amount equal to 1.8% of the certified applicant's qualified investment. If the certified applicant is a pass-through entity, the owner or owners of the certified applicant are allowed the credit. The credit allowed under this paragraph is refundable.

B. The credit under this subsection is limited as follows.

(1) A credit is not allowed for any tax year during which the taxpayer does not meet or exceed the following employment targets as measured on the last day of the tax year.

(a) For each of the first 3 tax years for which the credit is claimed, there must be a total of at least 40 full-time employees based in the State above the certified applicant's base level of employment whose jobs were added since the first day of the first tax year for which the credit was claimed.

(b) For each tax year after the 3rd tax year for which the credit is claimed, the taxpayer must employ a total of at least 60 full-time employees based in the State above the certified applicant's base level of employment whose jobs were added since the first day of the first tax year for which the credit was claimed.

Jobs for additional full-time employees that are counted for determining eligibility for the credit under one certificate of completion under subsection 2, paragraph E may not be counted for determining eligibility for the credit under a separate certificate of comple-

tion. For purposes of this subparagraph, "additional full-time employees" does not include employees who are shifted to a certified applicant's facility in the State from an affiliated business in the State. The commissioner shall determine whether a shifting of employees has occurred. For purposes of this subparagraph, "affiliated business" has the same meaning as in section 6753, subsection 1-A.

(2) A credit is not allowed for any tax year following 2 consecutive tax years during which the certified applicant did not have between \$5,500,000 and \$12,000,000 in ordinary business income.

(3) Cumulative credits under this subsection may not exceed \$34,000,000 under any one certificate.

**4. Appeals.** The applicant or certified applicant may appeal in accordance with Title 5, chapter 375, subchapter 7 any determination, action or failure to act by the commissioner under this section.

**5. Reporting required.** A certified applicant, the commissioner and the assessor are required to make reports pursuant to this subsection.

A. On or before March 1st of each year, a certified applicant shall file a report with the commissioner for the tax year ending during the immediately preceding calendar year, referred to in this paragraph as "the report year," containing the following information:

(1) The number of full-time employees based in the State of the certified applicant on the last day of the tax year ending during the calendar year immediately preceding the report year; and

(2) The incremental amount of qualified investment made in the report year.

The commissioner may prescribe forms for the annual report described in this paragraph. The commissioner shall provide copies of the report to the assessor, to the Office of Program Evaluation and Government Accountability and to the joint standing committee of the Legislature having jurisdiction over taxation matters at the time the report is received.

B. By April 1st of each year, the commissioner shall report to the Office of Program Evaluation and Government Accountability and to the joint standing committee of the Legislature having jurisdiction over taxation matters aggregate data on employment levels and qualified investment amounts of certified applicants for each year that the certified applicant claimed a credit under this section, and the assessor shall report to the Office of Program Evaluation and Government Account-

ability and to the committee the revenue loss during the previous calendar year, including the loss due to refundable credits, as a result of this section for each taxpayer claiming the credit.

Notwithstanding any provision of law to the contrary, the reports provided under this subsection are public records as defined in Title 1, section 402, subsection 3.

**6. Rulemaking.** The commissioner may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement this section.

**7. Evaluation; specific public policy objectives; performance measures.** The credit provided under this section is subject to ongoing legislative review in accordance with Title 3, chapter 37. The Office of Program Evaluation and Government Accountability shall submit an evaluation of the credit provided under this section to the joint legislative committee established to oversee program evaluation and government accountability and the joint standing committee of the Legislature having jurisdiction over taxation matters. In developing evaluation parameters to perform the review, the office shall consider:

A. That the specific public policy objectives of the credit provided under this section are:

(1) To create high-quality jobs in the State by encouraging major businesses to locate or expand their food processing and manufacturing facilities in this State and to encourage the recruitment and training of employees for these facilities; and

(2) To directly and indirectly improve the overall economy of the State including the agricultural economy, small businesses, employment in rural areas and expansion of the tax base; and

B. Performance measures, including, but not limited to:

(1) The number, geographic distribution and income of full-time employees added or retained during a period being reviewed who would not have been added or retained in the absence of the credit;

(2) The number and amount of qualified investments made by certified applicants during the review period;

(3) The increase in value in agricultural products produced in the State; and

(4) Direct and indirect economic benefits to the State attributable to qualified investments entitled to a credit under this section.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 19, 2019.

**CHAPTER 387**

**S.P. 618 - L.D. 1828**

**An Act To Amend the Laws  
Governing Overtime**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation changes the law governing the payment of overtime for those state employees engaged in fire protection activities and law enforcement activities, bringing state law into compliance with federal law; and

**Whereas,** this legislation is necessary to resolve conflicts between controlling statute, contracts and scheduling practices; and

**Whereas,** it is necessary to immediately effectuate this change in law, as it relates to the ability of employers and employees to maintain current work schedules; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 26 MRSA §664, sub-§3, ¶F,** as amended by PL 2017, c. 219, §15, is further amended to read:

F. The canning; processing; preserving; freezing; drying; marketing; storing; packing for shipment; or distributing of:

- (1) Agricultural produce;
- (2) Meat and fish products; and
- (3) Perishable foods.

Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds must be paid overtime in accordance with this subsection; ~~and~~

**Sec. 2. 26 MRSA §664, sub-§3, ¶K,** as enacted by PL 2011, c. 681, §3, is amended to read:

K. A driver or driver's helper who is not paid hourly and is subject to the provisions of 49 United States Code, Section 31502 as amended or to regulations adopted pursuant to that section, who

is governed by the applicable provisions of federal law with respect to payment of overtime.

Nothing in this paragraph may be construed to limit the rights of parties to negotiate rates of pay for drivers and driver's helpers who are represented for purposes of collective bargaining by a labor organization certified by the National Labor Relations Board or who are employed by an entity that is party to a contract with the Federal Government or an agency of the Federal Government that dictates the minimum hourly rate of pay to be paid a driver or driver's helper; and

**Sec. 3. 26 MRSA §664, sub-§3, ¶L** is enacted to read:

L. Public employees employed by the executive or judicial branch of the State engaged in fire protection activities, as defined in the federal Fair Labor Standards Act, 29 United States Code, Section 203(y), or in law enforcement activities, as defined in 29 Code of Federal Regulations, Section 553.211, and who are eligible to have overtime pay calculated and paid in accordance with 29 United States Code, Section 207(k).

This paragraph may not be construed to limit the rights of parties to negotiate an agreement that provides for payment of overtime that exceeds the requirements of 29 United States Code, Section 207(k).

**Sec. 4. Retroactivity.** Notwithstanding any law to the contrary, this Act applies retroactively to April 1, 2016.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 19, 2019.

**CHAPTER 388**

**H.P. 1053 - L.D. 1441**

**An Act To Align the Laws  
Governing Dental Therapy  
with Standards Established by  
the American Dental  
Association Commission on  
Dental Accreditation**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §3174-XX,** as amended by PL 2015, c. 429, §5, is further amended to read:

**§3174-XX. Dental therapy reimbursement**

**1. Reimbursement.** By October 1, 2015, the department shall provide for the reimbursement under

the MaineCare program of dental hygiene therapists practicing as authorized under Title 32, section 18377 for the procedures identified in their scope of practice. Reimbursement must be provided to dental hygiene therapists directly or to a federally qualified health center pursuant to section 3174-V when a dental hygiene therapist is employed as a core provider at the center.

**2. Rulemaking.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 24 MRSA §2317-B, sub-§21,** as enacted by PL 2013, c. 575, §4 and affected by §10, is amended to read:

**21. Title 24-A, sections 2765-A and 2847-U.** The practice of dental hygiene therapy by a dental hygiene therapist, Title 24-A, sections 2765-A and 2847-U.

**Sec. 3. 24-A MRSA §2765-A,** as amended by PL 2015, c. 429, §12, is further amended to read:

**§2765-A. Coverage for services provided by dental therapist**

**1. Services provided by dental therapist.** An insurer that issues individual dental insurance or health insurance that includes coverage for dental services shall provide coverage for dental services performed by a dental hygiene therapist licensed under Title 32, chapter 143 when those services are covered services under the contract and when they are within the lawful scope of practice of the dental hygiene therapist.

**2. Limits; coinsurance; deductibles.** A contract that provides coverage for the services required by this section may contain provisions for maximum benefits and coinsurance and reasonable limitations, deductibles and exclusions to the extent that these provisions are not inconsistent with the requirements of this section.

**3. Coordination of benefits with dental insurance.** If an enrollee eligible for coverage under this section is eligible for coverage under a dental insurance policy or contract and a health insurance policy or contract, the insurer providing dental insurance is the primary payer responsible for charges under subsection 1 and the insurer providing individual health insurance is the secondary payer.

**4. Application.** The requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**Sec. 4. 24-A MRSA §2847-U,** as amended by PL 2015, c. 429, §14, is further amended to read:

**§2847-U. Coverage for services provided by dental therapist**

**1. Services provided by dental therapist.** An insurer that issues group dental insurance or health insurance that includes coverage for dental services shall provide coverage for dental services performed by a dental hygiene therapist licensed under Title 32, chapter 143 when those services are covered services under the contract and when they are within the lawful scope of practice of the dental hygiene therapist.

**2. Limits; coinsurance; deductibles.** A contract that provides coverage for the services required by this section may contain provisions for maximum benefits and coinsurance and reasonable limitations, deductibles and exclusions to the extent that these provisions are not inconsistent with the requirements of this section.

**3. Coordination of benefits with dental insurance.** If an enrollee eligible for coverage under this section is eligible for coverage under a dental insurance policy or contract and a health insurance policy or contract, the insurer providing dental insurance is the primary payer responsible for charges under subsection 1 and the insurer providing group health insurance is the secondary payer.

**Sec. 5. 32 MRSA §18302, sub-§§5, 7 and 8,** as enacted by PL 2015, c. 429, §21, are further amended to read:

**5. Dental auxiliary.** "Dental auxiliary" means a dental radiographer, expanded function dental assistant, dental hygienist, independent practice dental hygienist, public health dental hygienist, dental hygiene therapist or denturist.

**7. Dental therapist.** "Dental hygiene therapist" means a person who holds a valid license as a dental hygienist issued by the board and is authorized to practice dental hygiene therapy under this chapter.

**8. Dental therapy.** "Dental hygiene therapy" means the delivery of dental hygiene services, including performance of certain dental procedures in accordance with this chapter.

**Sec. 6. 32 MRSA §18302, sub-§29,** as enacted by PL 2015, c. 429, §21, is amended to read:

**29. Provisional dental therapist.** "Provisional dental hygiene therapist" means a person who holds a valid license as a dental hygienist issued by the board and who is authorized to practice dental hygiene therapy under the supervision of a dentist in accordance with this chapter.

**Sec. 7. 32 MRSA §18345, sub-§2, ¶¶C and F,** as enacted by PL 2015, c. 429, §21, are amended to read:

C. For dental hygiene therapist authority:

~~(1) Verification of having successfully completed a dental hygiene therapy program that:~~

~~(a) Is accredited by the American Dental Association Commission on Dental Accreditation or a successor organization;~~

~~(b) Is a minimum of 4 semesters;~~

~~(c) Is consistent with the model curriculum for educating dental hygiene therapists adopted by the American Association of Public Health Dentistry or a successor organization;~~

~~(d) Is consistent with existing dental hygiene therapy programs in other states approved by the board; and~~

~~(e) Meets the requirements for dental hygiene therapy education programs adopted by board rule;~~

(2) Verification of a ~~bachelor's~~ master's degree ~~or higher in dental hygiene, dental hygiene therapy or in~~ dental therapy from a school accredited by the American Dental Association Commission on Dental Accreditation or a its successor organization ~~or a master's degree in dental therapy from a program that meets the requirements adopted by board rule consistent with the accreditation standards identified by the American Dental Association Commission on Dental Accreditation or its successor organization;~~

(3) Verification of passing a clinical examination and all other examinations required by board rule. The clinical examination must be a comprehensive, competency-based clinical examination approved by the board and administered independently of an institution providing dental hygiene therapy education;

(4) Verification of having engaged in 2,000 hours of supervised clinical practice under the supervision of a dentist and in conformity with rules adopted by the board, during which supervised clinical practice the applicant is authorized to practice pursuant to paragraph F.

For purposes of meeting the clinical requirements of this subparagraph, an applicant's hours of supervised clinical experience ~~while enrolled in the dental hygiene therapy program under subparagraph (1) may be included as well as hours completed under the supervision of a dentist licensed in another state or a Canadian province~~ may be included, provided that as long as the applicant was operating lawfully under the laws and rules of that state or province; ~~and~~

(5) A copy of the written practice agreement and standing orders required by section 18377, subsection 3; ~~and~~

(6) Verification of a current advanced cardiac life support certification;

F. For provisional dental hygiene therapist authority:

(1) Verification of meeting the requirements of paragraph C, subparagraphs ~~(1) to~~ (2), (3) and (6); and

(2) A copy of the written agreement between the applicant and a dentist who will provide levels of supervision consistent with the scope of practice outlined in section 18377 and in conformity with rules adopted by the board.

During the period of provisional authority the applicant may be compensated for services performed as a dental hygiene therapist. The period of provisional authority may not exceed 3 years.

**Sec. 8. 32 MRSA §18351, last ¶**, as amended by PL 2017, c. 388, §12, is further amended to read:

An individual who practices under a resident dentist license or as a provisional dental hygiene therapist may not apply for inactive status.

**Sec. 9. 32 MRSA §18371, sub-§5**, as enacted by PL 2015, c. 429, §21, is amended to read:

**5. Supervision of dental therapists.** A dentist, referred to in this section as the "supervising dentist," who employs a dental hygiene therapist shall comply with this subsection.

A. A supervising dentist shall arrange for another dentist or specialist to provide any services needed by a patient of a dental hygiene therapist supervised by that dentist that are beyond the scope of practice of the dental hygiene therapist and that the supervising dentist is unable to provide.

B. The supervising dentist is responsible for all authorized services and procedures performed by the dental hygiene therapist pursuant to a written practice agreement executed by the dentist pursuant to section 18377.

C. Revisions to a written practice agreement must be documented in a new written practice agreement signed by the supervising dentist and the dental hygiene therapist.

D. A supervising dentist who signs a written practice agreement shall file a copy of the agreement with the board, keep a copy for the dentist's own records and make a copy available to patients of the dental hygiene therapist upon request.

**Sec. 10. 32 MRSA §18377**, as enacted by PL 2015, c. 429, §21, is amended to read:

**§18377. Dental therapist**

**1. Scope of practice.** A dental hygiene therapist may perform the following procedures in limited practice settings, if authorized by a written practice agreement with a dentist licensed in this State pursuant to subsection 3.

A. To the extent permitted in a written practice agreement, a dental hygiene therapist may provide the care and services listed in this paragraph only under the direct supervision of the supervising dentist:

- (1) Perform oral health assessments, pulpal disease assessments for primary and young teeth, simple cavity preparations and restorations and simple extractions;
- (2) Prepare and place stainless steel crowns and aesthetic anterior crowns for primary incisors and prepare, place and remove space maintainers;
- (3) Provide referrals;
- (4) Administer local anesthesia and nitrous oxide analgesia;
- (5) Perform preventive services;
- (6) Conduct urgent management of dental trauma, perform suturing, extract primary teeth and perform nonsurgical extractions of periodontally diseased permanent teeth if authorized in advance by the supervising dentist;
- (7) Provide, dispense and administer anti-inflammatories, nonprescription analgesics, antimicrobials, antibiotics and anticaries materials;
- (8) Administer radiographs; and
- (9) Perform other related services and functions authorized by the supervising dentist and for which the dental hygiene therapist is trained.

B. To the extent permitted in a written practice agreement, a dental hygiene therapist may provide the care and services listed in section 18374, subsections 1 and 2 under the general supervision of the supervising dentist.

**2. Supervision responsibilities.** A dental hygiene therapist may be delegated a dentist's responsibility to supervise up to 2 dental hygienists and 3 unlicensed persons in any one practice setting through a written practice agreement pursuant to subsection 3.

**3. Practice requirements.** A dental hygiene therapist must comply with the following practice limitations.

~~A. A dental hygiene therapist may provide services only in a hospital; a public school, as defined in Title 20-A, section 1, subsection 24; a nursing facility licensed under Title 22, chapter 405; a residential care facility licensed under Title 22, chapter 1663; a clinic; a health center reimbursed as a federally qualified health center as defined in 42 United States Code, Section 1395x(aa)(4) (1993) or that has been determined by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services to meet the requirements for funding under Section 330 of the Public Health Service Act, 42 United States Code, Section 254(b); a federally qualified health center licensed in this State; a public health setting that serves underserved populations as recognized by the federal Department of Health and Human Services; or a private dental practice in which at least 50% of the patients who are provided services by that dental hygiene therapist are covered by the MaineCare program under Title 22 or are underserved adults.~~

B. A dental hygiene therapist may practice only under the direct supervision of a dentist through a written practice agreement signed by both parties. A written practice agreement is a signed document that outlines the functions that the dental hygiene therapist is authorized to perform, which may not exceed the scopes of practice specified in subsections 1 and 2. A dental hygiene therapist may practice only under the standing order of the supervising dentist, may provide only care that follows written protocols and may provide only services that the dental hygiene therapist is authorized to provide by the written practice agreement.

C. A written practice agreement between a supervising dentist and a dental hygiene therapist must include the following elements:

- (1) The services and procedures and the practice settings for those services and procedures that the dental hygiene therapist may provide, together with any limitations on those services and procedures;
- (2) Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency;
- (3) Procedures to be used with patients treated by the dental hygiene therapist for obtaining informed consent and for creating and maintaining dental records;

- (4) A plan for review of patient records by the supervising dentist and the dental hygiene therapist;
- (5) A plan for managing medical emergencies in each practice setting in which the dental hygiene therapist provides care;
- (6) A quality assurance plan for monitoring care, including patient care review, referral follow-up and a quality assurance chart review;
- (7) Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed;
- (8) Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to initiating care; and
- (9) Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires treatment that exceeds the scope of practice or capabilities of the dental hygiene therapist.

D. Revisions to a written practice agreement must be documented in a new written practice agreement signed by the supervising dentist and the dental hygiene therapist.

E. A dental hygiene therapist shall file a copy of a written practice agreement with the board, keep a copy for the dental hygiene therapist's own records and make a copy available to patients of the dental hygiene therapist upon request.

F. A dental hygiene therapist shall refer patients in accordance with a written practice agreement to another qualified dental or health care professional to receive needed services that exceed the scope of practice of the dental hygiene therapist.

G. A dental hygiene therapist who provides services or procedures beyond those authorized in a written agreement engages in unprofessional conduct and is subject to discipline pursuant to section 18325.

**4. Dental coverage and reimbursement.** Notwithstanding Title 24-A, section 2752, any service performed by a dentist, dental assistant or dental hygienist licensed in this State that is reimbursed by private insurance, a dental service corporation, the MaineCare program under Title 22 or the Cub Care program under Title 22, section 3174-T must also be covered and reimbursed when performed by a dental hygiene therapist authorized to practice under this chapter.

**Sec. 11. Board of Dental Practice to review dental practice laws and recommend changes.** The Board of Dental Practice, in consultation with interested parties, shall review the Maine Revised Statutes, Title 32, chapter 143 and any rules adopted by the board and recommend changes to the statutory definitions of supervision and recommend a definition of "teledentistry" for the purpose of aligning current supervision practices and reflecting advancements in technology. The Board of Dental Practice shall submit its report and recommendations to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than February 1, 2020. The Joint Standing Committee on Health Coverage, Insurance and Financial Services may report out a bill to the Second Regular Session of the 129th Legislature based on the board's recommendations.

See title page for effective date.

**CHAPTER 389**

**H.P. 1063 - L.D. 1451**

**An Act Providing Labor Unions with Reasonable Access to Current and Newly Hired Public Sector Workers**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 26 MRSA §975** is enacted to read:

**§975. Bargaining agent access**

**1. Bargaining agent access to employees.** Public employers shall provide to a bargaining agent access to members of the bargaining unit that the bargaining agent exclusively represents. Access must include, but is not limited to, the following:

A. The right to meet with individual employees on the premises of the public employer's workplace during the work day to investigate and discuss grievances, workplace-related complaints and other workplace issues;

B. The right to conduct workplace meetings during lunch and other breaks, and before and after the work day, on the public employer's premises to discuss workplace issues, collective bargaining negotiations, the administration of collective bargaining agreements and other matters related to the duties of a bargaining agent and internal bargaining agent matters involving the governance or the business of the bargaining agent;

C. The right to meet with newly hired employees, without charge to the pay or leave time of the employees, for a minimum of 30 minutes or for an amount of time agreed upon by all parties, not lat-

er than 10 calendar days after receipt of the information provided pursuant to subsection 2, during new employee orientations or, if the employer does not conduct new employee orientations, at individual or group meetings; and

D. The right to use the e-mail system of a public employer to communicate with bargaining unit members regarding official bargaining agent matters including, but not limited to, elections, meetings and social activities, as long as the use of the e-mail system does not create an unreasonable burden on the public employer's network capabilities or system administration.

**2. Bargaining agent access to employee information.** Public employers shall provide to a bargaining agent access to information about members of the bargaining unit that the bargaining agent exclusively represents, as follows.

A. Not later than 30 calendar days after the date a prospective school employee accepts an offer of employment or not later than 30 calendar days after the date of hire for all other public employees, public employers shall provide the following information to a bargaining agent in spreadsheet file format or another format agreed to by the bargaining agent:

- (1) Name;
- (2) Job title;
- (3) Workplace location;
- (4) Home address;
- (5) Work telephone numbers;
- (6) Home telephone and personal cellular telephone numbers, if known;
- (7) Work e-mail address;
- (8) Personal e-mail address, if known; and
- (9) Date of hire.

B. The following are not public records as defined in Title 1, section 402, subsection 3 and are confidential and may not be disclosed by the public employer, except as provided in paragraph A:

- (1) Home addresses, home or personal telephone numbers, personal e-mail addresses and dates of birth of employees;
- (2) Names of employees within a bargaining unit; and
- (3) Communications between a bargaining agent and its members.

**3. Bargaining agent access to government buildings and facilities.** The bargaining agent has the right to use government buildings and other facilities that are owned or leased by government entities to

conduct meetings with bargaining unit members regarding bargaining negotiations, the administration of collective bargaining agreements, the investigation of grievances, other workplace-related complaints and issues and internal matters involving the governance or business of the bargaining agent, as long as that use does not interfere with governmental operations. A bargaining agent conducting a meeting in a government building or facility pursuant to this section may be charged for maintenance, security and other costs related to the use of the government building or facility that would not otherwise be incurred by the government entity.

**4. Employee may opt out.** After an initial meeting pursuant to subsection 1, paragraph C, an employee may opt out of receiving any further communications from a bargaining agent or allowing a bargaining agent to have any further access to that employee's information described in subsection 2, paragraph A, except for communications related to direct representation of that employee by a bargaining agent.

**5. Selling or sharing nonmember data prohibited.** A bargaining agent may not sell or share the information provided in accordance with subsection 2, paragraph A of an employee who is not a member of an employee organization except for the purpose of fulfilling the agent's collective bargaining obligations.

Nothing in this section may be construed to limit the terms of a collective bargaining agreement that provide a bargaining agent with greater rights of access to employees than the rights established by this section.

**Sec. 2. 26 MRSA §979-T** is enacted to read:

**§979-T. Bargaining agent access**

**1. Bargaining agent access to employees.** Public employers shall provide to a bargaining agent access to members of the bargaining unit that the bargaining agent exclusively represents. Access must include, but is not limited to, the following:

A. The right to meet with individual employees on the premises of the public employer's workplace during the work day to investigate and discuss grievances, workplace-related complaints and other workplace issues;

B. The right to conduct workplace meetings during lunch and other breaks, and before and after the work day, on the public employer's premises to discuss workplace issues, collective bargaining negotiations, the administration of collective bargaining agreements and other matters related to the duties of a bargaining agent and internal bargaining agent matters involving the governance or the business of the bargaining agent;

C. The right to meet with newly hired employees, without charge to the pay or leave time of the em-

ployees, for a minimum of 30 minutes or for an amount of time agreed upon by all parties, not later than 10 calendar days after receipt of the information provided pursuant to subsection 2, during new employee orientations or, if the employer does not conduct new employee orientations, at individual or group meetings; and

D. The right to use the e-mail system of a public employer to communicate with bargaining unit members regarding official bargaining agent matters including, but not limited to, elections, meetings and social activities, as long as the use of the e-mail system does not create an unreasonable burden on the public employer's network capabilities or system administration.

**2. Bargaining agent access to employee information.** Public employers shall provide to a bargaining agent access to information about members of the bargaining unit that the bargaining agent exclusively represents, as follows.

A. Not later than 30 calendar days after the date a prospective school employee accepts an offer of employment or not later than 30 calendar days after the date of hire for all other state employees and legislative employees, public employers shall provide the following information to a bargaining agent in spreadsheet file format or another format agreed to by the bargaining agent:

- (1) Name;
- (2) Job title;
- (3) Workplace location;
- (4) Home address;
- (5) Work telephone numbers;
- (6) Home telephone and personal cellular telephone numbers, if known;
- (7) Work e-mail address;
- (8) Personal e-mail address, if known; and
- (9) Date of hire.

B. The following are not public records as defined in Title 1, section 402, subsection 3 and are confidential and may not be disclosed by the public employer, except as provided in paragraph A:

- (1) Home addresses, home or personal telephone numbers, personal e-mail addresses and dates of birth of employees;
- (2) Names of employees within a bargaining unit; and
- (3) Communications between a bargaining agent and its members.

**3. Bargaining agent access to government buildings and facilities.** The bargaining agent has the

right to use government buildings and other facilities that are owned or leased by government entities to conduct meetings with bargaining unit members regarding bargaining negotiations, the administration of collective bargaining agreements, the investigation of grievances, other workplace-related complaints and issues and internal matters involving the governance or business of the bargaining agent, as long as that use does not interfere with governmental operations. A bargaining agent conducting a meeting in a government building or facility pursuant to this section may be charged for maintenance, security and other costs related to the use of the government building or facility that would not otherwise be incurred by the government entity.

**4. Employee may opt out.** After an initial meeting pursuant to subsection 1, paragraph C, an employee may opt out of receiving any further communications from a bargaining agent or allowing a bargaining agent to have any further access to that employee's information described in subsection 2, paragraph A, except for communications related to direct representation of that employee by a bargaining agent.

**5. Selling or sharing nonmember data prohibited.** A bargaining agent may not sell or share the information provided in accordance with subsection 2, paragraph A of an employee who is not a member of an employee organization except for the purpose of fulfilling the agent's collective bargaining obligations.

Nothing in this section may be construed to limit the terms of a collective bargaining agreement that provide a bargaining agent with greater rights of access to employees than the rights established by this section.

**Sec. 3. 26 MRSA §1037** is enacted to read:

**§1037. Bargaining agent access**

**1. Bargaining agent access to employees.** The university, academy or community college shall provide to a bargaining agent access to members of the bargaining unit that the bargaining agent exclusively represents. Access must include, but is not limited to, the following:

A. The right to meet with individual employees on the premises of the university's, academy's or community college's workplace during the work day to investigate and discuss grievances, workplace-related complaints and other workplace issues;

B. The right to conduct workplace meetings during lunch and other breaks, and before and after the work day, on the university's, academy's or community college's premises to discuss workplace issues, collective bargaining negotiations, the administration of collective bargaining agreements and other matters related to the duties of a

bargaining agent and internal bargaining agent matters involving the governance or the business of the bargaining agent;

C. The right to meet with newly hired employees, without charge to the pay or leave time of the employees, for a minimum of 30 minutes or for an amount of time agreed upon by all parties, not later than 10 calendar days after receipt of the information provided pursuant to subsection 2, during new employee orientations or, if the university, academy or community college does not conduct new employee orientations, at individual or group meetings; and

D. The right to use the e-mail system of the university, academy or community college to communicate with bargaining unit members regarding official bargaining agent matters including, but not limited to, elections, meetings and social activities, as long as the use of the e-mail system does not create an unreasonable burden on the university's, academy's or community college's network capabilities or system administration.

**2. Bargaining agent access to employee information.** The university, academy or community college shall provide to a bargaining agent access to information about members of the bargaining unit that the bargaining agent exclusively represents, as follows.

A. Not later than 30 calendar days after the date of hire for an employee, the university, academy or community college shall provide the following information to a bargaining agent in spreadsheet file format or another format agreed to by the bargaining agent:

- (1) Name;
- (2) Job title;
- (3) Workplace location;
- (4) Home address;
- (5) Work telephone numbers;
- (6) Home telephone and personal cellular telephone numbers, if known;
- (7) Work e-mail address;
- (8) Personal e-mail address, if known; and
- (9) Date of hire.

B. The following are not public records as defined in Title 1, section 402, subsection 3 and are confidential and may not be disclosed by the university, academy or community college, except as provided in paragraph A:

- (1) Home addresses, home or personal telephone numbers, personal e-mail addresses and dates of birth of employees;

(2) Names of employees within a bargaining unit; and

(3) Communications between a bargaining agent and its members.

**3. Bargaining agent access to university, academy or community college buildings and facilities.**

The bargaining agent has the right to use university, academy and community college buildings and other facilities that are owned or leased by the university, academy or community college to conduct meetings with bargaining unit members regarding bargaining negotiations, the administration of collective bargaining agreements, the investigation of grievances, other workplace-related complaints and issues and internal matters involving the governance or business of the bargaining agent, as long as that use does not interfere with operations. A bargaining agent conducting a meeting in a university, academy or community college building or facility pursuant to this section may be charged for maintenance, security and other costs related to the use of the university, academy or community college building or facility that would not otherwise be incurred by the university, academy or community college.

**4. Employee may opt out.** After an initial meeting pursuant to subsection 1, paragraph C, an employee may opt out of receiving any further communications from a bargaining agent or allowing a bargaining agent to have any further access to that employee's information described in subsection 2, paragraph A, except for communications related to direct representation of that employee by a bargaining agent.

**5. Selling or sharing nonmember data prohibited.** A bargaining agent may not sell or share the information provided in accordance with subsection 2, paragraph A of an employee who is not a member of an employee organization except for the purpose of fulfilling the agent's collective bargaining obligations.

Nothing in this section may be construed to limit the terms of a collective bargaining agreement that provide a bargaining agent with greater rights of access to employees than the rights established by this section.

**Sec. 4. 26 MRSA §1295** is enacted to read:

**§1295. Bargaining agent access**

**1. Bargaining agent access to employees.** Public employers shall provide to a bargaining agent access to members of the bargaining unit that the bargaining agent exclusively represents. Access must include, but is not limited to, the following:

A. The right to meet with individual employees on the premises of the public employer's workplace during the work day to investigate and discuss grievances, workplace-related complaints and other workplace issues;

B. The right to conduct workplace meetings during lunch and other breaks, and before and after the work day, on the public employer's premises to discuss workplace issues, collective bargaining negotiations, the administration of collective bargaining agreements and other matters related to the duties of a bargaining agent and internal bargaining agent matters involving the governance or the business of the bargaining agent;

C. The right to meet with newly hired employees, without charge to the pay or leave time of the employees, for a minimum of 30 minutes or for an amount of time agreed upon by all parties, not later than 10 calendar days after receipt of the information provided pursuant to subsection 2, during new employee orientations or, if the employer does not conduct new employee orientations, at individual or group meetings; and

D. The right to use the e-mail system of a public employer to communicate with bargaining unit members regarding official bargaining agent matters including, but not limited to, elections, meetings and social activities, as long as the use of the e-mail system does not create an unreasonable burden on the public employer's network capabilities or system administration.

**2. Bargaining agent access to employee information.** Public employers shall provide to a bargaining agent access to information about members of the bargaining unit that the bargaining agent exclusively represents, as follows.

A. Not later than 30 calendar days after the date of hire for a judicial employee, the public employer shall provide the following information to a bargaining agent in spreadsheet file format or another format agreed to by the bargaining agent:

- (1) Name;
- (2) Job title;
- (3) Workplace location;
- (4) Home address;
- (5) Work telephone numbers;
- (6) Home telephone and personal cellular telephone numbers, if known;
- (7) Work e-mail address;
- (8) Personal e-mail address, if known; and
- (9) Date of hire.

B. The following are not public records as defined in Title 1, section 402, subsection 3 and are confidential and may not be disclosed by the public employer, except as provided in paragraph A:

(1) Home addresses, home or personal telephone numbers, personal e-mail addresses and dates of birth of employees;

(2) Names of employees within a bargaining unit; and

(3) Communications between a bargaining agent and its members.

**3. Bargaining agent access to government buildings and facilities.** The bargaining agent has the right to use government buildings and other facilities that are owned or leased by government entities to conduct meetings with bargaining unit members regarding bargaining negotiations, the administration of collective bargaining agreements, the investigation of grievances, other workplace-related complaints and issues and internal matters involving the governance or business of the bargaining agent, as long as that use does not interfere with governmental operations. A bargaining agent conducting a meeting in a government building or facility pursuant to this section may be charged for maintenance, security and other costs related to the use of the government building or facility that would not otherwise be incurred by the government entity.

**4. Employee may opt out.** After an initial meeting pursuant to subsection 1, paragraph C, an employee may opt out of receiving any further communications from a bargaining agent or allowing a bargaining agent to have any further access to that employee's information described in subsection 2, paragraph A, except for communications related to direct representation of that employee by a bargaining agent.

**5. Selling or sharing nonmember data prohibited.** A bargaining agent may not sell or share the information provided in accordance with subsection 2, paragraph A of an employee who is not a member of an employee organization except for the purpose of fulfilling the agent's collective bargaining obligations.

Nothing in this section may be construed to limit the terms of a collective bargaining agreement that provide a bargaining agent with greater rights of access to employees than the rights established by this section.

See title page for effective date.

**CHAPTER 390  
H.P. 1089 - L.D. 1487**

**An Act To Exempt Holders of  
Gold Star Family Registration  
Plates from Vehicle  
Registration Fees**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 29-A MRSA §501**, as amended by PL 2015, c. 206, §4 and c. 267, Pt. BBBB, §1, is further amended by adding at the end a new paragraph to read:

A person possessing or applying for a registration certificate and a set of gold star family registration plates pursuant to section 524-B is exempt from registration fees under this section for the motor vehicle registered or to be registered.

**Sec. 2. 29-A MRSA §524-B, sub-§1**, as amended by PL 2015, c. 17, §1 and affected by §3, is further amended to read:

**1. Eligibility.** Notwithstanding the requirements in section 468-A, the Secretary of State, upon application and upon evidence of payment of the excise tax required by Title 36, section 1482 ~~and the annual motor vehicle registration fee required by section 501~~, shall issue a registration certificate and a set of gold star family registration plates, to be used in lieu of regular registration plates, to:

A. A person who is eligible to receive a gold star lapel button under 10 United States Code, Section 1126 (2010);

B. A grandparent of a member of the United States Armed Forces, if that member dies after March 28, 1973 as a result of:

(1) An international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the United States Secretary of Defense; or

(2) Military operations while serving outside the United States, including the commonwealths, territories and possessions of the United States, as a part of a peacekeeping force;

C. A person who is not eligible to receive a gold star lapel button under 10 United States Code, Section 1126 (2010) but who is eligible for a lapel button for next of kin of deceased personnel under 32 Code of Federal Regulations, Section 578.63 (2006); and

D. A grandparent of a member of the United States Armed Forces, if that member dies while

-serving on active duty or while assigned in the reserve components of the United States Armed Forces or Army National Guard unit in a drill status.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**MUNICIPAL BOND BANK, MAINE**

**TransCap Trust Fund Z064**

Initiative: Reduces allocations from providing free motor vehicle registrations to holders of gold star family registration plates.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$3,000)	(\$12,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$3,000)	(\$12,000)

See title page for effective date.

**CHAPTER 391  
H.P. 1101 - L.D. 1509**

**An Act To Amend the Laws  
Governing the Maine Uniform  
Building and Energy Code To  
Ensure It Is Consistent with  
Current Standards and Applies  
to Small Municipalities**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 10 MRSA §9721, sub-§§3 and 4**, as corrected by RR 2011, c. 1, §9, are amended to read:

**3. Maine Uniform Building Code.** "Maine Uniform Building Code" means that portion of the Maine Uniform Building and Energy Code that does not contain energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph ~~M~~ B.

**4. Maine Uniform Energy Code.** "Maine Uniform Energy Code" means that portion of the Maine Uniform Building and Energy Code that contains only energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph ~~M~~ B.

**Sec. 2. 10 MRSA §9722, sub-§2**, as amended by PL 2011, c. 655, Pt. MM, §10 and affected by §26, is further amended to read:

**2. Membership.** The board consists of ~~11 voting~~ 12 members, including the Director of the Efficiency

Maine Trust, who serves ex officio and may not vote, and the following 11 individuals, who are voting members appointed by the Governor:

- A. The State Fire Marshal or a designee or a fire chief, recommended by the Maine Fire Chiefs' Association or its successor organization;
- B. A municipal code enforcement officer employed by a municipality that is not a service center community under Title 30-A, chapter 187, recommended by the Maine Municipal Association or its successor organization;
- C. A municipal code enforcement officer employed by a service center community under Title 30-A, chapter 187, recommended by the Maine Service Centers Coalition or its successor organization;
- D. A residential builder recommended by a statewide or regional association of home builders and remodelers;
- E. A commercial builder recommended by a statewide association of general contractors;
- F. An architect licensed in the State who is accredited by a nationally recognized organization that administers credentialing programs related to environmentally sound building practices and standards, recommended by a statewide chapter of a national institute of architects;
- G. A structural engineer licensed in the State, recommended by a statewide association of structural engineers;
- H. A historic preservation representative, recommended by the Maine Historic Preservation Commission, with experience implementing the standards for the treatment of historic properties set forth in 36 Code of Federal Regulations, Part 68 (2007), who is:
  - (1) An architect licensed in the State;
  - (2) A structural engineer licensed in the State; or
  - (3) A builder;
- I. An energy efficiency representative, recommended by the Director of the Governor's Energy Office within the Executive Department, who has experience or expertise in the design or implementation of energy codes or in the application of energy efficiency measures in residential or commercial construction;
- J. A mechanical engineer licensed in the State, recommended by a statewide association of mechanical engineers; and

K. A lumber material dealer or supplier, recommended by a statewide association of lumber dealers in the State.

A member appointed under this subsection must have at least 5 years' experience in the field that member is nominated to represent and must be employed in that field.

**Sec. 3. 10 MRSA §9722, sub-§4**, as enacted by PL 2007, c. 699, §6, is amended to read:

**4. Terms; removal.** ~~Appointments to Appointed members of the board are made for a~~ appointed for 4-year term; terms and members are eligible for reappointment. If there is a vacancy for any cause among the appointed members, the Governor shall make an appointment immediately effective for the unexpired term. ~~A~~ An appointed member of the board may be removed from the board for cause by the Governor.

**Sec. 4. 10 MRSA §9722, sub-§6**, as amended by PL 2015, c. 126, §§1 to 3, is further amended to read:

**6. Duties and powers.** In addition to other duties set forth in this chapter, the board shall:

- A. Adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out its duties under this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;
- B. Adopt, amend and maintain the Maine Uniform Building and Energy Code; The board shall ensure that the Maine Uniform Building and Energy Code consists of the following codes and standards:

- (1) International Building Code published by the International Code Council;
- (2) International Existing Building Code published by the International Code Council;
- (3) International Residential Code published by the International Code Council;
- (4) International Energy Conservation Code published by the International Code Council;
- (5) International Mechanical Code published by the International Code Council;
- (6) ASHRAE Standard 62.1 Ventilation for Acceptable Indoor Air Quality;
- (7) ASHRAE Standard 62.2 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings;
- (8) ASHRAE Standard 90.1 Energy Standard for Buildings Except Low-Rise Residential Buildings; and

(9) Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings published by the American Society for Testing and Materials.

For purposes of this paragraph, ASHRAE has the same meaning as in section 1413, subsection 1.

Codes and standards adopted under this paragraph are mandatory, except as provided in paragraph B-1. The board shall ensure that each new edition of a code or standard adopted under this paragraph is reviewed by the board, and that each code or standard adopted under paragraph B is either the most recent edition or the edition previous to the most recent edition of that code or standard;

B-1. Ensure the following in adopting and amending the Maine Uniform Building and Energy Code:

(1) That historic preservation is a policy priority by ensuring that:

(a) Provisions of model codes and standards intended to facilitate the continued use or adaptive reuse of historic buildings are maintained in the adopted versions of the Maine Uniform Building and Energy Code; and

(b) The board proactively identifies additional or alternative compliance means and methods for historic buildings in the adoption and amendment of the Maine Uniform Building and Energy Code;

(2) That nontraditional or experimental construction, including but not limited to straw bale, mass timber and earth berm construction, is permissible under the Maine Uniform Building and Energy Code;

(3) That building materials from local sawmills, including but not limited to non-graded lumber, are permissible under the Maine Uniform Building and Energy Code; and

(4) That buildings used to house livestock or harvested crops are not subject to the Maine Uniform Building and Energy Code;

C. Adopt rules for the review and adoption of amendments to the Maine Uniform Building and Energy Code, including:

(1) A process for consideration of amendment proposals submitted by municipalities, county, regional or state governmental units, professional trade organizations and the public;

(2) A requirement that amendments that are more restrictive than the national minimum

standard be accompanied by an economic impact statement that includes:

(a) An identification of the types and an estimate of the number of the small businesses subject to the proposed amendment;

(b) The projected reporting, record-keeping and other administrative costs required for compliance with the proposed amendment, including the type of professional skills necessary for preparation of the report or record;

(c) A brief statement of the probable impact on affected small businesses; and

(d) A description of any less intrusive or less costly, reasonable alternative methods of achieving the purposes of the proposed amendment;

(3) A process for reviewing and evaluating criteria to identify whether an amendment is needed to:

(a) Address a critical life or safety need, a specific state policy or statute or a unique character of the State;

(b) Ensure consistency with state rules or federal regulations; or

(c) Correct errors and omissions;

(4) Timelines governing the filing of amendments and a process to establish an annual adoption cycle; and

(5) A process for publication of adopted amendments within 30 days of adoption;

D. Identify and resolve conflicts between the Maine Uniform Building and Energy Code and the fire safety codes and standards adopted pursuant to Title 25, section 2452. The board shall develop rules designed to resolve these conflicts, which must include:

(1) Notification to the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and a request for submission of proposed solutions for such conflicts;

(2) Procedures for consideration of proposed solutions submitted by the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and consideration of new approaches to resolving the conflict; and

(3) Publication of resolution of the conflict within 30 days of adoption;

E. On January 31st of each calendar year beginning in 2011, report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards referenced in section 9725, subsections 2 to 7; proposals to improve the efficiency and effectiveness of those codes and standards; and alternative methods of funding for the board to create an equitable source of revenue;

F. Develop technical advisory groups of experts and interest group representatives as necessary to provide the board with detailed information and recommendations on amendments to the Maine Uniform Building and Energy Code, national model codes revisions and conflict resolution with other building-related codes and standards adopted in the State. The board may direct the technical advisory groups to identify economic impacts on small businesses, housing affordability, construction costs, life-cycle costs or code enforcement costs of proposed changes to the code;

G. In accordance with section 9723, ensure that training and certification regarding the Maine Uniform Building and Energy Code is readily available, affordable and accessible to municipal building officials; and

~~H. Make historic preservation a policy priority in the adoption and amendment of the Maine Uniform Building and Energy Code.~~

~~(1) Provisions of model codes and standards intended to facilitate the continued use or adaptive reuse of historic buildings must be maintained in the adopted versions of the Maine Uniform Building and Energy Code.~~

~~(2) The board shall proactively identify additional or alternative compliance means and methods for historic buildings in the adoption and amendment of the Maine Uniform Building and Energy Code;~~

I. Approve methods of energy performance rating for use in generating any consumer information labels that may be required in the marketing and sale of residential and commercial buildings or units within buildings;

~~J. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that nontraditional or experimental construction, including but not limited to straw bale and earth berm construction, is permissible under the code;~~

~~K. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that~~

~~building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the code;~~

~~L. In the adoption and amendment of the Maine Uniform Building and Energy Code, adopt the standards for residential basement wall insulation under the 2006 edition of the International Energy Conservation Code published by the International Code Council;~~

~~M. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code; and~~

~~N. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that buildings used to house livestock or harvested crops are not subject to the code.~~

**Sec. 5. 10 MRSA §9724, sub-§1**, as amended by PL 2011, c. 408, §4, is further amended to read:

**1. Limitations on home rule authority.** This chapter provides express limitations on municipal home rule authority. The Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents ~~and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008.~~ The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373.

**Sec. 6. 10 MRSA §9724, sub-§1-A**, as enacted by PL 2011, c. 408, §5, is amended to read:

**1-A. Municipalities up to 4,000 residents.** A municipality of up to 4,000 residents is not required to enforce, but may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code. ~~Notwithstanding any other provision of this chapter or Title 25, chapter 314, the provisions of the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code do not apply in a municipality that has 4,000 or fewer residents except to the extent the municipality has adopted that code pursuant to this subsection.~~

**Sec. 7. 25 MRSA §2373, first ¶**, as amended by PL 2011, c. 408, §6, is further amended to read:

The code must be enforced in a municipality that has more than 4,000 residents ~~and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008.~~ The code must be enforced through inspections that comply with the code through any of the following means:

See title page for effective date.

**CHAPTER 392**

**S.P. 480 - L.D. 1543**

**An Act To Amend the Maine Uniform Building and Energy Code**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 10 MRSA §9722, sub-§6, ¶M**, as amended by PL 2015, c. 126, §2, is further amended to read:

M. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code; ~~and~~

**Sec. 2. 10 MRSA §9722, sub-§6, ¶N**, as enacted by PL 2015, c. 126, §3, is amended to read:

N. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that buildings used to house livestock or harvested crops are not subject to the code; and

**Sec. 3. 10 MRSA §9722, sub-§6, ¶O** is enacted to read:

O. No later than July 1, 2020, adopt, amend and maintain an appendix to the Maine Uniform Building and Energy Code as an optional part of the code that contains energy conservation and efficiency requirements that are based on established national voluntary efficiency standards that exceed the energy code requirements established in the Maine Uniform Building and Energy Code. As the code is updated, the board shall ensure that the energy conservation and efficiency requirements in the appendix continue to exceed the requirements established in the Maine Uniform Building and Energy Code. The appendix must be made available for voluntary adoption by any municipality. The board shall maintain a list of municipalities that have voluntarily adopted the appendix to the Maine Uniform Building and Energy Code on its publicly accessible website.

See title page for effective date.

**CHAPTER 393**

**S.P. 483 - L.D. 1546**

**An Act To Protect State Employees When Their Contracts Have Expired**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 26 MRSA §979-T** is enacted to read:

**§979-T. Obligations during interim between contracts**

During the interim after the expiration of a collective bargaining agreement and before the effective date of any subsequent collective bargaining agreement, state employees covered by the expired collective bargaining agreement remain eligible for and must receive merit increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement.

See title page for effective date.

**CHAPTER 394**

**S.P. 486 - L.D. 1549**

**An Act To Increase the Supplement for Certain National Board for Professional Teaching Standards Certified Teachers in Maine**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §13013-A, sub-§1**, as amended by PL 2011, c. 702, §2, is further amended to read:

**1. Department of Education salary supplement.** Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher or a teacher in a publicly supported secondary school who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, with an annual national board certification salary supplement for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher is no longer employed as a teacher, the supplement ceases. The amount of the salary supplement is:

A. For fiscal year 2012-13, \$2,500;

- B. For fiscal year 2013-14, \$2,750; ~~and~~
- C. For fiscal year 2014-15 and succeeding years, except for a teacher under paragraph D, \$3,000; and
- D. For fiscal year 2020-21 and succeeding years, for a teacher who is employed in a school in which at least 50% of students qualify for a free or reduced-price lunch under chapter 223, subchapter 7 during the year that the supplement is provided, \$5,000.

**Sec. 2. Report.** The Department of Education shall calculate the full funding necessary to fund 100% of the costs of the increase in the national board certification salary supplement pursuant to the Maine Revised Statutes, Title 20-A, section 13013-A, subsection 1 for fiscal year 2020-21 and 100% of the costs of the funding necessary to fund the National Board Certification Scholarship Fund for fiscal year 2020-21. The department shall report on its findings to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2020. The Joint Standing Committee on Education and Cultural Affairs may submit a bill related to the department's findings to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 395**

**S.P. 517 - L.D. 1620**

**An Act To Exclude Collectively Bargained Salary and Job Promotion Increases from the Earnable Compensation Limitation for Retirement Purposes**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §17001, sub-§13, ¶C,** as repealed and replaced by PL 1999, c. 489, §2, is amended to read:

- C. The following provisions govern limitations on earnable compensation.
  - (1) Notwithstanding the other provisions of this subsection, except as provided in subparagraph (3), for the purposes of determining average final compensation, "earnable compensation" does not include any increase that exceeds the prior year's earnable compensation by more than 5% or that results in a total increase of more than 10% during the 3-year period used in the calculation of average final compensation, unless the cost of the additional actuarial liability arising from the excess

increase is paid by the employer as provided in section 17154. Any payment made under paragraph B, subparagraph (1) must be included in determining the amount of increase in the year in which the payment is made. This subparagraph does not apply to excess increases resulting from compensation paid prior to July 1, 1993, from compensation paid in accordance with an individual employment contract executed prior to July 1, 1993 or a collective bargaining agreement executed or ratified in its final form by final vote of one party to the agreement prior to July 1, 1993 for the initial term of that contract or agreement or from other action by the governing body of a school administrative unit in effect on July 1, 1993. This subparagraph does not apply to increases in compensation of state employees during fiscal year 1993-94 and fiscal year 1994-95. In all circumstances in which this subparagraph does not apply to earnable compensation of state employees and teachers, the provisions of this subparagraph that were in effect prior to June 30, 1993 apply. This subparagraph does not apply to earnable compensation of employees of participating local districts.

(2) Effective October 1, 1999, the 5% limitation and the 10% limitation on increases in earnable compensation set out in subparagraph (1) may not be changed to a lower percentage for members who, on October 1, 1999 or thereafter, meet the creditable service requirement for eligibility to receive a service retirement benefit, at the applicable age if so required, under section 17851 or section 17851-A, subsection 2.

(3) Collectively bargained salary or wage increases pursuant to Title 26, chapter 9-A, 9-B or 12 or job promotion may not be considered in calculating salary or wage increases for the purposes of subparagraph (1).

See title page for effective date.

**CHAPTER 396**

**H.P. 1201 - L.D. 1677**

**An Act To Allow Reentry Houses as Part of Supervised Community Confinement**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 34-A MRSA §3036-B** is enacted to read:

**§3036-B. Reentry houses**

**1. Reentry house defined; requirement.** For purposes of this section, "reentry house" means a correctional program provided by the department through a written contract with one or more private employers under which the employers provide and maintain housing for specified prisoners, employ those prisoners and provide to those prisoners all meals, laundry facilities and transportation to and from job sites. A reentry house is not a correctional facility. A reentry house must meet all state and local building and life safety codes for the type of building in which the reentry house is located.

**2. Contract.** The commissioner may enter into contracts for the establishment of reentry houses for the purpose of providing housing and other assistance to prisoners transferred to supervised community confinement under section 3036-A.

**3. Other assistance.** The department shall employ, or contract for, program staff to provide other assistance to prisoners housed at a reentry house, including, but not limited to, assistance with reentry planning.

**4. Transfer.** A prisoner may be transferred to supervised community confinement to be housed in a reentry house only if the prisoner meets all of the eligibility requirements of section 3036-A and the rules adopted by the commissioner pursuant to section 3036-A, has successfully participated in a work release program at a department facility and has the skills necessary to perform a job available from a private employer with which the department has contracted.

**5. Supervision.** All of the provisions of section 3036-A and the rules adopted by the commissioner pursuant to section 3036-A apply to a prisoner housed at a reentry house, and supervision of the prisoner must be conducted by a probation officer in the same manner as for any other prisoner transferred to supervised community confinement.

**6. Escape.** A prisoner who is transferred to supervised community confinement who intentionally violates a requirement to reside at a reentry house or otherwise escapes is guilty of escape under Title 17-A, section 755.

See title page for effective date.

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**CHAPTER 397**

**H.P. 1268 - L.D. 1783**

**An Act To Amend the Motor  
Vehicle Laws**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 29-A MRSA §106**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§106. Enforcement of laws pertaining to dealers, transporters and automobile graveyards**

All state, county and local law enforcement officers and all ~~investigators~~ motor vehicle detectives appointed by the Secretary of State pursuant to section 152, subsection 2 shall expeditiously enforce the provisions of chapter 9; section 1612; Title 10, chapter 217; and Title 30-A, chapter 183, subchapter 1 as it relates to automobile graveyards.

**Sec. 2. 29-A MRSA §409, sub-§2, ¶A**, as amended by PL 2017, c. 67, §1, is further amended to read:

A. ~~Submitted a dealer's certificate in a form prescribed by the State Tax Assessor a properly completed bill of sale, showing either that:~~

- (1) The sales tax due has been collected by the dealer; or
- (2) The sale of the vehicle is not subject to tax; or

**Sec. 3. 29-A MRSA §409, sub-§3**, as amended by PL 2017, c. 67, §1, is further amended to read:

**3. Collection fee.** ~~Each official shall retain from the use taxes collected a fee of~~ The Secretary of State must be reimbursed by the State Tax Assessor \$1.25 ~~for each vehicle per use tax certificate processed~~, even if a certificate indicates that no use tax is due.

Retained fees must be transmitted to the Treasurer of State and credited to the Highway Fund.

Taxes collected must be transmitted to the Treasurer of State and credited to the General Fund.

**Sec. 4. 29-A MRSA §453, sub-§3-A, ¶E**, as enacted by PL 2015, c. 206, §2, is amended to read:

E. ~~The Secretary of State finds consists~~ Consists of language that encourages violence or may result in an act of violence or other unlawful activity because of the content of the language requested by the registrant.

**Sec. 5. 29-A MRSA §456-C, sub-§5**, as enacted by PL 2007, c. 240, Pt. LLLL, §2, is repealed.

**Sec. 6. 29-A MRSA §462, sub-§8**, as amended by PL 2003, c. 132, §1, is repealed.

**Sec. 7. 29-A MRSA §462, sub-§11**, as enacted by PL 2003, c. 452, Pt. Q, §5 and affected by Pt. X, §2, is amended to read:

**11. Records.** A person issued temporary registration plates by the Secretary of State shall maintain a written record on a form prescribed by the Secretary of State of the use or disposal of every plate. The record

must be available for inspection by the Secretary of State at the person's place of business and must be submitted annually upon application for renewal of a dealer license. A person who violates this subsection commits a traffic infraction.

**Sec. 8. 29-A MRSA §467**, as enacted by PL 1995, c. 645, Pt. C, §7, is repealed.

**Sec. 9. 29-A MRSA §468-A, sub-§10**, as enacted by PL 2007, c. 383, §6, is amended to read:

**10. Limit on authorization.** The Secretary of State shall retire and cease to issue any plate authorized after January 1, 2007 ~~upon the occurrence of the earlier of:~~

A. When the number of sets of the plate issued falls below 4,000 for more than one year; ~~and~~

B. ~~Ten years after the date of authorization.~~

**Sec. 10. 29-A MRSA §512, sub-§3**, as enacted by PL 1997, c. 776, §16, is amended to read:

**3. Permanent registration program.** A person registering ~~30,000~~ 20,000 or more semitrailers may be issued 25-year permanent registrations. For the purposes of this subsection, "permanent registration" means a long-term trailer registration certificate and plate with an expiration date of December 31st, 25 years from the year of issue.

A. The fee for each registration is \$80. The fee is nonrefundable.

B. All registrations expire on December 31st, 25 years from the year of issue.

C. The registrant may transfer an unexpired registration to a semitrailer not previously registered to the registrant in this State. The transfer fee is \$20.

D. The Secretary of State may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. 11. 29-A MRSA §523, sub-§7**, as amended by PL 2013, c. 586, Pt. I, §1, is repealed.

**Sec. 12. 29-A MRSA §532, sub-§8**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**8. Presentation of credentials.** Upon request of any law enforcement officer, an operator of a motor vehicle registered pursuant to the plan must present temporary or permanent credentials for inspection. The credentials must be a legible original, legible copy or legible electronic image in compliance with the provisions of the plan governing credentials for apportioned registrations under the plan.

**Sec. 13. 29-A MRSA §652, sub-§18**, as amended by PL 2019, c. 141, §1, is further amended to read:

**18. Vehicle model year at least 20 years old.** A vehicle that is at least 20 years old according to its model year at the time of sale or transfer of ownership to a recycler, salvage vehicle dealer or scrap processor if:

A. The recycler, salvage vehicle dealer or scrap processor obtains the seller's name and the address of the seller's residence from a government-issued photograph identification document or credential and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least ~~one year~~ 5 years; and

B. The recycler, salvage vehicle dealer or scrap processor accurately reports the destruction of the vehicle to the Secretary of State within 30 days in a manner prescribed by the Secretary of State.

Violation of this subsection is a traffic infraction.

This subsection applies only to vehicles that are scrapped. For purposes of this subsection, a government-issued photograph identification document or credential includes, but is not limited to, a current and valid United States passport, military identification, driver's license or nondriver identification card.

**Sec. 14. 29-A MRSA §667, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Surrender and cancellation of certificate.** Surrender and cancellation of a certificate of title or certificate of salvage must be as follows.

A. An owner who scraps or dismantles a vehicle shall ~~immediately~~ surrender the certificate of title or certificate of salvage to the Secretary of State for cancellation within 30 days of that action.

B. A person who acquires a vehicle to be scrapped or dismantled shall ~~immediately~~ surrender the certificate to the Secretary of State within 30 days of that action. If an owner transfers a vehicle for which a certificate of salvage has not been issued to a salvage dealer ~~or~~ recycler ~~or~~ scrap processor licensed under ~~this~~ chapter 9, the vehicle is deemed declared by the owner to be a salvage vehicle, and the salvage dealer ~~or~~ recycler ~~or~~ scrap processor shall immediately apply for a certificate of salvage for the vehicle in accordance with section 654 within 30 days, unless the vehicle's certificate of title is surrendered in compliance with this subsection.

C. A person who repairs or rebuilds for operation on public ways a salvage vehicle shall comply with subsection 4 and shall:

(1) If the vehicle was not insured, obtain the certificate of title from the owner; or

(2) If the vehicle was insured, obtain a certificate of salvage or a certificate of title from

the insurer and apply for a certificate of salvage.

D. A salvage dealer, recycler or scrap processor may retain possession of a certificate of salvage until the recycler scraps or dismantles the vehicle. Once a vehicle is scrapped or dismantled, the salvage dealer, recycler or scrap processor shall deliver the certificate of title or certificate of salvage to the Secretary of State for cancellation within 30 days of that action.

E. Except in the case of a dismantled vehicle that has been repaired or rebuilt, a certificate of title or registration to a scrapped or dismantled vehicle may not be reissued.

**Sec. 15. 29-A MRSA §954, sub-§§6 and 7** are enacted to read:

**6. Trailer transit plate.** A business that delivers or services mobile homes, leases or transports storage trailers or transports light trailers, modular homes or frames for transporting modular homes may apply for a trailer transit license and plate. The transit plate may not be loaned, used in place of registration plates on another vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes, storage trailers, modular homes or frames for transporting modular homes or light trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this subsection may be used only subject to the following conditions.

A. A storage trailer must be empty during transportation.

B. A light trailer may be transported with a load appropriate for the light trailer, as long as the load is owned by or in the custody of the transporting business.

C. A light trailer may be transported with a trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer.

Fees for trailer transit licenses and plates are established in section 852. Trailer transit licenses are exempt from section 951, subsection 6.

For purposes of this subsection, "business" means a corporation, firm, partnership, joint venture, sole proprietorship or other commercial entity. For the purposes of this subsection, "modular home" has the same meaning as in Title 30-A, section 4358, subsection 1, paragraph A, subparagraph (2).

A person who violates this subsection commits a traffic infraction.

**7. Expiration date.** A trailer transit plate under subsection 6 expires annually on the last day of the month of March.

**Sec. 16. 29-A MRSA §1110, sub-§1,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Record keeping.** A licensee shall maintain business records for 5 years, including a record of:

A. Every vehicle or component part received or disposed of; its make, model, model year, vehicle identification number and any other part identifying number; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given; and

A-1. Every component part, as defined in section 602, subsection 2, received or disposed of; its part identifying number; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given;

B. Every vehicle scrapped or dismantled by the licensee, the date of that action and the vehicle's make, model, model year and vehicle identification number; and

C. The seller's name and address from a government-issued photograph identification document or credential. For purposes of this subsection, "government-issued photograph identification document or credential" includes, but is not limited to, a current and valid United States passport, military identification card, driver's license or nondriver identification card.

A licensed mobile crusher must maintain an operator log for each location. The log must contain the make, model, model year and vehicle identification number of each vehicle crushed and the date of that action.

A scrap processor is exempt from the requirements set forth in paragraph A ~~A-1~~ for vehicles received that are already dismantled.

**Sec. 17. 29-A MRSA §1110, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Compliance with federal law.** In the keeping of records, a licensee shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the regulations of the United States Secretary of Transportation, 49 Code of Federal Regulations, Part 580. A licensee shall comply with the federal Anti Car Theft Act of 1992, Public Law 102-519, as amended, 49 United States Code, Section 30502 and the Code of Federal Regulations, Part 25.56.

**Sec. 18. 29-A MRSA §1111,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 19. 29-A MRSA §1304, sub-§4-A, ¶G,** as enacted by PL 2013, c. 381, Pt. B, §16, is amended to read:

G. The commercial learner's permit is valid for no more than ~~180 days~~ one year from the date of issuance. ~~The Secretary of State may renew the commercial learner's permit for an additional 180 days without requiring the commercial learner's permit holder to retake the general and endorsement knowledge tests.~~

**Sec. 20. 29-A MRSA §1354, sub-§8,** as amended by PL 2011, c. 556, §20, is further amended to read:

**8. Suspension or revocation of license; hearings.** The Secretary of State may suspend, revoke or refuse to issue or renew a driver education school or instructor license or deny a certificate of completion for just cause or for noncompliance with statutory and regulatory requirements in accordance with the Maine Administrative Procedure Act. A person refused a license or denied a certificate of completion or whose license is suspended or revoked may request a hearing with the Secretary of State. A requested hearing must be conducted pursuant to chapter 23, subchapter 2 3, article 3.

**Sec. 21. 29-A MRSA §1404,** as amended by PL 2009, c. 598, §34, is further amended to read:

**§1404. Design layout or marking of license of a minor**

The Secretary of State shall provide that a license issued to a person less than 21 years of age bears a distinctive ~~color code~~ design layout or marking.

**Sec. 22. 29-A MRSA §1404-A,** as enacted by PL 2007, c. 123, §1, is amended to read:

**§1404-A. Deaf or hard-of-hearing designation**

The Secretary of State shall, at the request of a person who is deaf or hard-of-hearing, ~~issue a sticker to that person to place in a location designated by the Secretary of State on the back of the person's print a~~ driver's license or nondriver identification card with a distinctive marker or code to indicate that the person is deaf or hard-of-hearing. The Secretary of State may require appropriate documentation that a person is deaf or hard-of-hearing before issuing ~~the sticker~~ the driver's license or nondriver identification card. For purposes of this section, the terms "deaf person" and "hard-of-hearing person" have the same meanings as in section 1358, subsection 1.

**Sec. 23. 29-A MRSA §1405, sub-§4,** as amended by PL 2013, c. 381, Pt. B, §23, is further amended to read:

**4. Change of information.** When any change is made on ~~an operator's photograph or digitized a driver's license or, nondriver identification card,~~ registra-

tion certificate or learner's permit, that updated driver's license or, nondriver identification card, registration certificate or learner's permit is considered a duplicate.

**Sec. 24. 29-A MRSA §1410, sub-§2,** as amended by PL 2013, c. 51, §6, is further amended to read:

**2. Issuance of card; contents.** Except as provided by section 1255, upon receipt of a completed application and payment of a fee of \$5, the Secretary of State shall issue a nondriver identification card to the applicant. If an applicant is the holder of a motor vehicle driver's license bearing a photograph or digital image of the individual and issued under this chapter, the Secretary of State or the Secretary of State's representative may refuse to issue a nondriver identification card. The Secretary of State shall provide that a nondriver identification card issued to a person less than 21 years of age has a distinctive ~~color code~~ design layout or marking. Each nondriver identification card must contain:

- A. The applicant's photograph or digital image;
- B. The applicant's name and address;
- C. The applicant's date of birth; and
- E. Any other information and identification that the Secretary of State by rule requires.

**Sec. 25. 29-A MRSA §2054, sub-§1, ¶B,** as amended by PL 2017, c. 229, §32, is further amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Agriculture, Conservation and Forestry vehicle operated by a forest ranger;
- (5) A Department of Agriculture, Conservation and Forestry vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;
- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire in-

investigator or a Maine Drug Enforcement Agency officer;

- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;
- (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;
- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;
- (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;
- (17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- (18) A Federal Government vehicle operated by a federal law enforcement officer;
- (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;
- (20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;
- (21) A Department of the Secretary of State vehicle operated by a motor vehicle detective; ~~and~~
- (22) A University of Maine System vehicle operated by a University of Maine System police officer; and

(23) A life support transport vehicle when parked on a Department of Transportation ferry vessel and being used to transport a person who requires constant medical support to survive.

**Sec. 26. 29-A MRSA §2054, sub-§1, ¶H-1** is enacted to read:

H-1. "Life support transport vehicle" means a vehicle designated by the Commissioner of Public Safety that is equipped with life-sustaining medical equipment and that is used to transport a person who requires constant medical support to survive.

**Sec. 27. 29-A MRSA §2054, sub-§1, ¶I**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

I. "Police vehicle" means any vehicle listed under paragraph B, subparagraph (2), (3), (4), (7), (8), (12), (13), (14) ~~or~~ (18), (20) or (21).

**Sec. 28. 29-A MRSA §2054, sub-§§10 and 11** are enacted to read:

**10. Life support transport vehicle.** A life support transport vehicle may not be equipped with emergency lighting or sirens and may not exercise emergency privileges under subsection 4 or 5. The Commissioner of Public Safety may adopt rules for the purpose of designating life support transport vehicles. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**11. Maine State Ferry Service.** The Commissioner of Transportation may adopt rules to allow certain authorized emergency vehicles, including but not limited to a life support transport vehicle, to idle on a vessel operated by the Maine State Ferry Service and any additional rules necessary to ensure passenger safety while such a vehicle is idling on a ferry. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 29. PL 2007, c. 648, §6** is amended to read:

**Sec. 6. Participation in verification program; report.** ~~Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the~~ The Secretary of State shall by December 1, 2009 participate in the federal Systematic Alien Verification for Entitlements Program maintained by United States Citizenship and Immigration Services for the exclusive purpose of verifying the lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards.

~~No later than January 30th of each year, beginning in 2010, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the Systematic Alien Verification for Entitlements Program.~~

See title page for effective date.

**CHAPTER 398**  
**H.P. 1270 - L.D. 1785**

**An Act To Amend Certain  
Education Laws**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §20005, sub-§§19 and 20,** as amended by PL 2005, c. 674, §1, are further amended to read:

**19. Fiscal and program accountability.** Enhance its current efforts to ensure fiscal and program accountability for the services it purchases and provides; and

**20. Review policies.** Review the full range of public policies and strategies existing in State Government to identify changes that would strengthen its response, identify policies that might discourage excessive consumption of alcohol and other drugs and generate new funding for alcohol and other drug services; and.

**Sec. 2. 20 MRSA §3457,** as amended by PL 1977, c. 563, §3 and c. 625, §5, is repealed.

**Sec. 3. 20 MRSA §3458,** as corrected by RR 2011, c. 2, §16, is repealed.

**Sec. 4. 20 MRSA §3459,** as amended by PL 1989, c. 700, Pt. A, §§42 and 43, is repealed.

**Sec. 5. 20 MRSA §3460,** as amended by PL 1989, c. 700, Pt. A, §44, is repealed.

**Sec. 6. 20-A MRSA §256, sub-§6,** as enacted by PL 1989, c. 518, Pt. A, §1, is repealed.

**Sec. 7. 20-A MRSA §256, sub-§11** is enacted to read:

**11. Resources for people with disabilities.** The department shall develop and maintain a comprehensive database of resources for people with disabilities on the department's publicly accessible website.

**Sec. 8. 20-A MRSA §405, sub-§8,** as enacted by PL 1987, c. 140, §2, is repealed.

**Sec. 9. 20-A MRSA §1311, sub-§3, ¶E,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

E. The board of directors of a district ~~which that~~ has received a certificate of approval of a school construction project pursuant to former Title 20, section 3458 to be paid in accordance with the alternate method prescribed in former Title 20, section 3460, may borrow in anticipation of unpaid portions of state aid and may issue temporary and renewal notes.

**Sec. 10. 20-A MRSA §1490, sub-§3, ¶E,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

E. A regional school unit board that has received a certificate of approval of a school construction project pursuant to former Title 20, section 3458 to be paid in accordance with the alternate method prescribed in former Title 20, section 3460 may borrow in anticipation of unpaid portions of state aid and may issue temporary and renewal notes.

**Sec. 11. 20-A MRSA §1490, sub-§6, ¶¶D and E,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, are amended to read:

D. If the issuance of bonds or notes together with all outstanding indebtedness included within the regional school unit's limit of indebtedness would cause the regional school unit's indebtedness to exceed 10% of the total of the last preceding state valuation of all the municipalities within the regional school unit, the regional school unit board may not issue those bonds or notes until it has received a certificate of approval pursuant to former Title 20, section 3458.

E. If a certificate of approval under former Title 20, section 3458 indicates that the state board has authorized state aid to be paid in accordance with the alternate method prescribed by former Title 20, section 3460, the total estimated amount of state aid payable on account of the school construction project described in the certificate of approval must be treated as outstanding school indebtedness for the purpose of computing the borrowing capacity of the regional school unit to finance that project by issuing its bonds or notes. State aid is determined by applying the applicable percentage of state aid to the total estimated cost of the project, as set forth in the certificate of approval.

**Sec. 12. 20-A MRSA §2405, sub-§4,** as amended by PL 2015, c. 448, §5, is further amended to read:

**4. Reporting and evaluation.** An authorizer shall submit to the commissioner and the Legislature an annual report within ~~90~~ 150 days of the end of each school fiscal year summarizing:

A. The authorizer's strategic vision for chartering and progress toward achieving that vision;

B. The performance of all operating public charter schools overseen by the authorizer, according to the performance measures and expectations specified in the charter contracts;

C. The status of the authorizer's public charter school portfolio of approved charter applications, identifying all public charter schools within that portfolio as:

- (1) Approved, but not yet open;
- (2) Operating;
- (3) Renewed;
- (4) Transferred;
- (5) Terminated;
- (6) Closed; or
- (7) Never opened;

D. The oversight and services provided by the authorizer to the public charter schools under the authorizer's purview; and

E. The total amount of funds collected from each public charter school the authorizer authorized pursuant to subsection 5, paragraph B and the costs incurred by the authorizer to oversee each public charter school.

**Sec. 13. 20-A MRSA §2413, sub-§2, ¶A**, as amended by PL 2013, c. 272, §2, is further amended to read:

A. For each public charter school student, the school administrative unit in which the student resides must forward the per-pupil allocation to the public charter school attended by the student as follows.

(1) The per-pupil allocation amount is the EPS per-pupil rate for the school administrative unit in which the student resides, as calculated pursuant to section 15676, based on the student's grade level and adjusted as appropriate for ~~economic disadvantage~~ economically disadvantaged students and ~~limited English proficiency learners~~ pursuant to section 15675, subsections 1 and 2. Debt service and capital outlays may not be included in the calculation of these per-pupil allocations. The department shall adopt rules governing how to calculate these per-pupil allocations, including those for targeted funds for assessment technology and kindergarten to grade 2 programs.

(2) For students attending public charter schools, the school administrative unit of residence shall forward the per-pupil allocations described in subparagraph (1) directly to the public charter school attended. These per-pupil allocations must be forwarded to each public charter school on a quarterly basis, as follows. For each fiscal year, allocations must be made in quarterly payments on September 1st, December 1st, March 1st and June 1st. The September and December payments must be based on the identity and number of students enrolled or anticipated to be enrolled in the public charter school at the

opening of school for that school year. The number of students may not exceed the maximum enrollment approved in the charter contract for that year unless a waiver is obtained from the authorizer. The March and June payments must be based on the identity and number of students enrolled in the public charter school on February 1st.

(3) For transportation expenses, the average per-pupil expense in each school administrative unit of residence must be calculated and an amount equal to a proportion, up to but not more than 100%, of that per-pupil allocation amount must be forwarded to the public charter school attended on the same basis as the per-pupil allocations for operating funds. The percentage of that per-pupil expense must be determined by the authorizer of the public charter school and must be based on the cost of transportation services provided by the public charter school to the student.

(4) The department shall pay to the public charter school any additional allocation assigned to the public charter school for gifted and talented students pursuant to section 15681-A, subsection 5 in the year in which the allocation is assigned.

A school administrative unit is not required to send funds to a public charter school for a student enrolled in the public charter school's preschool or prekindergarten program if the school administrative unit of the student's residence does not offer that program to its own residents.

**Sec. 14. 20-A MRSA §2413-A, sub-§2, ¶A**, as enacted by PL 2015, c. 54, §5, is amended to read:

A. For each public charter school, the total allocation must be determined as follows.

(1) The total allocation must be calculated pursuant to section 15683-B, based on the student's grade level and adjusted as appropriate for economically disadvantaged students and ~~limited English proficiency students~~ learners pursuant to section 15675, subsections 1 and 2. Debt service and capital outlays may not be included in the calculation of these allocations. The department shall adopt rules governing how to calculate per-pupil allocations, including those for targeted funds for assessment, technology and kindergarten to grade 2 programs.

(2) For students attending public charter schools, the payments for public charter schools must be made pursuant to section 15683-B, subsection 6.

(3) For transportation expenses, the transportation operating allocation must be the statewide per-pupil essential programs and services transportation operating allocation multiplied by pupil counts determined under section 15683-B, subsection 2, paragraph A multiplied by the percentage established by the commission for the public charter school based on the cost of transportation services provided by the public charter school to the student, but not to exceed 100%.

(4) The department shall pay to the public charter school any additional allocation assigned to the public charter school for gifted and talented students pursuant to section 15681-A, subsection 5 in the year in which the allocation is assigned.

**Sec. 15. 20-A MRSA §3252, sub-§1**, as repealed and replaced by PL 1985, c. 490, §3, is amended to read:

**1. Elementary school privileges provided.** The commissioner may provide elementary schooling for resident children by establishing and maintaining such elementary schools as may seem advisable or by sending these children as tuition students to a public or private elementary schools elsewhere in the State school approved for tuition purposes under section 2951.

**Sec. 16. 20-A MRSA §3252, sub-§6**, as repealed and replaced by PL 1985, c. 490, §3, is amended to read:

**6. Studies outside the country.** The commissioner may, in his the commissioner's discretion, make special arrangements for children in the unorganized territory to attend a public school in the adjoining territory of the Province of Quebec and may pay tuition for those students.

**Sec. 17. 20-A MRSA §3253-A, sub-§1**, as enacted by PL 1985, c. 490, §5, is amended to read:

**1. Secondary students.** Any eligible resident student who may be judged by the commissioner to be qualified may attend as a tuition student any public or private secondary school in the State approved for tuition purposes under section 2951 to which he or she that tuition student may gain entrance.

**Sec. 18. 20-A MRSA §3646, first ¶**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

As used in this section, the term "initial aid" ~~shall include~~ includes Maine and New Hampshire financial assistance with respect to a capital project, or the means of financing a capital project, ~~which that~~ is available in connection with construction costs of a capital project or ~~which that~~ is available at the time indebtedness is incurred to finance the project. With-

out limiting the generality of the foregoing definition, initial aid ~~shall specifically include~~ includes a New Hampshire state guarantee under RSA 195-B with respect to bonds or notes ~~and Maine construction aid under Title 20, section 3457.~~ As used in this section, the term "long-term aid" ~~shall include~~ includes Maine and New Hampshire financial assistance ~~which that~~ is payable periodically in relation to capital costs incurred by an interstate district. Without limiting the generality of the foregoing definition, long-term aid ~~shall specifically include~~ includes New Hampshire school building aid under RSA 198 ~~and Maine school building aid under Title 20, section 3457.~~ For the purpose of applying for, receiving and expending initial aid and long-term aid, an interstate district ~~shall~~ must be deemed a native school district by each state, subject to the following provisions.

**Sec. 19. 20-A MRSA §4003-A**, as enacted by PL 2005, c. 2, Pt. D, §16 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

**Sec. 20. 20-A MRSA §4252, sub-§3**, as enacted by PL 1983, c. 576, §1, is amended to read:

**3. Screening.** Establish or expand preschool or early childhood screening programs, including psychometrically valid English language proficiency screening for potential English learners as defined in section 15672, subsection 7-B as determined by a language use survey developed by the department, and the development of individualized educational prescription based on the findings of the screening;

**Sec. 21. 20-A MRSA §4803, sub-§5**, as repealed and replaced by PL 1985, c. 41, §2, is repealed.

**Sec. 22. 20-A MRSA §6213, sub-§7, ¶C**, as enacted by PL 2011, c. 446, §2, is amended to read:

C. Provision of services, including, but not limited to, special education services; services for gifted and talented students; services for ~~students with limited English proficiency learners as defined in section 15672, subsection 7-B;~~ educational services for students at risk of academic failure, expulsion or dropping out; and support services provided by the Department of Health and Human Services or the Department of Corrections to a state ward or to a state agency client;

**Sec. 23. 20-A MRSA §6403-A, sub-§4**, as enacted by PL 1985, c. 258, §4, is amended to read:

**4. Special contract for services.** The school board may provide school nurse services through special agreements with a public health agency or with an individual registered professional nurse. All nurses who serve as school nurses under those agreements ~~shall~~ must be registered professional nurses who meet applicable certification requirements.

**Sec. 24. 20-A MRSA §8351**, as amended by PL 2005, c. 2, Pt. D, §24 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

**§8351. State aid for career and technical education centers and career and technical education regions**

State aid for centers and regions must be administered in accordance with chapters 606-B and 609 ~~and Title 20, section 3457.~~

**Sec. 25. 20-A MRSA §8352, sub-§2**, as amended by PL 1991, c. 518, §9, is further amended to read:

**2. Budget limitation.** This section does not apply to construction grants made under chapter 609 ~~and Title 20, section 3460.~~

**Sec. 26. 20-A MRSA §8457, sub-§1**, as amended by PL 2011, c. 679, §20, is further amended to read:

**1. General powers and duties.** A cooperative board has all of the powers and duties of a school board as provided in section 1001, subsections 1, 2, 4 to 7; ~~and 11-A and 12 to 19~~; section 1002; section 1256, subsections 1, 2 and 4 to 7; section 1257; sections 1313 to 1315; section 4801; section 13201; and section 13202. For such purposes, references in those sections to "school administrative unit," "administrative unit," "school unit," "unit," "school administrative district," "district," "regional school unit," "RSU," "alternative organizational structure" or "AOS" mean career and technical education region; references in those sections to "school board," "school committee," "board," "board of directors" or "directors" mean cooperative board; references in those sections to "director" mean a member of a cooperative board; and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board.

**Sec. 27. 20-A MRSA §15005, sub-§3**, as amended by PL 2011, c. 678, Pt. C, §3, is further amended to read:

**3. Return required.** An apportionment provided in this chapter, chapters 505 and 606-B, and section 13601, ~~and Title 20, section 3457~~, may not be paid to a school administrative unit by the Treasurer of State until returns required by law have been filed with the commissioner.

**Sec. 28. 20-A MRSA §15401, sub-§4** is enacted to read:

**4. Rural school administrative unit.** For purposes of allocating federal funds under the federal Every Student Succeeds Act of 2015, 20 United States Code, Chapter 70, Subchapter V, "rural school administrative unit" means a school administrative unit in which no single municipality within the school admin-

istrative unit has a population over 8,000 residents for purposes of federal funding under the Every Student Succeeds Act.

**Sec. 29. 20-A MRSA §15671, sub-§1**, as amended by PL 2017, c. 284, Pt. C, §15, is further amended to read:

**1. State and local partnership.** The State and each local school administrative unit are jointly responsible for contributing to the cost of the components of essential programs and services described in this chapter. ~~Except as otherwise provided in this subsection, for each fiscal year, the total cost of the components of essential programs and services may not exceed the prior fiscal year's costs multiplied by one plus the average personal income growth rate as defined in Title 5, section 1665, subsection 1. The Legislature, by an affirmative vote of each House, may exceed the limitations on increases in the total cost of the components of essential programs and services provided in this subsection, as long as that vote is taken upon legislation stating that it is the Legislature's intent to override the limitation for that fiscal year.~~ The state contribution to the cost of the components of essential programs and services must be made in accordance with this subsection:

A. The level of the state share of funding attributable to the cost of the components of essential programs and services must be at least 50% of eligible state and local General Fund education costs statewide, no later than fiscal year 2006-07; and

B. By fiscal year 2008-09 the state share of the total cost of funding public education from kindergarten to grade 12, as described by essential programs and services, must be 55%. Beginning in fiscal year 2005-06 and in each fiscal year until fiscal year 2008-09, the state share of essential programs and services described costs must increase toward the 55% level required in fiscal year 2008-09.

Beginning in fiscal year 2005-06 and in each fiscal year thereafter, the commissioner shall use the funding level determined in accordance with this section as the basis for a recommended funding level for the state share of the cost of the components of essential programs and services.

**Sec. 30. 20-A MRSA §15672, sub-§7-B** is enacted to read:

**7-B. English learner.** "English learner" means a student who has a primary or home language other than English, as determined by a language use survey developed by the department; who is not yet proficient in English, as determined by a state-approved English language proficiency assessment; and who satisfies the definition of an English learner under the federal Ele-

mentary and Secondary Education Act of 1965, as amended, 20 United States Code, Chapter 70.

**Sec. 31. 20-A MRSA §15672, sub-§18**, as enacted by PL 2003, c. 504, Pt. A, §6, is repealed.

**Sec. 32. 20-A MRSA §15675, sub-§1**, as amended by PL 2007, c. 539, Pt. C, §§6 to 8, is further amended to read:

**1. English learners.** The additional weights for school administrative units with ~~limited English proficiency students~~ learners are as follows:

A. For a school administrative unit with 15 or fewer ~~limited English proficiency students~~ learners, the unit receives an additional weight of .70 per student;

B. For a school administrative unit with more than 15 and fewer than 251 ~~limited English proficiency students~~ learners, the unit receives an additional weight of .50 per student;

C. For a school administrative unit with 251 or more ~~limited English proficiency students~~ learners, the unit receives an additional weight of .525 per student; and

Eligibility for state funds under this subsection is limited to school administrative units that are providing services to ~~limited English proficiency students~~ learners through programs approved by the department.

**Sec. 33. 20-A MRSA §15683, sub-§1, ¶¶A and B**, as amended by PL 2005, c. 2, Pt. D, §47 and affected by §§72 and 74 and c. 12, Pt. WW, §18, are further amended to read:

A. The product of the school administrative unit's kindergarten to grade 8 EPS per-pupil rate multiplied by the total of the kindergarten to grade 8 portions of the following pupil counts:

(1) The pupil count set forth in section 15674, subsection 1, paragraph C;

(2) The additional weight for ~~limited English proficiency students~~ learners calculated pursuant to section 15675, subsection 1; and

(3) The additional weight for economically disadvantaged students calculated pursuant to section 15675, subsection 2;

B. The product of the school administrative unit's grade 9 to 12 EPS per-pupil rate multiplied by the total of the grade 9 to 12 portion of the following pupil counts:

(1) The pupil count set forth in section 15674, subsection 1, paragraphs A, B and C;

(2) The additional weight for ~~limited English proficiency students~~ learners calculated pursuant to section 15675, subsection 1; and

(3) The additional weight for economically disadvantaged students calculated pursuant to section 15675, subsection 2;

**Sec. 34. 20-A MRSA §15683-B, sub-§2, ¶C**, as enacted by PL 2015, c. 54, §6, is amended to read:

C. The number of ~~limited English proficiency students~~ learners for each public charter school is the number of ~~limited English proficiency students~~ learners from the most recent October count prior to the year of funding.

**Sec. 35. 20-A MRSA §15683-B, sub-§3, ¶C**, as enacted by PL 2015, c. 54, §6, is amended to read:

C. The ~~limited English proficiency student~~ learner allocation, which is the pupil count pursuant to subsection 2, paragraph C multiplied by the additional weight for each ~~limited English proficiency student~~ learner pursuant to section 15675, subsection 1;

**Sec. 36. 20-A MRSA §15689, sub-§11, ¶B**, as amended by PL 2017, c. 284, Pt. C, §51, is further amended to read:

B. The amount of the adjustment for economically disadvantaged students is the ~~difference, but not less than zero, between the state share of the total allocation under this chapter and the amount computed as the school administrative unit's total allocation for economically disadvantaged students, multiplied by the relevant percentage in subsection 1, paragraph B.~~

**Sec. 37. 20-A MRSA §15692, sub-§1**, as enacted by PL 2005, c. 2, Pt. D, §62 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

**1. School administrative unit.** For the purposes of section 15695 and Title 20, sections 3457 to 3460, a special school district is deemed to be a school administrative unit.

**Sec. 38. 20-A MRSA §15903, sub-§3**, as amended by PL 2011, c. 691, Pt. B, §21, is repealed.

**Sec. 39. 20-A MRSA §15908, sub-§1**, as amended by PL 2011, c. 691, Pt. B, §22, is further amended to read:

**1. Technical assistance.** In order to provide the technical assistance required by the state board in assessing proposed school construction projects, the ~~Bureau of General Services~~ department may contract for the services of a professional engineer whenever the ~~bureau~~ department is not employing qualified personnel on a full-time basis.

**Sec. 40. 20-A MRSA §15908, sub-§3,** as amended by PL 2011, c. 691, Pt. B, §22, is further amended to read:

**3. Life-cycle costs.** The department and the Bureau of General Services may not approve the plans and specifications of a project that does not meet the requirements of Title 5, chapter 153, subchapter 1-A.

**Sec. 41. 30-A MRSA §5953-C, sub-§3,** as amended by PL 2007, c. 66, §1, is further amended to read:

**3. Proposals; contracts.** The bank shall solicit proposals from energy service companies and individual vendors of energy service products. Notwithstanding any provision of the law regarding bidding requirements, the bank shall contract with an energy service company or companies or vendor or vendors to provide energy services in municipal and school buildings under the program. Whenever the bid proposals received are substantially equivalent, the bank shall in the contract process select an in-state energy service company or vendor whose primary place of business is within this State. For public school projects, bid proposals for energy efficiency improvements must include plans and specifications that are adequate to permit review by the agencies listed under Title 20-A, section 15903, subsection 3 and that bear the stamp of a licensed professional engineer or licensed architect. ~~The agencies listed in Title 20-A, section 15903, subsection 3 shall review the plans and specifications and approve or disapprove them within a reasonable time period.~~

See title page for effective date.

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## CHAPTER 399

H.P. 1274 - L.D. 1792

### An Act To Ensure Compliance with Federal Family First Prevention Services Legislation

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 22 MRSA §8110** is enacted to read:

**§8110. Criminal history record checks for employees of children's residential care facilities**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Federal Bureau of Investigation" means the United States Department of Justice, Federal Bureau of Investigation.

B. "State Police" means the Department of Public Safety, Bureau of State Police.

**2. Criminal history; information about criminal records and data obtained.** The department shall obtain, in print or electronic format, criminal history record information containing a record of public criminal history record information as defined in Title 16, section 703, subsection 8, from the Maine Criminal Justice Information System, established pursuant to Title 16, section 631, and the Federal Bureau of Investigation, for any staff member of a children's residential care facility in order to comply with the federal family first prevention services legislation. For purposes of this section, "staff member" means an individual who is employed by, or has applied for and may be offered employment at, a children's residential care facility, including a contract employee or self-employed individual, whether or not the individual has direct contact with children. "Staff member" does not include a contractor performing maintenance or repairs at the children's residential care facility who does not have unsupervised access to children at the facility.

**3. Fingerprint-based criminal history obtained.** A staff member shall consent to and have the staff member's fingerprints taken. The State Police shall take or cause to be taken the fingerprints of a staff member who has consented under this subsection and shall forward the fingerprints to the Department of Public Safety so that the Department of Public Safety may conduct a state and national criminal history record check on the person. The Department of Public Safety shall forward the results obtained to the department. The State Police shall assess a fee set annually by the Department of Public Safety to be paid by the children's residential care facility or the staff member for each criminal history record check required to be performed under this section. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the Department of Public Safety.

**4. Updates to information.** The department may request a subsequent criminal history record check under subsection 3 on a staff member as the department determines appropriate, including continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

**5. Confidentiality.** Information obtained pursuant to this section is confidential and may not be disseminated for purposes other than as provided in subsections 6 and 7.

**6. Use of information obtained.** Criminal history record information obtained pursuant to this section may be used by the department for employment pur-

poses to screen a staff member. The subject of any criminal history record check under subsection 3 may contest any negative decision made by the department based upon the information received pursuant to the criminal history record check.

**7. Person's access to information obtained.** A person subject to a criminal history record check pursuant to subsection 3 must be notified each time a criminal history record check is performed on the person. A person subject to a criminal history record check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

**8. Right of subject to remove fingerprints from record.** Upon request from a person subject to a criminal history record check pursuant to subsection 3, the Department of Public Safety shall remove the person's fingerprints from the Department of Public Safety's records and provide written confirmation of the removal to the person.

**Sec. 2. 25 MRSA §1542-A, sub-§1, ¶P,** as enacted by PL 2017, c. 452, §25 and c. 457, §13, is repealed and the following enacted in its place:

P. Who is licensed under Title 32, chapter 36 and has applied for an expedited license under Title 32, section 18506;

**Sec. 3. 25 MRSA §1542-A, sub-§1, ¶¶Q and R,** as enacted by PL 2017, c. 457, §13, are amended to read:

Q. Who is an applicant for licensure with the State Board of Nursing as required under Title 32, section 2111, subsection 1; or

R. Who is required to have a criminal background check under Title 22, section 8302-A or 8302-B;

**Sec. 4. 25 MRSA §1542-A, sub-§1, ¶¶S and T** are enacted to read:

S. Who is required to have a criminal history record check under Title 22, section 2425-A, subsection 3-A; or

T. Who is required to have a criminal history record check under Title 22, section 8110.

**Sec. 5. 25 MRSA §1542-A, sub-§3, ¶O,** as enacted by PL 2017, c. 452, §26 and c. 457, §15, is repealed and the following enacted in its place:

O. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph P at the request of that person and upon payment of the expenses by that person as required by Title 32, section 2571-A.

**Sec. 6. 25 MRSA §1542-A, sub-§3, ¶¶R and S** are enacted to read:

R. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph S at the request of that person or the Department of Administrative and Financial Services under Title 22, section 2425-A, subsection 3-A.

S. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph T at the request of that person or the Department of Health and Human Services pursuant to Title 22, section 8110.

**Sec. 7. 25 MRSA §1542-A, sub-§4,** as amended by PL 2017, c. 452, §27 and c. 457, §16, is repealed and the following enacted in its place:

**4. Duty to submit to State Bureau of Identification.** It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, K, L or S must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services. Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Finger-

prints taken pursuant to subsection 1, paragraph Q must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R or T must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Health and Human Services.

See title page for effective date.

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## CHAPTER 400

S.P. 607 - L.D. 1794

### An Act To Amend the Service Fee for Child Support Services

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 19-A MRSA §2103, sub-§3-A,** as amended by PL 2011, c. 477, Pt. L, §2, is further amended to read:

**3-A. Service fee.** In the case of an individual who has never received assistance under a state program and for whom the State has collected at least ~~\$500~~ \$550 in child support, the State shall impose an annual ~~\$25~~ \$35 fee for each child support enforcement case that is:

- A. Retained by the State from child support collected on behalf of the individual after the collected support exceeds ~~\$500~~ \$550;
- B. Paid by the individual applying for services;
- C. Recovered from the noncustodial parent; or
- D. Paid by the State out of its own funds. The annual fee may not be considered as an administrative cost of the State for operation of child support enforcement services and must be considered income to the program under which the individual has received child support enforcement services.

The nonfederal share of the annual fee collected pursuant to this subsection must be deposited as General Fund undedicated revenue.

See title page for effective date.

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## CHAPTER 401

### H.P. 1279 - L.D. 1798

### An Act To Amend the Maine Tax Laws

**Be it enacted by the People of the State of Maine as follows:**

#### PART A

**Sec. A-1. 36 MRSA §192, sub-§2,** as enacted by PL 1981, c. 364, §19, is amended to read:

**2. Facsimile signature.** A facsimile of the written signature of the State Tax Assessor imprinted by or at ~~his the State Tax Assessor's~~ direction ~~upon any license, registration certificate, notice of assessment or statutory demand notice issued by him under authority of this Title shall have~~ has the same validity as ~~his the~~ State Tax Assessor's written signature.

**Sec. A-2. 36 MRSA §208,** as amended by PL 2017, c. 288, Pt. A, §36, is further amended to read:

#### §208. Equalization

The State Tax Assessor has the duty of equalizing the state and county taxes among the several towns and unorganized territory. The State Tax Assessor shall equalize and adjust the assessment list of each town, by adding to or deducting from it such amount as will make it equal to its just value as of April 1st. Notice of the proposed valuations of municipalities within each county must be sent annually ~~by certified mail~~ to the chair of the board of assessors, and chair of the board of selectmen in municipalities having selectmen, of each municipality within that county on or before the first day of October. The valuation so determined is subject to review by the State Board of Property Tax Review pursuant to subchapter 2-A, but the valuation finally certified to the Secretary of State pursuant to section 381 must be used for all computations required by law to be based upon the state valuation with respect to municipalities.

**Sec. A-3. 36 MRSA §209** is enacted to read:

#### §209. Adjustment for audits; determination of the State Tax Assessor

**1. Audits.** If the State Tax Assessor determines that value was improperly excluded from any of the 3 most recently certified state valuations, the State Tax Assessor shall recalculate the equalized just value of that municipality to reflect the requirements of section 305.

A municipality that is aggrieved by a determination of the State Tax Assessor under this section may appeal pursuant to section 272-A.

**2. Notifications.** If an adjustment is made to a municipality's equalized municipal valuation pursuant

to this section, the State Tax Assessor, in writing, shall make the following notifications:

A. To the municipality, a decision, which must include the findings of fact upon which the decision is based. This written decision constitutes final agency action;

B. To the joint standing committee of the Legislature having jurisdiction over taxation matters, a copy of the decision from paragraph A; and

C. To the Commissioner of Education prior to December 1st, and to the Treasurer of State, any adjustment to state valuation determined under this section and the time period to which the adjustment applies.

**3. Effect of modified state valuation.** The following provisions apply to an adjustment to state valuation under this section.

A. The Commissioner of Education shall use the adjusted state valuation amount instead of the valuation certified under section 305 in calculating education funding obligations under Title 20-A, chapter 606-B for the following fiscal year.

B. The Treasurer of State shall use the adjusted state valuation amount instead of the valuation certified under section 305 in calculating distributions of state-municipal revenue sharing under Title 30-A, section 5681 for the following fiscal year.

**Sec. A-4. 36 MRS §271, sub-§2, ¶A,** as amended by PL 2007, c. 466, Pt. A, §57, is further amended to read:

A. Hear and determine appeals according to the following provisions of law:

- (1) The tree growth tax law, chapter 105, subchapter 2-A;
- (2) The farm and open space law, chapter 105, subchapter 10;
- (3) As provided in section 843;
- (4) As provided in section 844;
- (5) Section 272;
- (6) Section 2865; ~~and~~
- (7) The current use valuation of certain working waterfront land law, chapter 105, subchapter 10-A; ~~and~~
- (8) Section 209;

**Sec. A-5. 36 MRS §272, sub-§1,** as amended by PL 1989, c. 619 and PL 1997, c. 526, §14, is further amended to read:

**1. Filing.** Any municipality aggrieved shall file a written notice of appeal ~~within 45 days of its receipt of~~

~~notification of the decision of~~ by November 15th, or, if November 15th is a Saturday, Sunday or holiday, the next business day after that November 15th, of the year the determination is made by the Bureau of Revenue Services. The appeal to the board ~~shall~~ must be in writing signed by a majority of the municipal officers, and ~~shall~~ must be accompanied by an affidavit stating the grounds for appeal. A copy of the appeal and the affidavit ~~shall~~ must be served on the Bureau of Revenue Services.

**Sec. A-6. 36 MRS §272-A** is enacted to read:

**§272-A. Appeals of adjusted municipal valuation**

The State Board of Property Tax Review shall hear appeals by any municipality aggrieved by the Bureau of Revenue Services' determination of adjusted equalized valuation pursuant to section 209 and render its decision based upon the recorded evidence.

**1. Filing.** Any municipality aggrieved shall file a written notice of appeal within 45 days of its receipt of notification of the decision of the Bureau of Revenue Services. The appeal to the board must be in writing and signed by a majority of the municipal officers and must be accompanied by an affidavit stating the grounds for appeal. A copy of the appeal and the affidavit must be served on the Bureau of Revenue Services.

**2. Hearing.** The board shall hear the appeal within a reasonable time of the filing of the appeal by the municipality and shall render its decision no later than November 15th following the date on which the appeal is taken. The board shall order notice of the hearing and give at least 5 days' notice prior to the hearing to the municipality and to the Bureau of Revenue Services.

**3. Determination.** The Bureau of Revenue Services has the burden of showing that its determination is reasonable and the municipality's claims are unreasonable. The board shall sustain the determination of the Bureau of Revenue Services only upon finding that the bureau's determination is reasonable and the claims of the municipality are unreasonable. If the board does not sustain the bureau's determination, it shall make its own reasonable determination giving due weight to the claims of the municipality and the Bureau of Revenue Services.

**4. Powers.** The board, after hearing, may raise, lower or sustain the adjusted state valuation as determined by the Bureau of Revenue Services with respect to the municipality that has filed the appeal. The board shall certify its decision to the Bureau of Revenue Services.

**5. Procedure following appeal.** The valuation determined on appeal must be certified to the Bureau of Revenue Services, which shall, if necessary, incor-

porate the decision in the valuation used pursuant to section 209. If an appeal to the Superior Court or Supreme Judicial Court results in a lowering of the municipality's state valuation, the Treasurer of State shall reimburse with funds appropriated from the General Fund an amount equal to money lost by the municipality due to the use by the State of an incorrect state valuation in any statutory formula used to distribute state funds to municipalities.

**Sec. A-7. 36 MRSA §555** is amended to read:

**§555. Tenants in common and joint tenants**

A tenant in common or a joint tenant may be considered sole owner for the purposes of taxation, unless he the tenant notifies the assessors assessor on or before April 1st in the year in which a separate assessment is first requested what his the tenant's interest is; but when a tax is assessed on lands owned or claimed to be owned in common, or in severalty, any person may furnish the tax collector and provides an accurate description of his the tenant's interest in the land and pay his proportion of such tax; and thereafter his land or interest shall be free of all lien created by such tax property on a form provided by the State Tax Assessor.

**Sec. A-8. 36 MRSA §654-A, sub-§1**, as enacted by PL 2013, c. 416, §2, is amended to read:

**1. Exemption.** The residential real estate up to the just value of \$4,000, having a taxable situs in the place of residence, of inhabitants of the State who are legally blind as determined by a properly licensed Doctor of Medicine, Doctor of Osteopathy or Doctor of Optometry is exempt from taxation.

**Sec. A-9. 36 MRSA §654-A, sub-§4**, as enacted by PL 2013, c. 416, §2, is repealed.

**Sec. A-10. 36 MRSA §943-C, first ¶**, as enacted by PL 2017, c. 478, §3, is amended to read:

Notwithstanding any provision of law to the contrary, after the foreclosure process under sections 942 and 943 or sections 1281 and 1282 is completed and the right of redemption has expired, if a municipality chooses to sell to someone other than the immediate former owner or owners property that immediately prior to foreclosure received a property tax exemption as a homestead under subchapter 4-B, the municipal officers or their designee shall notify the immediate former owner or owners of the right to require the municipality to use the sale process under subsection 3 as long as the immediate former owner or owners demonstrate that the property meets the requirements of subsection 1. The notice must be sent by first-class mail to the last known address of the immediate former owner or owners. If the municipality agrees to sell the property back to the immediate former owner or owners, the alternative sale process under this section does not apply. If the sale to the immediate former

owner or owners is not completed, the requirements of this section are reinstated.

**Sec. A-11. 36 MRSA §1232**, as amended by PL 1983, c. 403, §2, is further amended to read:

**§1232. Proceedings on delinquency**

Taxes levied under section 1602 shall be paid to the State Tax Assessor on or before October 1st of each year. A lien is created on all personal property for such taxes levied under section 1602 on the property and expenses incurred in accordance with section 1233, and such the property may be sold for the payment of such the taxes and expenses at any time after October 1st. When the time for the payment of the tax to the State Tax Assessor has expired, and it is unpaid, the State Tax Assessor shall give notice thereof to the delinquent property owner, and unless such that tax shall be is paid within 60 days, the State Tax Assessor may issue his a warrant to the sheriff of the county, requiring him the sheriff to levy by distress and sale upon the personal property of said the property owner, and the sheriff or his the sheriff's deputy shall execute such warrants the warrant. Any balance remaining after deducting taxes and necessary additions made in accordance with this subchapter shall must be returned to the owner or person in possession of such the property or; the State Tax Assessor may certify such the unpaid taxes to the Attorney General, who shall bring a civil action in the name of the State.

In addition to the procedure authorized in the preceding paragraph this section, the State Tax Assessor may follow the procedure provided in section 612 and, with regard to that procedure, shall be is subject to the same rights and obligations as a municipality or municipal officers.

**Sec. A-12. 36 MRSA §1281**, as amended by PL 2017, c. 478, §4, is further amended to read:

**§1281. Payment of taxes; delinquent taxes; publication; certificate filed in registry**

Taxes on real estate mentioned in section 1602, including supplementary taxes assessed under section 1331, are delinquent on the 15th day of January next following the date of assessment. Annually, ~~on or before February 1st after January 15th but no later than January 31st,~~ the State Tax Assessor shall send by mail to the last known address of each owner of such real estate subject to assessment under section 1602, including supplementary taxes assessed under section 1331, upon which taxes remain unpaid a notice in writing, containing a description of the real estate assessed and the amount of unpaid taxes and interest, and alleging that a lien is claimed on that real estate for payment of those taxes, interests and costs, with a demand that payment be made by the next February 21st. For property that constitutes a homestead for which a property tax exemption is claimed under chapter 105, subchapter 4-B, the State Tax Assessor shall

include in the written notice to the owner named on the tax lien mortgage that that owner may be eligible to file an application for tax abatement under section 841, subsection 2, indicating that the State Tax Assessor, upon request, will assist the owner in requesting an abatement and provide information regarding the procedures for making such a request. The notice must also indicate that the owner may seek assistance from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection regarding options for finding an advisor who can help the owner work with the State Tax Assessor to avoid tax lien foreclosure and provide information regarding ways to contact the bureau. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, by July 15th annually, shall provide to a statewide organization representing municipalities and to the State Tax Assessor information regarding assistance in avoiding tax lien foreclosure to assist municipalities and the State Tax Assessor in providing the information required in the notice. If the owners of any such real estate are unknown, instead of sending the notices by mail, the assessor shall cause the information required in this section on that real estate to be advertised in the state paper and in a newspaper, if any, of general circulation in the county in which the real estate lies. Such a statement or advertisement is sufficient legal notice of delinquent taxes. If those taxes and interest to date of payment and costs are not paid by February 21st, the State Tax Assessor shall record by March 15th, in the registry of deeds of the county or registry district where the real estate lies, a certificate signed by the assessor, setting forth the name or names of the owners according to the last state valuation, or the valuation established in accordance with section 1331; the description of the real estate assessed as contained in the last state valuation, or the valuation established in accordance with section 1331; the amount of unpaid taxes and interest; the amount of costs; and a statement that demand for payment of those taxes has been made, and that those taxes, interest and costs remain unpaid. The costs charged by the register of deeds for the filing may not exceed the fees established by Title 33, section 751.

**Sec. A-13. 36 MRSA §1481, sub-§1, ¶B,** as enacted by PL 1981, c. 275, is repealed.

**Sec. A-14. 36 MRSA §1481, sub-§1-A, ¶A,** as repealed and replaced by PL 1975, c. 252, §16, is amended to read:

A. A trailer or semitrailer of less than 32 feet in length primarily designed and constructed to provide temporary living quarters for recreational, camping, travel or other use.

**Sec. A-15. 36 MRSA §1482, sub-§3,** as amended by PL 2011, c. 240, §12, is further amended to read:

**3. Tax paid for previous registration year.** If an excise tax was paid in accordance with this section for the previous registration year by the same person on the same vehicle, the excise tax for the new registration year must be assessed as if the vehicle was in its next year of model.

**Sec. A-16. 36 MRSA §1482, sub-§5,** as amended by PL 2015, c. 87, §1, is further amended to read:

**5. Credits.** An owner or lessee who has paid the excise tax in accordance with this section or the property tax for a vehicle is entitled to a credit up to the maximum amount of the tax previously paid in that registration year for any one vehicle toward the tax for any number of vehicles, regardless of the number of transfers that may be required of the owner or lessee in that registration year. The credit is available only if the vehicle's ownership is transferred, the vehicle is totally lost by fire, theft or accident, the vehicle is totally junked or abandoned, the use of the vehicle is totally discontinued or, in the case of a leased vehicle, the registration is transferred.

A. The credit must be given in any place in which the excise tax is payable.

B. For each transfer made in the same registration year, the owner shall pay \$3 to the place in which the excise tax is payable.

C. During the last 4 months of the registration year, the credit may not exceed 1/2 of the maximum amount of the tax previously paid in that registration year for any one vehicle.

D. If the credit available under this subsection exceeds the amount transferred to another vehicle, a municipality may choose, but is not required to refund the excess amount. If a municipality chooses to refund excess amounts it must do so in all instances where there is an excess amount.

E. For the purposes of this subsection, "owner" includes the surviving spouse of the owner.

G. For the purposes of this subsection, "totally discontinued" means that the owner has permanently discontinued all use of the vehicle except for selling, transferring ownership of, junking or abandoning that vehicle. The owner of the vehicle must provide a signed statement attesting that use of the vehicle from which the credit is being transferred is totally discontinued. If the owner who has totally discontinued use of a vehicle later seeks to register that vehicle, no excise tax credits may be applied with respect to the registration of that vehicle or any subsequent transfer of that vehicle's registration.

**Sec. A-17. 36 MRSA §1602, sub-§5** is enacted to read:

**5. Due dates; interest.** Taxes levied under this section must be paid to the State Tax Assessor on or before October 1st of each year. A person who fails to pay the tax on or before October 1st is liable for interest on the tax pursuant to section 186, except that the rate of interest beginning on October 1, 2019 equals the maximum rate posted on the Treasurer of State's publicly accessible website according to section 505, subsection 4.

**Sec. A-18. 36 MRSA §4641, sub-§3,** as amended by PL 2001, c. 559, Pt. I, §2 and affected by §15, is further amended to read:

**3. Value.** "Value" means the amount of the actual consideration for real property, except that in the case of a gift, or a contract or deed with nominal consideration or without stated consideration, or in the case of the transfer of a controlling interest in an entity with a fee interest in real property when the consideration for the real property cannot be determined, "value" is to be based on the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels. For the purposes of this subsection, "nominal" means less than 20% of the property's most recently locally assessed value as adjusted by the municipality's or unorganized territory's certified assessment ratio, unless the taxpayer provides an attestation from the local assessor that the most recent locally assessed value does not reflect current market value.

"Value" does not include the amount of consideration attributable to vacation exchange rights, vacation services or club memberships or the costs associated with those rights, services or memberships. Upon request of a municipal assessor or the State Tax Assessor, a developer of a time-share estate, as defined in Title 33, section 591, subsection 7, or an association of time-share estate owners shall provide an itemized schedule of fees included in the sales price of a time-share estate.

**Sec. A-19. Application.** Those sections of this Part that amend the Maine Revised Statutes, Title 36, section 555 and section 654-A, subsection 1 and that repeal Title 36, section 654-A, subsection 4 apply to property tax years beginning on or after April 1, 2020. Those sections of this Part that amend Title 36, section 1481, subsection 1-A, paragraph A and section 1482, subsection 3 and subsection 5 and that repeal Title 36, section 1481, subsection 1, paragraph B apply to registration years beginning on or after January 1, 2019.

## PART B

**Sec. B-1. 36 MRSA §191, sub-§2, ¶EE,** as amended by PL 2007, c. 438, §10, is further amended to read:

EE. The disclosure by the State Tax Assessor of the fact that a person has or has not been issued a certificate of exemption pursuant to section 1760, 2013 or 2557, a ~~provisional~~ resale certificate pursuant to section 1754-B, subsection 2-B or a ~~resale certificate~~ pursuant to section 1754-B, subsection 2-C;

**Sec. B-2. 36 MRSA §1752, sub-§7-F** is enacted to read:

**7-F. Oxygen delivery equipment.** "Oxygen delivery equipment" means oxygen concentrators, regulators, compressors, humidifiers, masks and cannulas.

**Sec. B-3. 36 MRSA §1752, sub-§10,** as repealed and replaced by PL 1997, c. 393, Pt. A, §41, is amended to read:

**10. Retailer.** "Retailer" means a person who makes retail sales or who is required to register by section ~~1754-A~~ or 1754-B or who is registered under section 1756.

**Sec. B-4. 36 MRSA §1752, sub-§11, ¶B,** as amended by PL 2015, c. 390, §5, is further amended to read:

B. "Retail sale" does not include:

- (1) Any casual sale;
- (2) Any sale by a personal representative in the settlement of an estate unless the sale is made through a retailer or the sale is made in the continuation or operation of a business;
- (3) The sale, to a person engaged in the business of renting automobiles, of automobiles, integral parts of automobiles or accessories to automobiles, for rental or for use in an automobile rented for a period of less than one year. For the purposes of this subparagraph, "automobile" includes a pickup truck or van with a gross vehicle weight of less than 26,000 pounds;
- (4) The sale, to a person engaged in the business of renting video media and video equipment, of video media or video equipment for rental;
- (5) The sale, to a person engaged in the business of renting or leasing automobiles, of automobiles for rental or lease for one year or more;
- (6) The sale, to a person engaged in the business of providing cable or satellite television services or satellite radio services, of associated equipment for rental or lease to subscribers in conjunction with a sale of cable or satellite television services or satellite radio services;

(7) The sale, to a person engaged in the business of renting furniture or audio media and audio equipment, of furniture, audio media or audio equipment for rental pursuant to a rental-purchase agreement as defined in Title 9-A, section 11-105;

(8) The sale of loaner vehicles to a new vehicle dealer licensed as such pursuant to Title 29-A, section 953;

(9) The sale of automobile repair parts used in the performance of repair services on an automobile pursuant to an extended service contract sold on or after September 20, 2007 that entitles the purchaser to specific benefits in the service of the automobile for a specific duration;

(10) The sale, to a retailer that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C, of tangible personal property for resale in the form of tangible personal property, except resale as a casual sale;

(11) The sale, to a retailer that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C, of a taxable service for resale, except resale as a casual sale;

(12) The sale, to a retailer that is not required to register under section 1754-B, of tangible personal property for resale outside the State in the form of tangible personal property, except resale as a casual sale;

(13) The sale, to a retailer that is not required to register under section 1754-B, of a taxable service for resale outside the State, except resale as a casual sale;

(14) The sale of repair parts used in the performance of repair services on telecommunications equipment as defined in section 2551, subsection 19 pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the telecommunications equipment for a specific duration;

(15) The sale of positive airway pressure equipment and supplies for rental for personal use to a person engaged in the business of renting positive airway pressure equipment;

(16) The sale, to a person engaged in the business of renting or leasing motor homes, as defined in Title 29-A, section 101, subsection 40, or camper trailers, of motor homes or camper trailers for rental as tangible personal property but not as the rental of living quarters; or

(17) The sale of truck repair parts used in the performance of repair services on a truck pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the truck for a specific duration.

**Sec. B-5. 36 MRSA §1752, sub-§14, ¶A,** as amended by PL 2017, c. 375, Pt. A, §2, is further amended to read:

A. "Sale price" includes:

(1) Any consideration for services that are a part of a retail sale;

(2) All receipts, cash, credits and property of any kind or nature and any amount for which credit is allowed by the seller to the purchaser, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, losses or any other expenses; ~~and~~

(3) All consideration received for the rental of living quarters in this State, including any service charge or other charge or amount required to be paid as a condition for occupancy, valued in money, whether received in money or otherwise and whether received by the owner, occupant, manager or operator of the living quarters, by a room remarketer, by a person that operates a transient rental platform or by another person on behalf of any of those persons-;

(4) In the case of the lease or rental for a period of less than one year of an automobile or of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles, the value is the total rental charged to the lessee and includes, but is not limited to, maintenance and service contracts, drop-off or pick-up fees, airport surcharges, mileage fees and any separately itemized charges on the rental agreement to recover the owner's estimated costs of the charges imposed by government authority for title fees, inspection fees, local excise tax and agent fees on all vehicles in its rental fleet registered in the State. All fees must be disclosed when an estimated quote is provided to the lessee; and

(5) In the case of the lease or rental of an automobile for one year or more, the value is the total monthly lease payment multiplied by the number of payments in the lease or rental, the amount of equity involved in any trade-in and the value of any cash down payment. Collection and remittance of the tax is the responsibility of the person that negotiates the lease transaction with the lessee.

**Sec. B-6. 36 MRSA §1752, sub-§19-A**, as amended by PL 2009, c. 207, §1, is further amended to read:

**19-A. Trailer.** "Trailer" means a vehicle without motive power and mounted on wheels that is designed to carry persons or property and to be drawn by a motor vehicle and not operated on tracks. "Trailer" includes a camper trailer as defined in section 1481, subsection 1-A ~~but without restriction on length.~~

**Sec. B-7. 36 MRSA §1752, sub-§22**, as enacted by PL 1987, c. 49, §1, is amended to read:

**22. Camper trailer.** "Camper trailer" has the same meaning as in section 1481, ~~but without any restriction on length~~ subsection 1-A.

**Sec. B-8. 36 MRSA §1754-A**, as amended by PL 2011, c. 644, §10 and affected by §35, is repealed.

**Sec. B-9. 36 MRSA §1754-B, sub-§1**, as amended by PL 2017, c. 375, Pt. A, §§4 and 5, is repealed.

**Sec. B-10. 36 MRSA §1754-B, sub-§1-A**, as amended by PL 2013, c. 546, §10, is further amended to read:

**1-A. Persons presumptively required to register.** This subsection defines the basis for and obligations associated with the rebuttable presumption created by this subsection that a seller not registered under subsection ~~1-B~~ 1-B is engaged in the business of selling tangible personal property or taxable services for use in this State and is required to register as a retailer with the assessor.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Affiliated person" means a person that is a member of the same controlled group of corporations as the seller or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations. For purposes of this subparagraph, "controlled group of corporations" has the same meaning as in the Code, Section 1563(a).

(2) "Person" means an individual or entity that qualifies as a person under the Code, Section 7701(a)(1).

(3) "Seller" means a person that sells, other than in a casual sale, tangible personal property or taxable services.

B. A seller is presumed to be engaged in the business of selling tangible personal property or taxable services for use in this State if an affiliated person has a substantial physical presence in this

State or if any person, other than a person acting in its capacity as a common carrier, that has a substantial physical presence in this State:

(1) Sells a similar line of products as the seller and does so under a business name that is the same as or similar to that of the seller;

(2) Maintains an office, distribution facility, warehouse or storage place or similar place of business in the State to facilitate the delivery of property or services sold by the seller to the seller's customers;

(3) Uses trademarks, service marks or trade names in the State that are the same as or substantially similar to those used by the seller;

(4) Delivers, installs, assembles or performs maintenance services for the seller's customers within the State;

(5) Facilitates the seller's delivery of property to customers in the State by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage place or similar place of business maintained by the person in the State; or

(6) Conducts any activities in the State that are significantly associated with the seller's ability to establish and maintain a market in the State for the seller's sales.

A seller who meets the requirements of this paragraph shall register with the assessor and collect and remit taxes in accordance with the provisions of this Part. A seller may rebut the presumption created in this paragraph by demonstrating that the person's activities in the State are not significantly associated with the seller's ability to establish or maintain a market in this State for the seller's sales.

C. A seller that does not otherwise meet the requirements of paragraph B is presumed to be engaged in the business of selling tangible personal property or taxable services for use in this State if the seller enters into an agreement with a person under which the person, for a commission or other consideration, while within this State:

(1) Directly or indirectly refers potential customers, whether by a link on an Internet website, by telemarketing, by an in-person presentation or otherwise, to the seller; and

(2) The cumulative gross receipts from retail sales by the seller to customers in the State who are referred to the seller by all persons with this type of an agreement with the seller

are in excess of \$10,000 during the preceding 12 months.

A seller who meets the requirements of this paragraph shall register with the assessor and collect and remit taxes in accordance with the provisions of this Part.

A seller may rebut the presumption created in this paragraph by submitting proof that the person with whom the seller has an agreement did not engage in any activity within the State that was significantly associated with the seller's ability to establish or maintain the seller's market in the State during the preceding 12 months. Such proof may consist of sworn, written statements from all of the persons within this State with whom the seller has an agreement stating that they did not engage in any solicitation in the State on behalf of the seller during the preceding 12 months; these statements must be provided and obtained in good faith.

A person who enters into an agreement with a seller under this paragraph to refer customers by a link on an Internet website is not required to register or collect taxes under this Part solely because of the existence of the agreement.

**Sec. B-11. 36 MRSA §1754-B, sub-§§1-B and 1-C** are enacted to read:

**1-B. Persons required to register.** Except as otherwise provided in this section, the following persons, other than casual sellers, shall register with the assessor and collect and remit taxes in accordance with the provisions of this Part:

A. Every person that has a substantial physical presence in this State and that makes sales of tangible personal property or taxable services in this State, including, but not limited to:

(1) Every person that makes sales of tangible personal property or taxable services, whether or not at retail, and that maintains in this State any office, manufacturing facility, distribution facility, warehouse or storage facility, sales or sample room or other place of business;

(2) Every person that makes sales of tangible personal property or taxable services that does not maintain a place of business in this State but makes retail sales in this State or solicits orders, by means of one or more salespeople within this State, for retail sales within this State; and

(3) Every lessor engaged in the leasing of tangible personal property located in this State that does not maintain a place of business in this State but makes retail sales to purchasers from this State;

B. Every person that makes sales of tangible personal property or taxable services for delivery into this State if:

(1) The person's gross sales from delivery of tangible personal property or taxable services into this State in the previous calendar year or current calendar year exceeds \$100,000; or

(2) The person sold tangible personal property or taxable services for delivery into this State in at least 200 separate transactions in the previous calendar year or the current calendar year;

C. Every person that has a substantial physical presence in this State and that makes retail sales in this State of tangible personal property or taxable services on behalf of a principal that is outside of this State if the principal is not the holder of a valid registration certificate;

D. Every agent, representative, salesperson, solicitor or distributor that has a substantial physical presence in this State and that receives compensation by reason of sales of tangible personal property or taxable services made outside this State by a principal for use, storage or other consumption in this State;

E. Every person that manages or operates in the regular course of business or on a casual basis a hotel, rooming house or tourist or trailer camp in this State or that collects or receives rents on behalf of a hotel, rooming house or tourist or trailer camp in this State;

F. Every person that operates a transient rental platform and reserves, arranges for, offers, furnishes or collects or receives consideration for the rental of living quarters in this State;

G. Every room remarketer;

H. Every person that makes retail sales in this State of tangible personal property or taxable services on behalf of the owner of that property or the provider of those services;

I. Every person not otherwise required to be registered that sells tangible personal property to the State and is required to register as a condition of doing business with the State pursuant to Title 5, section 1825-B; and

J. Every person that holds a wine direct shipper license under Title 28-A, section 1403-A.

**1-C. Certain activities.** For purposes of subsection 1-B, the following activities do not constitute substantial physical presence in this State:

A. Solicitation of business in this State through catalogs, flyers, telephone or electronic media when delivery of ordered goods is effected by the

United States mail or by an interstate 3rd-party common carrier;

B. Attending trade shows, seminars or conventions in this State;

C. Holding a meeting of a corporate board of directors or shareholders or holding a company retreat or recreational event in this State;

D. Maintaining a bank account or banking relationship in this State; or

E. Using a vendor in this State for printing.

**Sec. B-12. 36 MRSA §1754-B, sub-§2-B**, as amended by PL 2005, c. 519, Pt. OOO, §1, is further amended to read:

**2-B. Issuance of resale certificates; new accounts.** The assessor shall issue a ~~provisional~~ resale certificate to each applicant for initial registration that states on its application that it expects to make annual gross sales of \$3,000 or more. A ~~provisional~~ resale certificate issued between January 1st and September 30th is effective for the duration of the calendar year in which it is issued and the ~~2~~ 3 subsequent years. A ~~provisional~~ resale certificate issued between October 1st and December 31st is effective until the end of the ~~3rd~~ 4th succeeding calendar year. Each certificate must contain the name and address of the retailer, the expiration date of the certificate and the certificate number. If a vendor has a true copy of a retailer's resale certificate on file, that retailer need not present the certificate for each subsequent transaction with that vendor during the period for which it is valid.

**Sec. B-13. 36 MRSA §1754-B, sub-§2-C**, as amended by PL 2013, c. 588, Pt. A, §45, is further amended to read:

**2-C. Renewal of resale certificates; contents; presentation to vendor.** On November 1st of each year, the assessor shall review the returns filed by each registered retailer unless the retailer has a resale certificate expiring after December 31st of that year. If the retailer reports \$3,000 or more in gross sales during the 12 months preceding the assessor's review, the assessor shall issue to the registered retailer a resale certificate effective for 5 calendar years. Each certificate must contain the name and address of the retailer, the expiration date of the certificate and the certificate number. If a vendor has a true copy of a retailer's resale certificate on file, that retailer need not present the certificate for each subsequent transaction with that vendor during the period for which it is valid.

A registered retailer that fails to meet the \$3,000 threshold upon the annual review of the assessor is not entitled to renewal of its resale certificate except as provided in this subsection. When any such retailer shows that its gross sales for a more current 12-month period total \$3,000 or more or explains to the satisfaction of the assessor why temporary extraordinary cir-

cumstances caused ~~it~~ that retailer's gross sales for the period used for the assessor's annual review to be less than \$3,000, the assessor shall, upon the written request of the retailer, issue to the retailer a resale certificate effective for the next 5 calendar years.

**Sec. B-14. 36 MRSA §1759**, as amended by PL 2017, c. 375, Pt. H, §1, is further amended to read:

**§1759. Bonds**

Either as a condition for issuance or subsequent to the issuance of a registration certificate under section 1754-B, or 1756 ~~or 1951-B~~, the State Tax Assessor may require from a taxpayer a bond written by a surety company qualified to do business in this State, in an amount and upon conditions to be determined by the assessor. In lieu of a bond the assessor may accept a deposit of money or securities in an amount and of a kind acceptable to the assessor. The deposit must be delivered to the Treasurer of State, who shall safely keep it subject to the instructions of the assessor.

**Sec. B-15. 36 MRSA §1760, sub-§94**, as enacted by PL 2011, c. 655, Pt. PP, §3 and affected by §4, is amended to read:

**94. Positive airway pressure and oxygen delivery equipment and supplies.** Positive airway pressure equipment and supplies and oxygen delivery equipment sold or leased for personal use.

**Sec. B-16. 36 MRSA §1811**, as amended by PL 2019, c. 231, Pt. A, §10, is repealed and the following enacted in its place:

**§1811. Sales tax**

**1. Tax imposed; rates.** A tax is imposed on the value of all tangible personal property, products transferred electronically and taxable services sold at retail in this State. Value is measured by the sale price.

A. For sales occurring on or after October 1, 2013 and before January 1, 2016, the rate of tax is 5.5% on the value of all tangible personal property and taxable services, except the rate of tax is:

(1) Eight percent on the value of prepared food;

(2) Eight percent on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43;

(3) Eight percent on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp; and

(4) Ten percent on the value of rental for a period of less than one year of an automobile, of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the busi-

ness of renting automobiles or of a loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty.

B. For sales occurring on or after January 1, 2016 and before May 2, 2018, the rate of tax is 5.5% on the value of all tangible personal property and taxable services, except the rate of tax is:

(1) Eight percent on the value of prepared food;

(2) Eight percent on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43;

(3) Nine percent on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp; and

(4) Ten percent on the value of rental for a period of less than one year of an automobile, of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles or of a loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty.

C. For sales occurring on or after May 2, 2018 and before October 1, 2019, the rate of tax is 5.5% on the value of all tangible personal property and taxable services, except the rate of tax is:

(1) Eight percent on the value of prepared food;

(2) Eight percent on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43;

(3) Nine percent on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp;

(4) Ten percent on the value of rental for a period of less than one year of an automobile, of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles or of a loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty; and

(5) Ten percent on the value of adult use marijuana and adult use marijuana products beginning on the first day of the calendar month in which adult use marijuana and adult use marijuana products may be sold in the State by a marijuana establishment licensed

to conduct retail sales pursuant to Title 28-B, chapter 1.

D. For sales occurring on or after October 1, 2019, the rate of tax is 5.5% on the value of all tangible personal property and taxable services, except the rate of tax is:

(1) Eight percent on the value of prepared food;

(2) Eight percent on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43 and liquor sold for on-premises consumption by a licensed brewery, small brewery, winery, small winery, distillery or small distillery pursuant to Title 28-A, section 1355-A, subsection 2, paragraph F;

(3) Nine percent on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp;

(4) Ten percent on the value of rental for a period of less than one year of an automobile, of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles or of a loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty; and

(5) Ten percent on the value of adult use marijuana, adult use marijuana products and, if sold by a person to an individual who is not a qualifying patient, marijuana and marijuana products beginning on the first day of the calendar month in which adult use marijuana and adult use marijuana products may be sold in the State by a marijuana establishment licensed to conduct retail sales pursuant to Title 28-B, chapter 1.

**2. Public utility sales; tax added to rates.** The tax imposed upon the sale and distribution of gas, water or electricity by any public utility, the rates for which sale and distribution are established by the Public Utilities Commission, must be added to the rates so established.

**Sec. B-17. 36 MRSA §1811-B,** as amended by PL 2005, c. 332, §14 and affected by §30, is further amended to read:

**§1811-B. Credit for tax paid on purchases for resale**

A retailer registered under section 1754-B or 1756 may claim a credit for sales tax imposed by this Part if the retailer has paid the sales tax on tangible personal property purchased for resale at retail sale. The credit

may be claimed only on the return that corresponds to the period in which the tax was paid. The credit may not be claimed if the item has been withdrawn from inventory by the retailer for the retailer's own use prior to its sale. If the retailer purchases an item for resale at retail sale and pays tax to its vendor and if the retailer's sales and use tax liability for the tax period in question is less than the credit being claimed, the retailer is entitled either to carry the credit forward or to receive a refund of the tax paid.

**Sec. B-18. 36 MRSA §1819** is enacted to read:

**§1819. Sourcing**

**1. "Receive" and "receipt" defined.** For the purposes of this section, "receive" and "receipt" mean:

- A. Taking possession of tangible personal property;
- B. Making first use of services; or
- C. Taking possession or making first use of products transferred electronically, whichever comes first.

"Receive" and "receipt" do not include possession by a shipping company on behalf of the purchaser.

**2. Sourcing for sales of tangible personal property and taxable services.** The retail sale of tangible personal property or a taxable service is sourced in this State pursuant to this subsection.

- A. When the tangible personal property or taxable service is received by the purchaser at a business location of the seller, the sale is sourced to that business location.
- B. When the tangible personal property or taxable service is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser or the purchaser's donee occurs, including the location indicated by instructions for delivery to the purchaser or donee known to the seller.
- C. For a sale when paragraphs A and B do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith.
- D. For a sale when paragraphs A to C do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith.

E. When paragraphs A to D do not apply, including the circumstance in which the seller is without sufficient information to apply paragraphs A to D, the location is determined by the address from which tangible personal property was shipped, from which the tangible personal property or taxable service transferred electronically was first available for transmission by the seller or from which the service was provided, disregarding for these purposes any location that merely provided the digital transfer of the tangible personal property or taxable service sold.

**Sec. B-19. 36 MRSA §1863**, as enacted by PL 1981, c. 503, is repealed.

**Sec. B-20. 36 MRSA §1864**, as enacted by PL 2001, c. 439, Pt. II, §1 and affected by §2, is amended to read:

**§1864. No use tax on donations to exempt organization**

A use tax is not imposed on the donation of merchandise by a retailer from inventory, including merchandise that has been returned to the retailer, to an organization if sales to that organization are exempt from sales tax under section 1760 or if that organization is exempt from taxation under the Code, Section 501(c)(3).

**Sec. B-21. 36 MRSA §1951-B**, as enacted by PL 2017, c. 245, §1 and affected by §2, is repealed.

**Sec. B-22. Application.** Those sections of this Part that amend the Maine Revised Statutes, Title 36, section 1752, subsection 11, paragraph B; subsection 14, paragraph A; and subsection 17-B; and that enact Title 36, section 1819 apply to sales occurring on or after October 1, 2019. Those sections of this Part that amend Title 36, section 1760, subsection 94 and that enact Title 36, section 1752, subsection 7-F apply retroactively to sales occurring on or after January 1, 2012.

**PART C**

**Sec. C-1. 12 MRSA c. 903, sub-c. 8**, as amended, is repealed.

**Sec. C-2. 30-A MRSA §5250-I, sub-§8**, as amended by PL 2009, c. 627, §2, is further amended to read:

**8. Financial services.** "Financial services" means services provided by an insurance company subject to taxation under Title 36, chapter 357; a captive insurance company formed or licensed under Title 24-A, chapter 83; a financial institution subject to taxation under Title 36, chapter 819; or a mutual fund service provider as defined in Title 36, section 5212, subsection 1, paragraph E.

**Sec. C-3. 30-A MRSA §5250-I, sub-§11-B** is enacted to read:

**11-B. Mutual fund service provider.** "Mutual fund service provider" means a taxpayer, as defined in Title 36, section 111, subsection 7, subject to tax under Title 36, Part 8 other than a financial institution as defined in Title 36, section 5206-D, subsection 8, that derives more than 50% of its gross income from the direct or indirect provision of management, distribution or administration services to or on behalf of a regulated investment company or from trustees, sponsors and participants of employee benefit plans that have accounts in a regulated investment company.

**Sec. C-4. 36 MRSA §191, sub-§2, ¶WW,** as repealed and replaced by PL 2013, c. 331, Pt. B, §4, is repealed.

**Sec. C-5. 36 MRSA §5122, sub-§1, ¶GG,** as amended by PL 2015, c. 1, §2, is repealed.

**Sec. C-6. 36 MRSA §5142, sub-§3-A,** as amended by PL 2007, c. 627, §83, is further amended to read:

**3-A. Gain or loss on sale of partnership interest.** Notwithstanding subsection 3, the gain or loss on the sale of a partnership interest is sourced to this State in an amount equal to the gain or loss multiplied by the ratio obtained by dividing the original cost of partnership tangible property located in Maine by the original cost of partnership tangible property everywhere, determined at the time of the sale. Tangible property includes property owned or rented and is valued in accordance with section 5211, subsection 10. If more than 50% of the value of the partnership's assets ~~consist~~ consists of intangible property, gain or loss from the sale of the partnership interest is sourced to this State in accordance with the sales factor of the partnership for its first full tax period immediately preceding the tax period of the partnership during which the partnership interest was sold. For purposes of this subsection, the sales factor of a partnership is determined in accordance with section 5211, ~~subsections~~ subsection 14, subsection 15 and subsection 16-A, paragraphs A to E. This subsection does not apply to the sale of a limited partner's interest in an investment partnership where more than 80% of the value of the partnership's total assets consists of intangible personal property held for investment, except that such property cannot include an interest in a partnership unless that partnership is itself an investment partnership.

If the apportionment provisions of this ~~section~~ subsection do not fairly represent the extent of the partnership's business activity in this State, the taxpayer may petition for, or the State Tax Assessor may require, in respect to all or any part of the partnership's business activity the employment of any other method to effectuate an equitable apportionment to this State of the partner's income from the sale of the partnership interest.

**Sec. C-7. 36 MRSA §5147** is enacted to read:

#### **§5147. Installment sale election**

Notwithstanding any provision of this Part to the contrary, an individual who transferred, during the taxable year, real or tangible property located in this State under an installment sale agreement may elect to recognize, for purposes of determining the taxable income under this chapter, the total gain or loss from that sale in the taxable year of the transfer, or to recognize any remaining gain or loss in a subsequent tax year to the extent of the gain or loss not reported in a prior tax year. An election under this section is not available to an individual unless that individual is a nonresident of this State at the time of the transfer or at the time the election is made. An election under this section must be made on a timely filed original income tax return, including if filed by any extension granted for filing the return, and, once made, is irrevocable.

**Sec. C-8. 36 MRSA §5200-A, sub-§1, ¶Z,** as amended by PL 2015, c. 1, §8, is repealed.

**Sec. C-9. 36 MRSA §5211, sub-§16-A, ¶F,** as enacted by PL 2007, c. 240, Pt. V, §9 and affected by §15, is repealed and the following enacted in its place:

F. Gross receipts on the sale of a partnership interest must be sourced to this State in an amount equal to the gross receipts multiplied by the ratio obtained by dividing the original cost of partnership tangible property located in Maine by the original cost of partnership tangible property everywhere, determined at the time of the sale. Tangible property includes property owned or rented and is valued in accordance with subsection 10. If more than 50% of the value of the partnership's assets consists of intangible property, gross receipts from the sale of the partnership interest must be sourced to this State in accordance with the sales factor of the partnership for its first full tax period immediately preceding the tax period of the partnership during which the partnership interest was sold. For purposes of this paragraph, the sales factor of a partnership is determined in accordance with subsection 14, subsection 15 and subsection 16-A, paragraphs A to E. This paragraph does not apply to the sale of a limited partner's interest in an investment partnership when more than 80% of the value of the partnership's total assets consists of intangible personal property held for investment, except that such property cannot include an interest in a partnership unless that partnership is itself an investment partnership.

**Sec. C-10. 36 MRSA §5212,** as amended by PL 2007, c. 240, Pt. V, §13, is repealed.

**Sec. C-11. 36 MRSA §5216-D,** as amended by PL 2011, c. 548, §30 and affected by §36 and amended by c. 644, §28 and affected by §33, is repealed.

**Sec. C-12. 36 MRSA §5217-D, sub-§1, ¶G,** as amended by PL 2015, c. 482, §3, is further amended to read:

G. "Qualified individual" means an individual, including the spouse filing a joint return with the individual under section 5221, who is eligible for the credit provided in this section. An individual is eligible for the credit if the individual:

(1) Attended and obtained:

(a) An associate or bachelor's degree from an accredited Maine community college, college or university after December 31, 2007 but before January 1, 2016. The individual need not obtain the degree from the institution in which that individual originally enrolled as long as all course work toward the degree is performed at an accredited Maine community college, college or university, except that an individual who transfers to an accredited Maine community college, college or university after December 31, 2012 but before January 1, 2016 from outside the State and earned no more than 30 credit hours of course work toward the degree at an accredited non-Maine community college, college or university after December 31, 2007 and prior to the transfer is eligible for the credit if all other eligibility criteria are met. Program eligibility for such an individual must be determined as if the commencement of course work at the relevant accredited Maine community college, college or university was the commencement of course work for the degree program as a whole. This division does not apply to tax years beginning after December 31, 2015;

(a-1) For tax years beginning on or after January 1, 2016, an associate or bachelor's degree from an accredited Maine community college, college or university after December 31, 2007 but before January 1, 2016, regardless of whether the individual earned credit hours of course work toward the degree outside the State;

(b) An associate or bachelor's degree from an accredited Maine or non-Maine community college, college or university after December 31, 2015; or

(c) A graduate degree from an accredited Maine college or university after December 31, 2015;

(4) During the taxable year, was a resident individual; and

(5) Worked during the taxable year:

(a) For tax years beginning prior to January 1, 2015, at least part time for an employer located in this State or, for tax years beginning on or after January 1, 2013, was, during the taxable year, deployed for military service in the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces;

(b) For tax years beginning on or after January 1, 2015, at least part time in this State for an employer or as a self-employed individual or was, during the taxable year, deployed for military service in the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces; or

(c) For tax years beginning on or after January 1, 2016, at least part time in a position on a vessel at sea.

As used in this subparagraph, "deployed for military service" ~~has the same meaning as in Title 26, section 814, subsection 1, paragraph A~~ means active military duty with the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces, whether pursuant to orders of the Governor or the President of the United States.

**Sec. C-13. 36 MRSA §5219-HH, sub-§6-A** is enacted to read:

**6-A. Interest inapplicable.** Notwithstanding any provision of this Title to the contrary, interest does not accrue during any period of delay as the result of the fiscal year credit limit imposed by Title 10, section 1100-Z, subsection 4 of any payment to a taxpayer pursuant to this section.

**Sec. C-14. 36 MRSA §5250, sub-§5** is enacted to read:

**5. Fiscal agents.** Fiduciaries, agents and other persons designated in accordance with the Code, Section 3504 to perform acts required of employers may, at the discretion of the assessor, be designated to perform acts required of employers for the purposes of complying with the requirements of this section. Designation by the assessor is subject to the terms and conditions the assessor may require. Except as may be otherwise prescribed by rule, all provisions of this Title applicable with respect to an employer, to the extent that such provision has application to the provisions of this section, including the provisions of section 177, are applicable to the designated fiduciary.

agent or other person, including, but not limited to, provisions governing assessment of liability and application of interest and penalties. Notwithstanding the immediately preceding sentence, an employer for which a fiduciary, agent or other person acts remains subject to the provisions of this Title applicable with respect to employers.

**Sec. C-15.** IB 2017, c. 1, Pt. B, §2 is repealed.

**Sec. C-16. Application; retroactive application.** Those sections of this Part that enact the Maine Revised Statutes, Title 36, section 5147; that amend Title 36, section 5142, subsection 3-A; that repeal Title 12, chapter 903, subchapter 8 and Title 36, section 5122, subsection 1, paragraph GG; section 5200-A, subsection 1, paragraph Z; section 5212; and section 5216-D; and that repeal and replace Title 36, section 5211, subsection 16-A, paragraph F apply to tax years beginning on or after January 1, 2019. That section of this Part that amends Title 36, section 5217-D, subsection 1, paragraph G applies retroactively to tax years beginning on or after January 1, 2013.

#### PART D

**Sec. D-1. 36 MRSA §5219-QQ, sub-§2, ¶E,** as amended by PL 2017, c. 375, Pt. D, §3 and c. 405, §1, is repealed and the following enacted in its place:

E. The commissioner shall revoke a certificate of approval if the certified applicant or a person to whom a certificate of approval has been transferred pursuant to paragraph D fails to make a qualified investment within 5 years of the date of the certificate of approval. The commissioner shall revoke a certificate of approval or a certificate of completion if the applicant or transferee ceases operations of the headquarters in the State or the certificate of approval or certificate of completion is transferred to another person without approval from the commissioner pursuant to paragraph D. A certified applicant whose certificate of completion is revoked within 5 years after the date issued shall return to the State an amount equal to the total credits claimed for all tax years under this section. A certified applicant whose certificate of completion is revoked during the period from 6 years after through 10 years after the date the certificate was issued shall return to the State an amount equal to the total credits claimed under this section for the period from 6 years after through 10 years after the date the certificate was issued. If credit amounts are recaptured after a certificate of approval has been transferred as provided in paragraph D, the transferee is responsible for payment of any credit amounts that must be returned to the State. The amount to be returned to the State under this paragraph is, for purposes of this Title, a tax subject to the collection and enforcement provisions contained in Part

1, including the application of applicable interest and penalties. The amount to be returned to the State must be added to the tax imposed on the taxpayer under this Part for the taxable year during which the certificate is revoked.

**Sec. D-2. 36 MRSA §5219-QQ, sub-§3,** as amended by PL 2017, c. 375, Pt. D, §4 and c. 405, §1, is repealed and the following enacted in its place:

**3. Refundable credit allowed.** A certified applicant who has received a certificate of completion is allowed a credit as provided in this subsection.

A. Subject to the limitations under paragraph B, beginning with the tax year during which the certificate of completion is issued or the tax year beginning in 2020, whichever is later, and for each of the following 19 tax years, a certified applicant is allowed a credit against the tax due under this Part for the taxable year in an amount equal to 2% of the amount of actual qualified investment specified on the certified applicant's certificate of completion under subsection 2, paragraph F or the amount of qualified investment approved by the commissioner in the certificate of approval under subsection 2, paragraph B, whichever is less. The credit allowed under this paragraph is refundable.

B. The credit under this subsection is limited as follows.

(1) A credit is not allowed for any tax year during which the taxpayer does not meet or exceed the following employment targets as measured on the last day of the tax year.

(a) For each of the first 10 tax years for which the credit is claimed, there must be a total of at least 80 additional full-time employees based in the State above the certified applicant's base level of employment whose jobs were added since the first day of the first tax year for which the credit was claimed multiplied by the number of years for which the credit has been claimed, including the tax year for which the credit is currently being claimed.

(b) For each tax year after the 10th tax year for which the credit is claimed, the taxpayer must employ a total of at least 800 additional full-time employees based in the State above the certified applicant's base level of employment whose jobs were added since the first day of the first tax year for which the credit was claimed.

Jobs for additional full-time employees that are counted for determining eligibility for the credit under one certificate of completion

may not be counted for determining eligibility for the credit under a separate certificate of completion. For purposes of this paragraph, "additional full-time employees" does not include employees who are shifted to a certified applicant's headquarters in the State from an affiliated business in the State. The commissioner shall determine whether a shifting of employees has occurred. For purposes of this paragraph, "affiliated business" has the same meaning as in section 6753, subsection 1-A.

(2) Cumulative credits under this subsection may not exceed \$16,000,000 under any one certificate.

**Sec. D-3. 36 MRSA §5219-QQ, sub-§4**, as amended by PL 2017, c. 375, Pt. D, §4 and c. 405, §1, is repealed and the following enacted in its place:

**4. Reporting required.** A certified applicant, the commissioner and the State Tax Assessor are required to make reports pursuant to this subsection.

A. On or before March 1st of each year, a certified applicant shall file a report with the commissioner for the tax year ending during the immediately preceding calendar year, referred to in this subsection as "the report year," containing the following information:

(1) The number of all full-time employees based in this State of the certified applicant on the last day of the report year;

(2) The incremental amount of qualified investment made in the report year;

(3) The total number of additional full-time employees added in the State by the certified applicant above the certified applicant's base level of employment since the date a certificate of approval was issued;

(4) The incremental number of additional full-time employees added in the State by the certified applicant above the certified applicant's base level of employment during the report year;

(5) The average and median wages of all additional full-time employees above the certified applicant's base level of employment in the State whose jobs were added since the first day of the first tax year for which the credit was claimed; and

(6) The percentage and number of all additional full-time employees above the certified applicant's base level of employment who have access to retirement benefits and health benefits.

The commissioner may prescribe forms for the annual report described in this paragraph. The commissioner shall provide copies of the report to the State Tax Assessor and to the joint standing committee of the Legislature having jurisdiction over taxation matters at the time the report is received.

B. By December 31st of each year, the State Tax Assessor shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters the revenue loss during the report year as a result of this section for each taxpayer claiming the credit and, if necessary, shall include updated revenue loss amounts for any previous tax year. For purposes of this paragraph, "revenue loss" means the credit claimed by the taxpayer and allowed pursuant to this section, consisting of the amount of the credit used to reduce the tax liability of the taxpayer and the amount of the credit refunded to the taxpayer, stated separately.

Notwithstanding any other provision of law to the contrary, the reports provided under this subsection are public records as defined in Title 1, section 402, subsection 3.

**Sec. D-4. 36 MRSA §5219-QQ, sub-§5**, as enacted by PL 2017, c. 375, Pt. D, §5, is reallocated to 36 MRSA §5219-QQ, sub-§6.

## PART E

**Sec. E-1. 36 MRSA §191, sub-§2, ¶HHH** is enacted to read:

HHH. The disclosure of information to an authorized representative of the Public Utilities Commission for use in the commission's administration and oversight of the E-9-1-1 funding under Title 25, section 2927, the state universal service fund under Title 35-A, section 7104 and the telecommunications education access fund under Title 35-A, section 7104-B. The assessor shall apprise the authorized representative of the provisions regarding confidentiality of such information and of the continuing confidential nature of the disclosed information.

See title page for effective date.

**CHAPTER 402**  
**H.P. 1282 - L.D. 1801**

**An Act To Ensure Compliance  
with Federal Requirements for  
Background Checks of Certain  
Department of Health and  
Human Services Employees**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 19-A MRSA §2111 is enacted to read:**

**§2111. Criminal history record checks for Department of Health and Human Services employees, applicants for employment, contractors and subcontractors**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Federal Bureau of Investigation" means the United States Department of Justice, Federal Bureau of Investigation.

B. "State Police" means the Department of Public Safety, Bureau of State Police.

**2. Criminal history; information about criminal records and data obtained.** The department shall obtain, in print or electronic format, criminal history record information containing a record of public criminal history record information as defined in Title 16, section 703, subsection 8, from the Maine Criminal Justice Information System, established pursuant to Title 16, section 631, and the Federal Bureau of Investigation, for any person employed by the department, who may be offered employment by the department or who is employed by or may be offered employment by a department contractor or subcontractor in order to comply with the United States Internal Revenue Service's tax information security guidelines for federal, state and local agencies.

**3. Fingerprint-based criminal history obtained.** A person employed by the department or a person who is employed by a department contractor or subcontractor shall consent to and have the person's fingerprints taken. A person who may be offered employment by the department or by a department contractor or subcontractor shall consent to and have the person's fingerprints taken prior to being employed by the department or by a department contractor or subcontractor. The State Police shall take or cause to be taken the fingerprints of a person who has consented under this subsection and shall forward the fingerprints to the Department of Public Safety so that the Department of Public Safety may conduct a state and national criminal history record check on the person.

The Department of Public Safety shall forward the results obtained to the department. The fee charged to the department by the State Police must be consistent with the fee charged to executive branch agencies receiving similar services. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the Department of Public Safety.

**4. Updates to information.** The department may request a subsequent criminal history record check under subsection 3 on an employee, a person who has been offered employment by the department, an employee of a department contractor or subcontractor or a person who has been offered employment by a department contractor or subcontractor as the department determines appropriate, including continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

**5. Confidentiality.** Information obtained pursuant to this section is confidential and may not be disseminated for purposes other than as provided in subsections 6 and 7.

**6. Use of information obtained.** Criminal history record information obtained pursuant to this section may be used by the department for employment purposes to screen an employee, a person who may be offered employment by the department, an employee of a department contractor or subcontractor or a person who may be offered employment by a department contractor or subcontractor. The subject of any criminal history record check under subsection 3 may contest any negative decision made by the department based upon the information received pursuant to the criminal history record check.

**7. Person's access to information obtained.** A person subject to a criminal history record check pursuant to subsection 3 must be notified each time a criminal history record check is performed on the person. A person subject to a criminal history record check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

**8. Right of subject to remove fingerprints from record.** Upon request from a person subject to a criminal history record check pursuant to subsection 3, the Department of Public Safety shall remove the person's fingerprints from the Department of Public Safety's records and provide written confirmation of the removal to the person.

**Sec. 2. 25 MRSA §1542-A, sub-§1, ¶P**, as enacted by PL 2017, c. 452, §25 and c. 457, §13, is repealed and the following enacted in its place:

P. Who is licensed under Title 32, chapter 36 and has applied for an expedited license under Title 32, section 18506;

**Sec. 3. 25 MRSA §1542-A, sub-§1, ¶¶Q and R**, as enacted by PL 2017, c. 457, §13, are amended to read:

Q. Who is an applicant for licensure with the State Board of Nursing as required under Title 32, section 2111, subsection 1; or

R. Who is required to have a criminal background check under Title 22, section 8302-A or 8302-B;

**Sec. 4. 25 MRSA §1542-A, sub-§1, ¶¶S and T** are enacted to read:

S. Who is required to have a criminal history record check under Title 22, section 2425-A, subsection 3-A; or

T. Who is required to have a criminal history record check under Title 19-A, section 2111.

**Sec. 5. 25 MRSA §1542-A, sub-§3, ¶O**, as enacted by PL 2017, c. 452, §26 and c. 457, §15, is repealed and the following enacted in its place:

O. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph P at the request of that person and upon payment of the expenses by that person as required by Title 32, section 2571-A.

**Sec. 6. 25 MRSA §1542-A, sub-§3, ¶¶R and S** are enacted to read:

R. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph S at the request of that person or the Department of Administrative and Financial Services under Title 22, section 2425-A, subsection 3-A.

S. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph T at the request of that person or the Department of Health and Human Services pursuant to Title 19-A, section 2111.

**Sec. 7. 25 MRSA §1542-A, sub-§4**, as amended by PL 2017, c. 452, §27 and c. 457, §16, is repealed and the following enacted in its place:

**4. Duty to submit to State Bureau of Identification.** It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1,

paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, K, L or S must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services. Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph Q must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R or T must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Health and Human Services.

See title page for effective date.

**CHAPTER 403**  
**H.P. 1297 - L.D. 1820**

**An Act To Amend the Laws  
Governing Investigations by  
School Entities into Holders of  
Credentials**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §13025**, as repealed and replaced by PL 2017, c. 477, §1, is amended to read:

**§13025. Investigations**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "~~Boundaries~~" means ~~the physical, emotional and social structures that ensure that interactions with a student have a legitimate academic purpose.~~

B. "Covered investigation" means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the alleged conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, ~~violating boundaries~~, inappropriate contact between a credential holder and a student, stalking, or similar behavior that ~~may endanger~~ endangers the health, safety or welfare of a student.

C. "School entity" means an approved private school, school administrative unit, public charter school, school management and leadership center, school in the unorganized territory or school operated by the State.

**2. Subpoenas.** When conducting an investigation relating to the credentialing of personnel under chapter 501 and this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation.

**3. Duties of school entities.** A school entity shall notify the department ~~within 15 business days of the~~ immediately if a credential holder who is the subject of a covered investigation leaves the school entity's initiating a employment for any reason prior to the conclusion of the covered investigation. The A school entity shall notify the department immediately if ~~the a~~ a credential holder is ~~put on administrative leave~~ disciplined, suspended or terminated as ~~part~~ part a result of a covered investigation in which the school entity determined that a student's health, safety or welfare was endangered. The notification must include the matter being investigated. Within 5 business days after completion of a covered investigation, the school entity

~~shall notify the department in writing of the final outcome of the investigation, including, but not limited to, any actions taken, and shall provide to the department any final report produced in support of the school entity's decision to discipline, suspend or terminate the credential holder. The credential holder who is the subject of the report may submit to the department a written rebuttal to the report. The written rebuttal must be placed in the department's investigative file.~~

**4. Duties of department.** The department shall ~~notify school entities~~ act in accordance with this subsection.

A. The department shall notify the superintendent or chief administrative officer of a school entity within 15 business days of the department's initiating an investigation into a holder of a credential who works for the school entity and shall notify the school entity immediately if the department takes action on that credential. Within 5 business days after completion of an investigation, the department shall notify each school entity for which the credential holder works of the final outcome of the investigation, including, but not limited to, any actions taken, and shall provide to the school entity any final written decision.

B. Immediately upon receipt from a school entity of notification pursuant to subsection 3 of ~~a covered investigation or administrative leave~~ the discipline, suspension or termination of a credential holder, or the leaving of employment by a credential holder prior to the completion of a covered investigation of that credential holder, the department shall notify the superintendent or chief administrative officer of all other school entities for which the credential holder works, as reported to the department under section 13026, that the credential holder ~~is being investigated or has been placed on administrative leave was disciplined, suspended or terminated as part of a result of a covered investigation, or that the credential holder left employment prior to completion of a covered investigation. The department shall notify the superintendent or chief administrative officer of each school entity for which the credential holder works of the final outcome of the covered investigation, including, but not limited to, any actions taken and any final report produced, upon receipt of that information from the investigating school entity. If a credential holder provides consent as part of that credential holder's application for employment with a school entity, the department shall notify the superintendent or the chief administrative officer of that school entity if that credential holder left employment with a school entity prior to the completion of a covered investigation of that credential holder.~~

C. The department shall destroy copies of all records and reports related to a finding resulting in discipline, suspension or termination of a credential holder if the finding resulting in that discipline, suspension or termination is reversed upon appeal at the school entity level.

**5. Confidentiality.** The department may share information that is confidential pursuant to section 6101 or 13004 with a school entity in accordance with subsection 4. A school entity that receives confidential information shall maintain the confidentiality of that information ~~in accordance with rules adopted by the department pursuant to subsection 6.~~

~~**6. Rules.** The commissioner shall adopt rules as necessary to carry out this section. In adopting rules, the commissioner shall identify the types of conduct of which a school entity must notify the department under subsection 3 and shall develop procedures for school entities to ensure the confidentiality of information received pursuant to subsection 5. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~

**Sec. 2. Work group; report.** The Department of Education shall convene a work group of stakeholders, including but not limited to the Maine School Management Association, the Maine Education Association and the Office of the Attorney General, to study and report to the Joint Standing Committee on Education and Cultural Affairs, no later than February 1, 2020 on recommendations and suggested legislation to improve the law regarding investigations into educator credential holders. The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 129th Legislature on the subject matter of the report.

See title page for effective date.

**CHAPTER 404**

**S.P. 616 - L.D. 1826**

**An Act To Update the Laws Relating to Liquor Licensing and Enforcement**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 28-A MRSA §2, sub-§29-A,** as enacted by PL 2005, c. 390, §1, is amended to read:

**29-A. Small distillery.** "Small distillery" means a distiller that produces distilled spirits in an amount that does not exceed 50,000 gallons per year.

**Sec. 2. 28-A MRSA §2, sub-§31,** as amended by PL 2017, c. 301, §2, is further amended to read:

**31. Spirits.** "Spirits" means any liquor produced by distillation or, if produced by any other process, strengthened or fortified by the addition of distilled spirits of any kind. "Spirits" does not include low-alcohol spirits products or fortified wine. Beginning July 1, 2019, "spirits" does not mean an additive or flavoring, such as an extract or concentrate, that:

- A. Contains alcohol;
- B. Is not intended to be consumed alone as a beverage or a food product but serves as a flavor enhancement to a beverage or a food product; and
- C. Is not subject to excise tax under chapter 65.

**Sec. 3. 28-A MRSA §83-C, sub-§2-A** is enacted to read:

**2-A. Special pricing situations.** Notwithstanding section 1651, the bureau may, by rule, set retail prices on spirits at different levels than those established by the commission in the following circumstances.

- A. The bureau may establish special retail prices on certain listed spirits items to be made available to the consumer at all agency liquor stores.
- B. The bureau may reduce the retail price of a listed spirits item that is unlikely to be sold for the retail price set by the commission.
- C. The bureau may reduce, at the expense of the manufacturer or supplier, the retail price of those test-market spirits items that fail to meet set minimum gross profit standards after a 3-month period.

**Sec. 4. 28-A MRSA §83-C, sub-§9,** as enacted by PL 2013, c. 476, Pt. A, §9, is amended to read:

**9. Report on expenditures.** Report annually on expenditures and investments made by the bureau, including, but not limited to, reductions in the ~~list~~ retail price at which spirits are sold and incentives offered to agency liquor stores, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters. The report must include the impact of those spending initiatives on the number of cases of spirits sold in the State and on sales of spirits generally.

**Sec. 5. 28-A MRSA §453, sub-§2-C, ¶A,** as amended by PL 2017, c. 167, §4, is further amended to read:

A. If the applicant has previously held a license to sell malt liquor and wine for off-premises consumption, the applicant was not found by the District Court to have committed a violation of any provision of this Title or rule of the bureau within the last year;

**Sec. 6. 28-A MRSA §460, sub-§2, ¶M-1**, as amended by PL 2019, c. 79, §1, is further amended to read:

M-1. Spirits served at a taste-testing event must be provided by the agency liquor store or purchased, at the retail ~~list~~ price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the agency liquor store.

**Sec. 7. 28-A MRSA §606, sub-§1**, as amended by PL 2013, c. 368, Pt. V, §35, is further amended to read:

**1. Purchase of liquor.** Subject to the restrictions provided in subsection 1-A, a person licensed to sell spirits ~~and fortified wine for on-premises consumption~~ must purchase spirits ~~and fortified wine~~ from an agency liquor store licensed as a reselling agent under section 453-C. This subsection does not apply to public service corporations operating interstate.

**Sec. 8. 28-A MRSA §606, sub-§1-A, ¶A**, as amended by PL 2013, c. 476, Pt. A, §19, is further amended to read:

A. The sale price of spirits sold by a reselling agent to an establishment licensed for on-premises consumption must ~~equal~~ be the retail price established by the commission or the discounted retail price established by the bureau in accordance with subsection 1-C.

**Sec. 9. 28-A MRSA §606, sub-§1-C**, as amended by PL 2013, c. 476, Pt. A, §20, is further amended to read:

**1-C. Price of state spirits sales to agency liquor stores.** The bureau may offer discounts below the ~~list retail price set by the commission~~ on spirits sold to agency liquor stores.

**Sec. 10. 28-A MRSA §606, sub-§4-A**, as enacted by PL 2013, c. 269, Pt. A, §8 and amended by c. 368, Pt. V, §61, is further amended to read:

**4-A. Discount rates for agency liquor stores; rulemaking.** Beginning July 1, 2014, the bureau shall set the price of spirits at a minimum discount of 12% of the ~~list retail~~ price. The bureau may establish discount rates greater than 12%, including graduated discount rates, but those discount rates must be established by rules that ensure that any graduated discount rate is structured in a way that does not adversely affect agency liquor stores that stock a low level of inventory. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 11. 28-A MRSA §606, sub-§4-B**, as enacted by PL 2019, c. 168, §1, is amended to read:

**4-B. Discount rate for small distilleries.** Beginning July 1, 2019, the bureau shall set the price of

spirits produced by a small distillery licensed under section 1355-A, subsection 5, paragraph B and retained by that small distillery for sale under section 1355-A, subsection 5, paragraph G or H at a discount of 22.75% of the ~~list~~ retail price.

**Sec. 12. 28-A MRSA §708, sub-§7**, as amended by PL 2009, c. 504, §1, is further amended to read:

**7. Instant marketing promotions.** ~~A The bureau, a manufacturer or a supplier of spirits listed for sale by the commission may offer monetary rebates in the form of instant redeemable coupons attached to the spirits product as approved by the commission in accordance with conditions established by the commission or rules established by the commission bureau. Agency store licensees may redeem the coupons only upon proof of purchase and in accordance with the terms listed on the coupon. Instant redeemable coupons included with a spirits product must be inserted in the package by the manufacturer or attached to the package by the manufacturer, manufacturer's agent or manufacturer's sales representative. Instant redeemable coupons provided by the manufacturer's agent or manufacturer's sales representative must be made available to all agency store licensees electing to offer the coupon in an amount equal to the agency store's inventory of spirits products that are subject to the coupon promotion. Instant redeemable coupons attached to spirits sold to on-premise retail licensees by reselling agents are for the benefit of the on-premise retail licensee. The bureau, the manufacturer or the supplier of spirits may offer instant redeemable coupons to consumers through the bureau's, the manufacturer's or the supplier's publicly accessible website, other digital media platforms or print media. An instant redeemable coupon attached to a used in a manner provided in this subsection for a spirits product sold by an agency store licensee to a consumer is for the benefit of the consumer who purchases the spirits product.~~

**Sec. 13. 28-A MRSA §708-C**, as amended by PL 2017, c. 347, §2, is further amended to read:

**§708-C. Donations to public broadcasting stations, municipal entities, incorporated civic organizations and national organizations**

**1. Donations for an auction or award.** A person licensed by the bureau under section 1355-A, a certificate of approval holder, a manufacturer or supplier of ~~distilled~~ spirits or a wholesaler may donate a certificate to purchase its product or donate its product to a public broadcasting station, a municipal entity, an incorporated civic organization or a similarly purposed national organization designated by the United States Internal Revenue Service under the United States Internal Revenue Code of 1986, Section 501(c)(3) for the purpose of an auction or to offer as a prize, gift or award in conjunction with efforts to support the pur-

poses of the incorporated civic organization, similarly purposed organization, municipal entity or public broadcasting station. Spirits donated in accordance with this subsection must be listed by the commission for sale in this State, clearly labeled as a donation and purchased from the State's wholesale liquor provider at ~~list~~ the wholesale price. A person authorized to make a donation in accordance with this subsection shall maintain a record of each donation, including the value of the donation and the date on which it was made. A recipient of a donation under this subsection must be 21 years of age or older.

**2. Donations for consumption at on-premises events.** A person licensed by the bureau under section 1355-A, a certificate of approval holder, a manufacturer or supplier of spirits or a wholesaler may donate its product or provide malt liquor, wine, spirits or fortified wine at a reduced price to a person licensed by the bureau to serve ~~alcoholic beverages~~ liquor for on-premises consumption at an event designed to benefit a municipal entity, an incorporated civic organization or a similarly purposed national organization designated by the United States Internal Revenue Service under the United States Internal Revenue Code of 1986, Section 501(c)(3). ~~Spirits donated in accordance with this subsection must have first been sold to the State or the State's contracted wholesaler for listing, pricing and distribution in accordance with this Title. Spirits donated in accordance with this subsection must be listed by the commission for sale in this State, clearly labeled as a donation and purchased from the State's wholesale liquor provider at the wholesale price.~~ A person authorized to make a donation or offer its product at a reduced price under this subsection shall maintain a record of the products donated or offered, including the value of each, the reduced price when applicable and the date on which the product was provided. All applicable excise taxes on donated malt liquor, wine, spirits and fortified wine must be remitted as required by this Title. A licensee provided product in accordance with this subsection:

- A. Shall maintain a record of each product received and the date on which it was received;
- B. Shall maintain a record of the name of the municipal entity, incorporated civic organization or similarly purposed national organization the event was designed to benefit and for which the product is provided;
- C. Shall ensure that the product provided is served only at the event designed to benefit the municipal entity, incorporated civic organization or similarly purposed national organization;
- D. Shall ensure that excess product that was donated for the event is returned to the donor within a reasonable period after the event; and

E. Shall ensure that containers holding donated product are returned to the donor for recycling as appropriate and not presented for redemption under Title 32, chapter 28.

For purposes of this section, "municipal entity" means a county, city, town or municipal agency or department.

**Sec. 14. 28-A MRSA §709, sub-§1, ¶A**, as amended by PL 2013, c. 504, §1, is further amended to read:

A. ~~No~~ A licensee ~~or~~ employee of a licensee or agent of a licensee may not:

- (1) Offer or deliver any free liquor to any person or group of persons;
- (2) Deliver more than ~~2 drinks containing~~ 4 1/2 ounces of spirits, a carafe containing more than one liter or 33.8 ounces of wine, or any serving or pitcher containing more than one liter or 33.8 ounces of malt liquor, to one person at one time;
- (3) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks for a fixed price, except at private functions not open to the public;
- (4) Encourage or permit, on the licensed premises, any game or contest that involves drinking or the awarding of drinks as prizes; or
- (5) Engage in any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess.

**Sec. 15. 28-A MRSA §710, sub-§1**, as amended by PL 2013, c. 207, §1, is further amended to read:

**1. Advertising outside of licensed premises.** A person, except wholesale licensees and certificate of approval holders, may not advertise or permit to be advertised, by more than ~~2~~ 5 signs, on the outside of any licensed premises, or on any building, ground or premises under that person's control and contiguous or adjacent to the licensed premises:

- A. The fact that the licensee has liquor or any brand of liquor for sale;
- B. The price at which liquor is sold by the licensee; or
- C. Any other advertisement that indicates any reference to liquor other than the name of the licensed premises, an image accompanying the name of the licensed premises or a brand name or image appearing on a patio umbrella in an outside seating area of the licensed premises.

For agency liquor stores, ~~one~~ 2 of the 2 5 signs permitted by this subsection ~~is an~~ are agency liquor store sign signs as described by rule.

**Sec. 16. 28-A MRSA §1012, sub-§6, ¶C,** as enacted by PL 2009, c. 458, §2, is amended to read:

C. A minibar may be stocked with beer, wine and ~~distilled~~ spirits as well as other complementary merchandise;

**Sec. 17. 28-A MRSA §1012, sub-§6, ¶¶E and F,** as enacted by PL 2009, c. 458, §2, are amended to read:

E. Supplies of ~~distilled~~ spirits for a hotel minibar must be purchased from an agency liquor store licensed as a reselling agent under section 453-C;

F. A hotel must maintain invoices for all ~~alcoholic beverages~~ liquor stocked in a minibar and must maintain records of all sales of ~~alcoholic beverages~~ liquor sold or dispensed from a minibar;

**Sec. 18. 28-A MRSA §1051, sub-§6,** as enacted by PL 2005, c. 319, §3, is amended to read:

**6. Spirits taste-testing events on retail licensee's premises.** A distiller, licensed ~~distilled~~ spirits sales representative and the State's wholesale liquor provider, with the written permission of the bureau, may rent or lease an area or room from an on-premises retail licensee for the purpose of inviting retail licensees to taste test spirits. Spirits taste-testing events must be conducted during hours that are authorized by the bureau for the sale of the product on the premises. The following conditions apply to all taste testing conducted under this subsection.

A. The distiller, licensed ~~distilled~~ spirits sales representative or the State's wholesale liquor provider may provide the products for taste testing only if the retail price has been paid and a record of the transaction is maintained and made available to the bureau.

B. The taste-testing activity may be conducted only within a special designated area or room.

C. The taste-testing activity may be open only to invited retail licensees or their authorized agents and not to family members, guests or the general public.

D. After the taste-testing activity is concluded, the distiller, licensed ~~distilled~~ spirits sales representative or wholesale liquor provider, as applicable, shall remove all products supplied for the taste-testing activity from the retail licensee's premises.

**Sec. 19. 28-A MRSA §1051, sub-§8, ¶D,** as enacted by PL 2013, c. 258, §1, is amended to read:

D. A person may not be served more than a total of 1 1/2 ounces, in 1/2 ounce servings, of ~~distilled~~

spirits having an alcohol content of 80 proof or less; or, for ~~distilled~~ spirits containing an alcohol content of greater than 80 proof, a person may not be served more than a total of 3/4 of an ounce in 1/4 ounce servings.

**Sec. 20. 28-A MRSA §1052-D, sub-§1,** as enacted by PL 2013, c. 531, §4, is amended to read:

**1. Taste-testing event license.** A person who has been issued a license under section 1355-A, a wholesaler licensed under section 1401 ~~or~~, a person who has been granted a certificate of approval from the bureau, a supplier or foreign manufacturer of spirits or a broker may apply jointly in any combination for a license to participate in a taste-testing event subject to the conditions prescribed by this section. For the purposes of this section, "broker" means a person who represents suppliers or manufacturers of spirits and "foreign manufacturer of spirits" means a person who produces spirits outside of the State.

**Sec. 21. 28-A MRSA §1052-D, sub-§4,** as enacted by PL 2013, c. 531, §4, is amended to read:

**4. Fee.** The license fee for a taste-testing event license is \$20 for each manufacturer licensed under section 1355-A, sponsored manufacturer, wholesaler licensed under section 1401 ~~or~~, certificate of approval holder or broker.

**Sec. 22. 28-A MRSA §1052-D, sub-§6,** as enacted by PL 2013, c. 531, §4, is amended to read:

**6. Up to 10 licensed events per year; one event per license.** A certificate of approval holder, a manufacturer licensed under section 1355-A, a supplier or foreign manufacturer of spirits, a broker or a wholesaler licensed under section 1401 may obtain up to 10 licenses under this section per calendar year. Each license permits a taste-testing event lasting up to 4 consecutive days.

**Sec. 23. 28-A MRSA §1052-D, sub-§7, ¶I,** as enacted by PL 2013, c. 531, §4, is amended to read:

I. A licensee under this section who is a manufacturer licensed under section 1355-A, is a wholesaler licensed under section 1401 or is a certificate of approval holder may provide for taste testing any malt liquor or wine that the licensee, wholesaler or manufacturer manufactures or distributes that is registered and authorized for distribution and sale under this Title ~~or~~. A licensee under this section who is a manufacturer of spirits licensed under section 1355-A, a supplier or foreign manufacturer of spirits or a broker may provide for taste testing any spirits the licensee or manufacturer manufactures listed for sale by the bureau commission. Excise taxes for malt liquor and wine under section 1652 must be paid before the scheduled date of the taste-testing event.

**Sec. 24. 28-A MRSA §1052-D, sub-§7, ¶K,** as enacted by PL 2013, c. 531, §4, is amended to read:

K. Each manufacturer, sponsored manufacturer, wholesaler ~~or~~, certificate of approval holder or broker licensed to take part in the taste-testing event shall make available to the bureau or local law enforcement agency upon request a list of the persons designated by the respective licensee to serve malt liquor, wine or spirits for taste testing at the event. The list must be accompanied by an affidavit attesting that no person designated to serve alcohol for taste testing has been found to have violated any state or federal law prohibiting the sale or furnishing of alcohol to a minor.

**Sec. 25. 28-A MRSA §1052-D, sub-§7, ¶L,** as enacted by PL 2013, c. 531, §4, is amended to read:

L. Each manufacturer, sponsored manufacturer, wholesaler ~~or~~, certificate of approval holder or broker shall provide to any person designated to serve malt liquor, wine or spirits for taste testing a badge or similar means of identification that clearly identifies the name of the manufacturer, sponsored manufacturer, supplier, wholesaler or certificate of approval holder. The badge or similar means of identification must be worn in a manner so that it is conspicuous and clearly visible to a person being served.

**Sec. 26. 28-A MRSA §1355-A, sub-§5, ¶G,** as amended by PL 2019, c. 168, §3, is further amended to read:

G. Notwithstanding paragraph D, a holder of a small distillery license that sells its products directly to consumers for off-premises consumption under paragraph B, subparagraph (3) or subsection 2, paragraph C, D or E may pay the bureau the difference between the distillery's price charged to the bureau and the discounted ~~list~~ retail price charged by the bureau under section 606, subsection 4-B. A small distillery is not required to transport spirits that will be sold for off-premises consumption as described in this paragraph to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90. A holder of a small distillery license shall record the quantity of spirits sold for off-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

**Sec. 27. 28-A MRSA §1355-A, sub-§5, ¶H,** as amended by PL 2019, c. 168, §4, is further amended to read:

H. Notwithstanding paragraph D, a holder of a small distillery license that sells its products di-

rectly to consumers for on-premises consumption under paragraph E or subsection 2, paragraph B, E or F may pay the bureau the difference between the distillery's price charged to the bureau and the discounted ~~list~~ retail price charged by the bureau under section 606, subsection 4-B. A small distillery is not required to transport spirits that will be sold for on-premises consumption as described in this paragraph to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90. A holder of a small distillery license shall record the quantity of spirits sold for on-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

**Sec. 28. 28-A MRSA §1504,** as amended by PL 2017, c. 35, §2, is further amended to read:

#### **§1504. Samples of products**

A person licensed under section 1502 as a sales representative for a ~~distilled~~ spirits manufacturer or supplier may give a retail licensee samples of ~~distilled~~ spirits under the following conditions.

**1. Invoice required.** The ~~distilled~~ spirits must be accompanied by an invoice.

**2. Product registered.** The ~~distilled~~ spirits must be listed by the commission for sale in this State and clearly labeled as a sample.

~~**3. Taxes paid.** Taxes must be paid on each item and the distilled spirits must be purchased from the State's wholesale liquor provider.~~

**3-A. Partial-bottle spirits samples.** Samples must be decanted from the ~~distilled~~ spirits product bottle and provided to licensees licensed for on-premises consumption. The ~~agent~~ sales representative providing the sample shall maintain a log stating the names of the licensees who sampled the product and the amount sampled. Partial-bottle samples must be properly sealed between tastings.

**4. Sampling record.** The sales representative who provides the sample shall maintain a log stating the names of the retail licensees who sampled the ~~dis-~~ tilled spirits and the amount sampled.

**5. Full-bottle samples.** The maximum amount of unopened full-bottle samples of ~~distilled~~ spirits given to a retail licensee by a sales representative may not exceed 6 liters per year per distiller represented by that sales representative. Individual samples may not exceed one liter. A full-bottle sample is an unopened bottle of spirits provided to an agency liquor store or an on-premises retail licensee licensed to sell spirits.

**6. Retail sampling.** Samples poured from a bottle of spirits designated for retail sampling may be provided to an on-premises licensee licensed to serve spirits and to an agency liquor store on the premises of the agency liquor store if the person receiving the sample is 21 years of age or older and is in a supervisory or managerial position with the agency liquor store. Bottles of spirits designated for retail sampling must be properly sealed between samplings.

**7. Records maintained.** Records of samples given or received under this section must be maintained for a 2-year period by the retail licensee giving or receiving samples.

**8. Access to samples.** A sales representative shall request samples from bailment inventory of a supplier housed at the State's wholesale liquor provider's warehouse for the purposes described under this section.

**Sec. 29. 28-A MRSA §1651, sub-§1,** as amended by PL 2015, c. 166, §6, is further amended to read:

**1. State spirits tax.** Except as provided in section 83-C, subsection 2 2-A, the commission shall determine and set the ~~list retail~~ price at which to sell all spirits to agency liquor stores that will produce ~~an aggregate state liquor tax~~ sufficient revenue to pay all ~~liquor related~~ spirits-related expenses of the ~~Bureau of Alcoholic Beverages and Lottery Operations bureau~~ and to return to the Liquor Operation Revenue Fund established in Title 30-A, section 6054 and the General Fund an amount substantially equal to the amount of state ~~liquor~~ spirits tax collected in the previous fiscal year.

C. ~~The commission bureau shall add any cost to the State related to handling containers returned for charge agency liquor stores the refund value pursuant to Title 38, section 3103 to the established price without markup in addition to the wholesale price for each product purchased.~~

**Sec. 30. 28-A MRSA §1651, sub-§2,** as amended by PL 2013, c. 368, Pt. V, §§48 and 61, is repealed.

**Sec. 31. 28-A MRSA §1651, sub-§3,** as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**3. Applicability of tax.** Taxes on spirits imposed by the State do not apply to sales of spirits by manufacturers, bottlers and rectifiers holding licenses ~~from the commission~~ issued by the bureau:

- A. To any instrumentality of the United States;
- B. To any vessel of foreign registry;
- C. To industrial establishments for use as an ingredient in the manufacture of food products; or

D. For use as an ingredient in the manufacture of commodities which by reason of their nature cannot be used for beverage purposes.

See title page for effective date.

**CHAPTER 405**

**H.P. 1105 - L.D. 1512**

**An Act Regarding Persons Who Are Found Not Criminally Responsible and Are Sent out of State for Treatment**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 15 MRSA §104-A, sub-§1,** as amended by PL 2005, c. 464, §1, is further amended to read:

**1. Release and discharge.** The term "release," as used in this section, means termination of institutional inpatient residency and return to permanent residency in the community. The head of the institution in which a person is placed, under section 103, shall, annually, forward to the Commissioner of Health and Human Services a report containing the opinion of a staff psychiatrist as to the mental conditions of that person, stating specifically whether the person may be released or discharged without likelihood that the person will cause injury to that person or to others due to mental disease or mental defect. The report must also contain a brief statement of the reasons for the opinion. If a person has been placed in an institution outside the State pursuant to section 103, the institution of this State required to monitor the person's placement shall forward the report to the commissioner every 6 months. If a person who has been found not criminally responsible by reason of insanity for the crime of murder or a Class A crime and was committed under section 103 is the subject of a report finding that the person may be released, the report must specifically ~~describe~~ recommend the supervision for the Department of Health and Human Services ~~will to~~ provide the person and must specifically include measures for the department ~~will to~~ take to provide psychoactive medication monitoring of the person. The commissioner shall immediately file the report in the Superior Court for the county in which the person is committed. If a person has been placed in an institution outside the State, the commissioner shall immediately file the report in the Superior Court for the county in which the institution in this State required to monitor the person's placement is located. The court shall review each report and, if it is made to appear by the report that any person may be ready for release or discharge, the court shall set a date for and hold a hearing on the issue of the person's readiness for release or discharge.

The court shall give notice of the hearing and mail a copy of the report to the Attorney General, offices of the district attorney that prosecuted the criminal charges for which the person was committed under section 103 and the offices of the district attorneys in whose district the release petition was filed or in whose district release may occur. At the hearing, the court shall receive the testimony of at least one psychiatrist who has treated the person and a member of the State Forensic Service who has examined the person, the testimony of any independent psychiatrist or licensed clinical psychologist who is employed by the prosecutor and has examined the person and any other relevant testimony. If, after hearing, the court finds that the person may be released or discharged without likelihood that the person will cause injury to that person or to others due to mental disease or mental defect, the court shall order, as applicable:

A. Release from the institution, provided that:

- (1) The order for release includes conditions determined appropriate by the court, including, but not limited to, outpatient treatment and supervision by the Department of Health and Human Services, Division of Mental Health. If the order for release covers a person found not criminally responsible by reason of insanity for the crime of murder or a Class A crime and was committed under section 103, the order must direct the Department of Health and Human Services to provide the level of supervision necessary, including specific measures to provide psychoactive medication monitoring; and
- (2) The order for release includes the condition that the person must be returned to the institution immediately upon the order of the commissioner whenever the person fails to comply with other conditions of release ordered by the court; or

B. Discharge from the custody of the Commissioner of Health and Human Services.

Release from the institution is subject to annual review by the court and, except for return as ordered by the commissioner under paragraph A, subparagraph (1), must continue until terminated by the court. Each person released under this section ~~shall remain~~ remains in the custody of the commissioner. The Commissioner of Health and Human Services shall inform the public safety officer of the municipality or the sheriff's office of the county into which the person is released of the release.

**Sec. 2. 15 MRSA §109** is enacted to read:

**§109. Committee for the oversight of patient human rights**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Health and Human Services.

B. "Committee" means a committee at a state institution that has responsibility for overseeing patients in a state institution or forensic patients placed in institutions outside the State.

C. "Department" means the Department of Health and Human Services.

D. "State institution" has the same meaning as in Title 34-B, section 1001, subsection 8.

E. "Superintendent" means the chief administrative officer of a state institution.

**2. Committee convened.** The commissioner shall convene a committee in each state institution.

**3. Duties.** The duties of the committee include, but are not limited to:

A. Reviewing practices that affect, or potentially affect, the civil liberties or other rights of patients;

B. Reviewing, investigating and seeking resolution of patient grievances;

C. For forensic patients placed outside the State pursuant to subsection 103:

(1) Reviewing reports submitted to the commissioner by the state institution pursuant to section 104-A, subsection 1 and provided to the committee by the superintendent pursuant to subsection 4;

(2) Reviewing medical records or other records at the request of the patient or the patient's guardian if the patient who is the subject of the review or the patient's guardian has provided informed, written consent; and

(3) Receiving verbal reports at least twice per year from the superintendent of the state institution monitoring the person's placement outside the State;

D. Performing other duties as assigned by the superintendent; and

E. Making recommendations or reporting concerns to the superintendent based on any review under this subsection.

**4. Report; confidentiality.** The superintendent shall provide patient reports under section 104-A, subsection 1 to the committee. The superintendent shall remove any identifying information of the patient in the report reviewed by the committee pursuant to sub-

section 3, paragraph C, subparagraph (1), unless the patient who is the subject of the report or the patient's guardian has provided informed, written consent to the full disclosure of the report to the committee.

See title page for effective date.

**CHAPTER 406**

**S.P. 527 - L.D. 1638**

**An Act To Provide for  
Gubernatorial Appointments  
to the Maine Charter School  
Commission**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 20-A MRSA §2405, sub-§8, ¶A,** as amended by PL 2013, c. 368, Pt. JJJJ, §2, is further amended to read:

A. The commission consists of 7 members ~~appointed by the state board for 3-year terms.~~ The commission shall elect a chair and such other officers as may be necessary to conduct its business. Four members constitute a quorum.

(1) Three members must be members of the state board, appointed by the state board for 3-year terms, and those 3 members shall nominate the other 4 members who must be approved by a majority vote of the state board are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate, for 4-year terms.

(2) Members appointed to the commission must have diverse professional experience in education, social services, youth training, business startup and administration, accounting and finance, strategic planning and non-profit governance. ~~The following provisions apply to the appointment of the 4 other members nominated and appointed by state board members pursuant to subparagraph (1):~~ In appointing members to the commission, the Governor shall give proper consideration to candidates with experience in a noncharter public school in the State in one of the following positions: school board member, superintendent, teacher and special education director.

~~(a) In appointing members to the commission, the state board shall give proper consideration to candidates with experience in a noncharter public school in the State in one of the following positions:~~

~~school board member, superintendent, teacher and special education director;~~

~~(b) The state board shall ensure that the joint standing committee of the Legislature having jurisdiction over education matters has an opportunity to meet and interview the candidate or candidates nominated for the commission;~~

~~(c) Within 10 days of meeting with the candidate or candidates, the joint standing committee of the Legislature having jurisdiction over education matters shall deliver to the state board its written appraisal of the strengths and weaknesses of the candidate or candidates; and~~

~~(d) The state board shall consider the appraisal of the joint standing committee of the Legislature having jurisdiction over education matters prior to appointing a candidate or candidates to the commission.~~

(3) A commission member may not serve more than 3 consecutive terms, but may serve again after not serving on the commission for at least one term.

(4) A commission member may receive an amount equal to the legislative per diem and be reimbursed for expenses.

(5) A commission member who is a member of the state board serves on the commission only during that person's membership on the state board. Upon expiration of that person's state board membership, the position on the commission becomes vacant and must be filled in the manner provided for filling vacancies. ~~The term of a member who is approved by the state board and reviewed by the joint standing committee of the Legislature having jurisdiction over education matters ends on June 30th of the final year of the member's term.~~

(6) A vacancy on the commission must be filled in the same manner as the position in which the vacancy occurs is regularly filled, including, if applicable, a review by the joint standing committee of the Legislature having jurisdiction over education matters. A vacancy is filled for the remainder of the unexpired term. If the person serves more than 1 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation set forth in subparagraph (3).

(7) A member of the commission may be removed for failure to perform the duties of

office, as specified in commission rules, by a majority vote of the state board.

**Sec. 2. Maine Charter School Commission membership.** A member of the Maine Charter School Commission serving on the effective date of this Act may continue to serve until that member's term has expired.

See title page for effective date.

**CHAPTER 407  
H.P. 553 - L.D. 748**

**An Act To Provide Relief to  
Survivors of Economic Abuse**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 10 MRSA §1310-H, sub-§2-A** is enacted to read:

**2-A. Economic abuse.** Except as prohibited by federal law, if a consumer provides documentation to the consumer reporting agency as set forth in Title 14, section 6001, subsection 6, paragraph H that the debt or any portion of the debt is the result of economic abuse as defined in Title 19-A, section 4002, subsection 3-B, the consumer reporting agency shall reinvestigate the debt. If after the investigation it is determined that the debt is the result of economic abuse, the consumer reporting agency shall remove any reference to the debt or any portion of the debt determined to be the result of economic abuse from the consumer's credit report.

**Sec. 2. 10 MRSA §1310-H, sub-§3,** as enacted by PL 2013, c. 228, §1, is amended to read:

**3. Nonliability.** A person may not be held liable for any violation of this section if the person shows by a preponderance of the evidence that at the time of the alleged violation the person maintained reasonable procedures to ensure compliance with the provisions of subsections 1 ~~and~~ 2 ~~and~~ 2-A.

**Sec. 3. 19-A MRSA §4002, sub-§3-B** is enacted to read:

**3-B. Economic abuse.** "Economic abuse" means causing or attempting to cause an individual to be financially dependent by maintaining control over the individual's financial resources, including, but not limited to, unauthorized or coerced use of credit or property, withholding access to money or credit cards, forbidding attendance at school or employment, stealing from or defrauding of money or assets, exploiting the individual's resources for personal gain of the defendant or withholding physical resources such as food, clothing, necessary medications or shelter.

**Sec. 4. 19-A MRSA §4007, sub-§1,** as amended by PL 2017, c. 288, Pt. A, §§23 to 26, is further amended to read:

**1. Protection order; consent agreement.** The court, after a hearing and upon finding that the defendant has committed the alleged abuse as defined in section 4002, subsection 1 or engaged in the alleged conduct described in section 4005, subsection 1, may grant a protective order or, upon making that finding, approve a consent agreement to bring about a cessation of abuse or the alleged conduct. This subsection does not preclude the parties from voluntarily requesting a consent agreement without a finding of abuse. The court may enter a finding that the defendant represents a credible threat to the physical safety of the plaintiff or a minor child residing in the plaintiff's household. The court may enter a finding of economic abuse. Relief granted under this section may include:

A. Directing the defendant to refrain from threatening, assaulting, molesting, harassing, attacking or otherwise abusing the plaintiff and any minor children residing in the household;

A-1. Directing the defendant not to possess a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon for the duration of the order;

A-2. Prohibiting the defendant from the use, attempted use or threatened use of physical force that would reasonably be expected to cause bodily injury against the plaintiff or a minor child residing in the household;

B. Directing the defendant to refrain from going upon the premises of the plaintiff's residence;

C. Directing the defendant to refrain from repeatedly and without reasonable cause:

(1) Following the plaintiff;

(2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; or

(3) Engaging in conduct defined as stalking in Title 17-A, section 210-A;

D. Directing the defendant to refrain from having any direct or indirect contact with the plaintiff;

E. When the mutual residence or household of the parties is jointly owned or jointly leased or when one party has a duty to support the other or their minor children living in the residence or household and that party is the sole owner or lessee:

(1) Granting or restoring possession of the residence or household to one party, excluding the other; or

(2) A consent agreement, allowing the party with the duty to support to provide suitable alternate housing;

E-1. Directing the defendant to refrain from injuring or threatening to injure any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household;

F. Ordering a division of the personal property and household goods and furnishings of the parties and placing any protective orders considered appropriate by the court, including an order to refrain from taking, converting or damaging property in which the plaintiff has a legal interest;

F-1. Ordering the termination of a life insurance policy or rider under that policy owned by the defendant if the plaintiff is the insured life under the policy or rider. Upon issuance, a copy of the court order must be sent to the insurer that issued the policy;

G. Either awarding some or all temporary parental rights and responsibilities with regard to minor children or awarding temporary rights of contact with regard to minor children, or both, under such conditions that the court finds appropriate as determined in accordance with the best interest of the child pursuant to section 1653, subsections 3 to 6-B. The court's award of parental rights and responsibilities or rights of contact is not binding in any separate action involving an award of parental rights and responsibilities pursuant to chapter 55 or in a similar action brought in another jurisdiction exercising child custody jurisdiction in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act;

H. Requiring the defendant to receive counseling from a social worker, family service agency, mental health center, psychiatrist or any other guidance service that the court considers appropriate. The court may not order and the State may not pay for the defendant to attend a batterers' intervention program unless the program is certified under section 4014;

I. Ordering the payment of temporary support for the dependent party or for a child in the dependent party's custody in accordance with chapter 63, or both, when there is a legal obligation to support that dependent party or that child, or both;

J. Ordering the payment of temporary support payments to the State as provided in chapters 63 and 67;

K. Ordering payment of monetary ~~compensation relief~~ to the ~~abused person plaintiff~~ for losses suffered as a ~~direct~~ result of the ~~abuse defendant's~~ conduct. ~~Compensatory losses are~~ Monetary relief includes but is not limited to loss of earnings

or support, reasonable expenses incurred for personal injuries or property damage, transitional living expenses and reasonable moving expenses. Upon the motion of either party, for sufficient cause, the court may set a later hearing on the issue of the amount of ~~damages monetary relief~~, if any, to be awarded. Nothing in this paragraph may be construed to limit the court's discretion to enter any of the other available relief under this chapter, and does not preclude a plaintiff from seeking monetary relief through other actions as permissible by law;

L. Ordering the defendant to pay court costs or reasonable attorney's fees;

L-1. Ordering the plaintiff to pay court costs or reasonable attorney's fees, or both, only if a judgment is entered against the plaintiff after a hearing in which both the plaintiff and the defendant are present and the court finds that the complaint is frivolous;

M. Entering any other orders determined necessary or appropriate in the discretion of the court;

N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household;

O. With regard to conduct described as aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively, entering any other orders determined necessary or appropriate in the discretion of the court, including, but not limited to, requiring the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship;

P. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of the private images; or

Q. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images, ordering the defendant to cease the dissemination of the private images and prohibiting the defendant from disseminating the private images.

If the court enjoins the defendant under this subsection and the enjoined conduct constitutes harassment under Title 17-A, section 506-A, the court shall include in

the order a warning in conformity with Title 17-A, section 506-A.

**Sec. 5. 32 MRSA §11014, sub-§2-A** is enacted to read:

**2-A. Economic abuse.** If the consumer provides documentation to the debt collector as set forth in Title 14, section 6001, subsection 6, paragraph H that the debt or any portion of the debt is the result of economic abuse as defined in Title 19-A, section 4002, subsection 3-B, the debt collector shall cease collection of the debt or any disputed portion of the debt owed by the consumer subjected to economic abuse.

See title page for effective date.

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## CHAPTER 408

### H.P. 1020 - L.D. 1405

#### An Act To Amend the Laws Governing Foreclosure To Ensure Timely Completion

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 14 MRSA §6323, sub-§1**, as amended by PL 2013, c. 521, Pt. C, §1, is further amended to read:

**1. Procedures for all civil actions.** Upon expiration of the period of redemption, if the mortgagor or the mortgagor's successors, heirs or assigns have not redeemed the mortgage, any remaining rights of the mortgagor to possession terminate, and the mortgagee shall cause notice of a public sale of the premises stating the time, place and terms of the sale to be published once in each of 3 successive weeks in a newspaper of general circulation in the county in which the premises are located, the first publication to be made not more than 90 days after the expiration of the period of redemption. Except when otherwise required under 12 Code of Federal Regulations, Section 1024.41 or any successor provision, the public sale must be held not less than 30 days nor more than 45 days after the first date of that publication. Except for sales of premises that the court has determined to be abandoned pursuant to section 6326, the public sale may be adjourned, for any time not exceeding ~~7~~ 60 days ~~and from time to time until a sale is made~~, by announcement to those present at ~~each~~ any such adjournment. The court, upon motion of the mortgagee, filed before the deadline for sale and showing good cause, may grant such further extensions of the mortgagee's time to sell as it considers appropriate. For sales of premises that the court has determined to be abandoned pursuant to section 6326, the public sale may be adjourned once for any time not exceeding 7 days, except that the court may permit one additional

adjournment for good cause shown. Adjournments may also be made in accordance with the requirements of 12 Code of Federal Regulations, Section 1024.41 or any successor provision. The mortgagee, in its sole discretion, may allow the mortgagor to redeem or reinstate the loan after the expiration of the period of redemption but before the public sale. The mortgagee ~~may shall~~ convey the property to the mortgagor upon redemption or may execute a waiver of foreclosure; ~~and in conjunction with a reinstatement only with the written consent of the mortgagor.~~ A waiver of foreclosure and the consent of the mortgagor to the waiver must be included in a stipulation of dismissal of the foreclosure and signed by the mortgagee and mortgagor or their respective attorneys, and, upon the filing of the stipulation of dismissal with the court, all other rights of all other parties remain as if no foreclosure had been commenced. The mortgagee shall sell the premises to the highest bidder at the public sale and deliver a deed of that sale and ~~the any~~ writ of possession, ~~if a writ of possession was obtained during the foreclosure process, that has been issued to the purchaser.~~ The deed conveys the premises free and clear of all interests of the parties in interest joined in the action. The mortgagee or any other party in interest may bid at the public sale. If the mortgagee is the highest bidder at the public sale, there is no obligation to account for any surplus upon a subsequent sale by the mortgagee. Any rights of the mortgagee to a deficiency claim against the mortgagors are limited to the amount established as of the date of the public sale. The date of the public sale is the date on which bids are received to establish the sales price, no matter when the sale is completed by the delivery of the deed to the highest bidder. If the property is conveyed by deed pursuant to a public sale in accordance with this subsection, a copy of the judgment of foreclosure and evidence of compliance with the requirements of this subsection for the notice of public sale and the public sale itself must be attached to or included within the deed, or both, or otherwise be recorded in the registry of deeds.

**Sec. 2. 14 MRSA §6324**, as amended by PL 2003, c. 20, Pt. T, §10, is further amended by adding at the end a new paragraph to read:

The report of sale required by this section must be filed with the court within the earlier of 90 days after the public sale and 45 days after the mortgagee's delivery of the deed conveying the mortgaged property to the purchaser at the mortgage sale. Upon a showing of good cause by the mortgagee, made by motion filed before the expiration of the deadline, the court may extend the deadline for the filing of the report of sale for an additional period of time as the court considers appropriate. In the event that the mortgagee fails to timely file the report of sale, the mortgagee has no right to seek a deficiency judgment.

See title page for effective date.

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**CHAPTER 409**

**H.P. 1070 - L.D. 1463**

**An Act To Create an  
Automatic Voter Registration  
System**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 21-A MRSA §122-A**, as enacted by PL 2005, c. 364, §4, is amended to read:

**§122-A. Alternative registration procedure for  
participants in Address Confidentiality  
Program**

Notwithstanding sections 122 and 152 and subchapter 9, a person who is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B may register to vote using the designated address and voter code assigned to that person pursuant to rules adopted to implement the program. To register to vote, a voter must present the registrar with that voter's authorization card assigned to the voter pursuant to rules adopted by the Secretary of State showing that voter's name, voter code, designated address and certification expiration date. The registrar may contact the Address Confidentiality Program administrator in the Secretary of State's office to determine the voter's eligibility to register in the municipality and to verify the electoral district in which the voter is voting for purposes of issuing an absentee ballot to the voter pursuant to section 753-C. All registration records for such voters must be designated as confidential and kept sealed in the registrar's office. The name of any voter certified as a program participant in the Address Confidentiality Program may not be placed on any voter list that is available for public inspection or copying.

**Sec. 2. 21-A MRSA §129, first ¶**, as amended by PL 2011, c. 399, §11, is further amended to read:

When Notwithstanding subchapter 9, when a voter's name is changed by marriage or other process of law; or when the voter moves within a municipality, the following provisions apply.

**Sec. 3. 21-A MRSA §152, sub-§1**, as amended by PL 2015, c. 447, §§4 and 5, is further amended to read:

**1. Application.** In addition to the ~~procedure~~ procedures provided by section 122 and subchapter 9, a person may register to vote or enroll in a political party, or both, by completing an application that is designed by the Secretary of State. The application must include, but is not limited to:

A. The legal name of the voter, in one of the following combinations:

- (1) First name and last name;
- (2) First initial, middle name and last name; or
- (3) First name, middle name or middle initial and last name;

B. Residence address, including street, street number, apartment number, town and zip code;

C. Mailing address;

D. Date of birth;

F. Most recent prior residence where registered to vote, including the municipality, county and state, and the name under which previously registered, if changed;

H. Notification that failure to complete the entire application may prevent registration;

J. Date of application;

K. Signature of applicant collected in a way that ensures the quality and integrity of the signature;

L. Choice of political party if the applicant desires to enroll in a political party or an indication that the applicant chose not to enroll in a party;

M. A place for the person's current, valid Maine driver's license number, if applicable; or, if the applicant has no driver's license number, the last 4 digits of the person's social security number, if applicable; or, if the applicant has neither number, a place to put "none" or "not applicable"; and

N. A place for the applicant to respond to the questions concerning the voter's qualifications as required by the federal Help America Vote Act of 2002, Public Law 107-252.

**Sec. 4. 21-A MRSA §155, first ¶**, as amended by PL 2011, c. 342, §8, is further amended to read:

The registrar shall conditionally accept the registration and enrollment of any person who is 16 or 17 years of age and who is otherwise qualified to be a voter. The conditional registration automatically becomes effective on the person's 18th birthday and the registrant then is eligible to vote.

**Sec. 5. 21-A MRSA §195**, as amended by PL 2009, c. 564, §6, is repealed and the following enacted in its place:

**§195. Report**

The Secretary of State shall report annually by January 15th to the joint standing committee of the Legislature having jurisdiction over voter registration matters on the administration of the central voter regis-

tration system and the automatic voter registration system established pursuant to subchapter 9.

**1. Automatic registration efforts.** Beginning January 15, 2023, the report required under this section must include the following information regarding the actions taken pursuant to subchapter 9:

A. The number of pending voter registration records that have been created by source agencies;

B. The number of voters added to the central voter registration system because of pending voter registration records created by source agencies;

C. The number of voters in the central voter registration system whose information was updated because of pending voter registration records created by source agencies;

D. The number of pending voter registration records created, by source agency, that do not relate to individuals affirmatively identified as eligible to vote;

E. The number of individuals who chose to not register to vote; and

F. The number of voters who submitted requests to update or correct registration information through the system established in subchapter 9, by type of information updated.

As used in this subsection, "pending voter registration record" and "source agency" have the same meanings as in section 231, subsections 2 and 4, respectively.

**2. Public access.** The report required under this section may address issues of public access to the information from the central voter registration system.

**3. Legislation.** The report required under this section may include suggested legislation necessary to administer the central voter registration system and the automatic voter registration system implemented pursuant to subchapter 9. The joint standing committee of the Legislature having jurisdiction over voter registration matters may report out legislation regarding the central voter registration system and the automatic voter registration system to the Legislature.

**Sec. 6. 21-A MRSA c. 3, sub-c. 9** is enacted to read:

### **SUBCHAPTER 9**

#### **AUTOMATIC VOTER REGISTRATION**

##### **§231. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Bureau.** "Bureau" means the Department of the Secretary of State, Bureau of Motor Vehicles.

**2. Pending voter registration record.** "Pending voter registration record" means the electronic record created by a source agency that contains the personal identification information, including name, age, citizenship and legal residence, and other information required by section 152 of a person who is in the process of being considered for voter registration.

**3. Proof of voter eligibility.** "Proof of voter eligibility" means reliable evidence of a person's eligibility to vote and must include proof of age, citizenship and residence.

**4. Source agency.** "Source agency" means the bureau and a state agency or department or other entity designated as a source agency pursuant to section 233, subsection 1 that, as part of the normal course of business of that entity, collects documents that contain personal identification information that provides proof of voter eligibility.

##### **§232. Automatic registration by the bureau**

**1. Application; creation of pending voter registration record.** If an individual applies for a driver's license or nondriver identification card from the bureau, the bureau shall scan the documentation provided by the individual and create a pending voter registration record for that individual, which must be stored electronically in the bureau's database. The pending voter registration record and the accompanying scanned documentation must be in a searchable, auditable format.

**2. Proof of citizenship.** If an individual in the course of business with the bureau provides a document that proves the individual is a United States citizen, the pending voter registration record of that individual in the bureau's database must indicate that the individual has fulfilled the citizenship eligibility requirement for the purpose of registering to vote.

**3. Electronic transmission of voter registration data.** Unless the individual has opted out of automatic voter registration as provided in section 234, if an individual's pending voter registration record establishes voter eligibility, the bureau shall transmit electronically the individual's pending voter registration record to the applicable registrar of voters in a format that may be reviewed by the registrar and converted and uploaded into the central voter registration system.

**4. Registration of individual or update of individual's registration record.** The registrar of voters shall determine whether an individual whose pending voter registration record was transmitted under subsection 3 is eligible to and registered to vote in the central voter registration system. If the individual is eligible to vote but is not registered in the central voter registration system, the registrar shall enter the individual's information into the central voter registration system. If the individual is registered to vote, the registrar shall enter any changes to the address or name of the indi-

vidual in the central voter registration system to ensure that the voting lists are kept current.

**§233. Automatic registration by source agencies other than the bureau**

**1. Designation of source agencies.** The Secretary of State may designate a state agency or department as a source agency if the Secretary of State verifies that the agency or department, as part of the normal course of business of that agency or department, collects documents that provide proof of voter eligibility. The Secretary of State may designate as source agencies other entities designated by Section 7 of the National Voter Registration Act of 1993, 52 United States Code, Section 20506, including, but not limited to, public or private universities or colleges or entities that provide services to persons with disabilities, as long as those entities, as part of the entities' normal course of business, collect documents that provide proof of voter eligibility.

**2. Automatic registration.** An agency designated as a source agency pursuant to this section shall follow the procedures established by the Secretary of State by rule for automatic voter registration. Those procedures, to the extent possible, must be the same as the procedures for automatic voter registration by the bureau under section 232.

**§234. Voluntary opt-out from voter list**

**1. Opportunity to opt out.** Any document or application used by a source agency in the normal course of business of that agency to collect proof of voter eligibility data must contain notice that, unless the applicant declines, the information provided by the applicant could be used to register the applicant to vote and that some of the applicant's information would be sent to a central voter database where it would be accessible to entities other than the State or the source agency.

**2. Opportunity to opt out prior to voter registration transaction.** The Secretary of State shall ensure that, prior to the creation of a pending voter registration record by a source agency, an individual is given the opportunity to opt out of any voter registration transaction. If an individual opts out of voter registration, information about that individual may not be transmitted from the source agency that obtained the information to a registrar of voters.

**§235. Protection against liability of individuals on basis of information transferred; false information**

**1. No individual liability for error by State.** If an individual who is ineligible to vote becomes a registered voter pursuant to this subchapter, that individual's registration is deemed to be the fault of the State and not attributable to or the fault of the individual.

**2. Providing false information.** Notwithstanding subsection 1, an individual who knowingly and willfully provides false information under this subchapter is subject to prosecution pursuant to Title 17-A, section 452.

**§236. Nondiscrimination**

A person acting under color of law may not discriminate against an individual on the basis of the individual's absence from the central voter registration system, the information supplied by the individual for voter registration purposes at a source agency or the individual's declining to supply such information, except as required to administer elections or enforce the laws against election crimes.

**§237. Secretary of State duties**

**1. Audit of data.** The Secretary of State shall audit the central voter registration system for quality of data prior to implementation of the automatic voter registration system pursuant to this subchapter and shall periodically thereafter conduct regular audits and random checks to ensure the accuracy and reliability of the data.

**2. Rulemaking.** The Secretary of State may adopt rules to implement this subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**§238. Rule of construction**

**1. No change to authority to maintain voting lists.** This subchapter may not be construed to interfere with any election official's authority or obligation, under state or federal law, to:

A. Determine whether an individual is qualified to be a voter; or

B. Conduct regular, nondiscriminatory voting list maintenance designed to ensure that persons who are ineligible to vote are not reflected as voters in the central voter registration system.

**2. Right to opt out.** This subchapter may not be construed to interfere with the right of an individual to decline for any reason to be registered to vote.

**Sec. 7. Report.** By January 1, 2020, the Secretary of State shall submit a report to the Joint Standing Committee on Veterans and Legal Affairs on the progress made toward implementing automatic voter registration and the estimated time required to complete all activities necessary for implementation. The report may include recommended legislation for the proper implementation of the automatic voter registration system, including recommended adjustments to the implementation date. The Joint Standing Committee on Veterans and Legal Affairs may report out legislation to the Second Regular Session of the 129th Legislature based on the report.

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF Elections and Commissions 0693**

Initiative: Provides one-time funding for computer programming costs to scan automatic voter registration information and transfer pending voter registration applications to the central voter registration system.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$0	\$140,000
FEDERAL EXPENDITURES	\$0	\$140,000
FUND TOTAL		

**Sec. 9. Effective date.** That section of this Act that amends the Maine Revised Statutes, Title 21-A, section 155, first paragraph takes effect January 1, 2020. Those sections of this Act that amend Title 21-A, section 122-A, section 129, first paragraph and section 152, subsection 1 and that section of this Act that enacts Title 21-A, chapter 3, subchapter 9 take effect January 1, 2022. That section of this Act that repeals and replaces Title 21-A, section 195 takes effect January 1, 2023.

See title page for effective date, unless otherwise indicated.

**CHAPTER 410**

**H.P. 1077 - L.D. 1475**

**An Act To Eliminate Profiling in Maine**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §200-K** is enacted to read:

**§200-K. Attorney General procedures and programs to eliminate profiling**

**1. Complaints.** The Attorney General shall implement procedures for receiving, investigating and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies.

**2. Rules.** In consultation with interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations, the Attorney General may adopt rules for the operation of administrative complaint procedures and independent audit programs to ensure that programs and procedures provide an appropriate response to allegations of profiling by law enforcement

officers or law enforcement agencies. Rules may contain guidelines and ensure the fairness, effectiveness and independence of the administrative complaint procedures and independent auditor programs. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

**Sec. 2. 25 MRSA §2803-B, sub-§1, ¶E,** as enacted by PL 1993, c. 744, §5, is amended to read:

E. Hate or bias crimes. A policy adopted under this paragraph must include a policy statement that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of the law enforcement agency, states that individuals may be stopped or detained only when legal authority exists to do so and states that members of the law enforcement agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information;

**Sec. 3. 25 MRSA §2804-C, sub-§2-E** is enacted to read:

**2-E. Training regarding bias-based profiling.** The board shall include in the basic law enforcement training program a block of instruction aimed specifically at the prohibition of bias-based profiling that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of a law enforcement agency, that provides that individuals may be stopped or detained only when legal authority exists to do so and that provides that members of a law enforcement agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information.

**Sec. 4. Collection and compilation of data on profiling.** The Attorney General, in consultation with interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations, shall explore available techniques for the collection and compilation of profiling data and shall report findings and recommendations to the Joint Standing Committee on Judiciary no later than March 15, 2020. The joint standing committee may report out legislation based on the recommendations to the Second Regular Session of the 129th Legislature.

See title page for effective date.

CHAPTER 411  
S.P. 612 - L.D. 1811

An Act To Enhance Personal  
and Public Safety by Requiring  
Evaluations of and Judicial  
Hearings for Persons in  
Protective Custody Regarding  
Risk of Harm and Restricting  
Access to Dangerous Weapons

Be it enacted by the People of the State of  
Maine as follows:

PART A

Sec. A-1. 34-B MRSA §3862-A is enacted to  
read:

**§3862-A. Protection from substantial threats**

**1. Definitions.** As used in this section, unless the  
context otherwise indicates, the following terms have  
the following meanings.

A. "Dangerous weapon" or "weapon" has the  
same meaning as in Title 17-A, section 2, subsec-  
tion 9, paragraph C, including a firearm as defined  
in Title 17-A, section 2, subsection 12-A.

B. "Extended restrictions" means the continued  
threat-based restrictions imposed by the court pur-  
suant to subsection 6, paragraph D.

C. "Initial restrictions" means the immediate and  
temporary 14-day threat-based restrictions pursu-  
ant to subsection 4.

D. "Judicial hearing" means a court hearing under  
subsection 6.

E. "Law enforcement agency" has the same  
meaning as in Title 25, section 3701, subsection 1.

F. "Law enforcement officer" means a person  
vested by law with the power to make arrests for  
crimes or serve criminal process, whether that  
power extends to all crimes or is limited to specifi-  
c crimes, and who possesses a current and valid  
certificate issued pursuant to Title 25, section  
2803-A.

G. "Likelihood of foreseeable harm" means a  
substantial risk in the foreseeable future of serious  
physical harm to the person as manifested by re-  
cent behaviors or threats of, or attempts at, suicide  
or serious self-inflicted harm; or a substantial risk  
in the foreseeable future of serious physical harm  
to other persons as manifested by recent homici-  
dal or violent behavior or by recent conduct or  
statements placing others in reasonable fear of se-  
rious physical harm.

H. "Medical practitioner" has the same meaning  
as in section 3801, subsection 4-B.

I. "Prohibited person" means a person subject to  
Title 15, section 393, subsection 1, paragraph E-1  
or E-2.

J. "Protective custody" means protective custody  
under section 3862.

K. "Restricted person" means a person taken into  
protective custody by a law enforcement officer  
who the officer has probable cause to believe pos-  
sesses or controls or may acquire a dangerous  
weapon and who is found by a medical practition-  
er to present a likelihood of foreseeable harm.

L. "Threat-based restriction" means a prohibition  
on a restricted person from purchasing, possessing  
or controlling or attempting to purchase, possess  
or control a dangerous weapon during the period  
of the restriction.

**2. Assessment by a medical practitioner; secu-  
rity; immunity.** This subsection applies when a law  
enforcement officer has taken a person into protective  
custody.

A. Notwithstanding any provision of law to the  
contrary, the law enforcement officer shall pro-  
vide to the medical practitioner the information  
that led to the protective custody including, but  
not limited to, the information that gave rise to the  
probable cause determination, the person's perti-  
nent criminal history record information and other  
known history and recent or recurring actions and  
behaviors.

B. The medical practitioner under paragraph A  
shall assess whether the person presents a likeli-  
hood of foreseeable harm. In assessing the per-  
son, a medical practitioner may consult with other  
medical professionals as the medical practitioner  
determines advisable. If the medical practitioner  
finds that the person can benefit from treatment  
and services, the medical practitioner shall refer  
the person to treatment and services.

C. Notwithstanding any provision of law to the  
contrary, an assessment pursuant to this section  
may be performed at a health care facility but,  
when available and as appropriate, must be per-  
formed at an alternative location. If the assess-  
ment is provided at a health care facility, law en-  
forcement shall, upon request of the facility and  
consistent with section 3863, subsection 2-A, ab-  
sent compelling circumstances, assist the facility  
with the security of the person awaiting the as-  
sessment under this section.

D. A juvenile, as defined in Title 15, section  
3003, subsection 14, who is subject to this section  
may be accompanied at the assessment by a par-  
ent, guardian, grandparent, aunt or uncle or a sib-  
ling who has attained the age of 18, whose com-  
pany is requested by the juvenile, who is timely

available and whose accompaniment is practicable.

E. A medical practitioner and any other medical or mental health professional consulted by the medical practitioner are not liable in a civil action brought by any person for any act performed in good faith in execution of the obligations imposed on medical practitioners by this section, including any decision regarding the affirmative or negative assessment of the likelihood of foreseeable harm. The immunity provided in this paragraph also applies to a principal if the medical practitioner or professional is acting as an agent or employee of the principal.

**3. Notification by medical practitioner and judicial endorsement.** A medical practitioner shall notify in writing the law enforcement officer or law enforcement agency that, based on the assessment under subsection 2, paragraph B, the person is found to present a likelihood of foreseeable harm. If so notified, the law enforcement officer or law enforcement agency shall as soon as practicable seek endorsement by a Superior Court Justice, District Court Judge, judge of probate or justice of the peace of the medical practitioner's assessment and law enforcement's declarations that the person was taken into protective custody and that the law enforcement officer has probable cause that the person possesses, controls or may acquire a dangerous weapon. The judge or justice shall promptly transmit to the law enforcement officer or agency the decision to endorse or not endorse. A decision transmitted electronically has the same legal effect and validity as a signed original. An endorsement must authorize law enforcement to execute the authority in subsection 4. This section may not be construed to prevent law enforcement from accepting a voluntary surrender of dangerous weapons.

**4. Initial restrictions; notice by law enforcement.** A person whose assessment is endorsed by a judicial officer under subsection 3 becomes, at the time of notice by a law enforcement officer under paragraph B, a restricted person subject to initial restrictions and subject to the prohibitions in Title 15, section 393, subsection 1, paragraphs E-1 and E-2 as follows:

A. The restricted person, after notice under paragraph B:

(1) Is prohibited from possessing, controlling, acquiring or attempting to possess, control or acquire a dangerous weapon pending the outcome of a judicial hearing;

(2) Shall immediately and temporarily surrender any weapons possessed, controlled or acquired by the restricted person to a law enforcement officer who has authority in the jurisdiction in which the weapons are located

pending the outcome of a judicial hearing; and

(3) Has a right to a judicial hearing within 14 days of notice under paragraph B; and

B. A law enforcement officer shall, as soon as practicable, but no later than 24 hours after the judicial endorsement:

(1) Notify the restricted person that the restricted person:

(a) Is prohibited from possessing, controlling, acquiring or attempting to possess, control or acquire a dangerous weapon pending the outcome of a judicial hearing;

(b) Is required to immediately and temporarily surrender any weapons possessed, controlled or acquired by the restricted person to a law enforcement officer who has authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing; and

(c) Has a right to a judicial hearing within 14 days of the notice under this paragraph;

(2) Notify the contact person, if any, disclosed by the restricted person to the medical practitioner and the district attorney in the district of the restricted person's residence of the person's restricted status; and

(3) Report the person's restricted status to the Department of Public Safety.

**5. Temporary surrender to law enforcement.** A law enforcement agency may store, or make arrangements with another law enforcement agency or federally licensed firearms dealer to store, and care for the weapons surrendered by a restricted person in the manner provided in subsection 7. A restricted person who makes all practical, immediate efforts to comply with a surrender notice under subsection 4 is not subject to arrest or prosecution as a prohibited person under Title 15, section 393, subsection 1, paragraph E-1 or E-2. If a law enforcement agency has probable cause to believe the restricted person possesses or controls but has not surrendered a weapon, law enforcement may, prior to or as part of a judicial hearing, search for and seize such a weapon when authorized by a judicially issued warrant or other circumstances approved by law.

**6. Judicial hearing.** A judicial hearing under this section is governed by this subsection.

A. Within 5 days of the date of the notice given to a restricted person under subsection 4, paragraph B, the district attorney in the district of the

restricted person's residence shall file a petition for judicial review of the initial restrictions by the district court. The district attorney shall provide to the restricted person written notice of the petition and hearing at least 7 days prior to the hearing. The restricted person has the right to be represented by counsel at the hearing, and the court may appoint counsel for an indigent party. Upon a showing of good cause, the court may extend the time to hold the hearing.

B. Within 14 days of the notice given under subsection 4, the court shall hold a hearing to determine whether to dissolve or extend the initial restrictions. In the hearing determining whether to dissolve or extend the initial restrictions, the district attorney has the burden to prove by clear and convincing evidence that the restricted person presents a likelihood of foreseeable harm.

C. In determining whether there are grounds to extend the initial restrictions, the court shall consider all relevant evidence, including, but not limited to, recent threats or acts of violence by the restricted person directed toward other persons; recent threats or acts of violence by the restricted person directed toward the restricted person; recent acts of unlawful abuse of animals by the restricted person; the reckless use or threatening display of a dangerous weapon by the restricted person; a history of the use, attempted use or threatened use of physical force by the restricted person against other persons; a record of prior custodial events or restrictions under this section; prior involuntary confinement of the restricted person in a hospital for persons with psychiatric disabilities; prior protection from abuse and protection from harassment orders against the restricted person or violations regarding protection from abuse or protection from harassment by the restricted person; evidence of stalking behavior, severe obsession or sexual violence by the restricted person; the illegal use of controlled substances by the restricted person; and evidence of alcohol or drug abuse by the restricted person. The court shall also consider whether the restricted person is receiving treatment responsive to that person's mental health or substance use needs.

D. This paragraph governs court orders.

(1) If the court finds after hearing that there is not clear and convincing evidence to continue or extend the initial restrictions, the court shall dissolve the initial restrictions and order the return of any weapons surrendered or seized. The court shall direct the Department of Public Safety to remove the record of restrictions from the department's pertinent database when developed by the department.

(2) If the court finds after hearing that there is clear and convincing evidence to continue or extend the initial restrictions, the court shall inform the restricted person that the restricted person is prohibited for up to one year from purchasing, possessing or controlling any dangerous weapon or attempting to purchase, possess or control any dangerous weapon. The court shall further order the person to immediately surrender dangerous weapons possessed or controlled by that person to a law enforcement officer and notify the Department of Public Safety for entry in the pertinent database when developed by the department.

(3) Extended restrictions imposed under this paragraph expire according to the terms of the court's order. The court shall schedule a hearing within 45 days prior to the expiration of the order to determine if the order should be extended. The district attorney has the burden of proving that the restricted person continues to pose a likelihood of foreseeable harm. If, after a hearing, the court finds by clear and convincing evidence that the restricted person continues to pose a likelihood of foreseeable harm, the court shall renew the extended restrictions for up to one year. If the court does not so find, the court shall deny the petition and order the return of any weapons surrendered or seized. Upon motion by the State, the court may for cause shown order that the restricted person be examined for assessment of whether the restricted person continues to pose a likelihood of foreseeable harm. The fees or expenses for an assessment pursuant to this subparagraph may be paid from the Extradition and Prosecution Expenses Account established by Title 15, section 224-A.

(4) A restricted person may file one motion for dissolution during an extended restriction. For that motion, the restricted person has the burden of proving by clear and convincing evidence that the restricted person no longer poses a likelihood of foreseeable harm.

(5) A court shall electronically update or transmit to the Department of Public Safety, Bureau of State Police an abstract of the order issued by the court pursuant to this section that includes a prohibition on the possession of a dangerous weapon. The abstract must include the name, date of birth and gender of the person who is the subject of the order; the court's order and the expiration date of that order; and a notation that the person has been notified by the court.

The abstract required by this subparagraph is confidential and is not a public record as defined in Title 1, chapter 13; however, the information contained in the abstract or a copy of the abstract may be provided by the Department of Public Safety to a criminal justice agency for law enforcement purposes, to the Federal Bureau of Investigation, National Instant Criminal Background Check System or to an issuing authority for the purpose of processing concealed firearm permit applications. The Department of Public Safety shall, when the pertinent database is developed, request that the Federal Bureau of Investigation ensure that, immediately after the order expires, the National Instant Criminal Background Check System no longer reflects that expired order as a ground for prohibiting the subject of the order from possessing or acquiring a firearm. For the purposes of this subsection, "criminal justice agency" means a federal, state, tribal, district, county or local government agency or any subunit of those entities that performs the administration of criminal justice under a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice. Courts and the Department of the Attorney General are considered criminal justice agencies, as is any equivalent agency at any level of Canadian government.

(6) Nothing in this subsection may be construed to prevent the restricted person, district attorney and court from accepting a court-ordered disposition to which each agrees.

7. Weapons storage and return. A law enforcement agency may store, or make arrangements with another law enforcement agency or federally licensed firearms dealer to store, any weapon surrendered to or seized by law enforcement under this section for as long as the threat-based restrictions are in effect. The duties and liability of a law enforcement agency with respect to handling and storage of a weapon surrendered or seized are governed by Title 25, section 2804-C, subsection 2-C. A weapon surrendered to or seized by a law enforcement agency must be returned to the restricted person when the threat-based restrictions expire. If a seized or surrendered weapon remains unclaimed for 6 months after the expiration or dissolution of threat-based restrictions, the law enforcement agency may dispose of the weapon consistent with Title 25, section 3503-A.

8. Offense. Possession of a dangerous weapon by a restricted person is a Class D crime.

#### **PART B**

**Sec. B-1. 34-B MRSA §3873-A, sub-§5, ¶A-1** is enacted to read:

A-1. Prior to the commencement of the hearing, the court shall inform the patient that, if an order is entered that includes a prohibition on the possession of dangerous weapons, that patient is a prohibited person and may not possess or have under that patient's control a firearm pursuant to Title 15, section 393, subsection 1.

**Sec. B-2. 34-B MRSA §3873-A, sub-§§7-A and 7-B** are enacted to read:

7-A. Dangerous weapons. If the court directs a patient to follow an individualized treatment plan pursuant to subsection 6, the court may prohibit the patient from possessing a dangerous weapon as described in Title 17-A, section 2, subsection 9, paragraph C, including a firearm as defined in Title 17-A, section 2, subsection 12-A, for the duration of the treatment plan. If the court prohibits the patient from possessing a dangerous weapon, the court shall specify the type of weapon the patient is prohibited from possessing; notify the patient that possession of such a weapon by the person is prohibited pursuant to Title 15, section 393; and direct the patient to relinquish, within 24 hours after service of the order on the patient or such earlier time as the court specifies in the order, such weapons in the possession of the patient to a law enforcement officer for the duration of the order. The duties and liability of a law enforcement agency with respect to dangerous weapons surrendered pursuant to this subsection are governed by Title 25, section 2804-C, subsection 2-C.

7-B. Transmission of abstract of court ruling to Department of Public Safety. Notwithstanding any other provision of this section or section 1207, a court shall electronically update or transmit to the Department of Public Safety an abstract of the order issued by the court pursuant to this section that includes a prohibition on the possession of a dangerous weapon pursuant to subsection 7-A. Implementation of this requirement is governed by section 3862-A, subsection 6, paragraph D, subparagraph (5).

#### **PART C**

**Sec. C-1. 15 MRSA §224-A, sub-§1**, as amended by PL 2013, c. 566, §3, is further amended to read:

**1. Establishment; use.** Notwithstanding any other provision of law to the contrary, there is established an Extradition and Prosecution Expenses Account in each prosecutorial district in an amount not to exceed \$30,000, to be administered by the district attorney and to be used solely for the purposes of paying the expenses of extraditing persons charged with or convicted of a crime in this State and who are fugitives from justice, as defined in section 201, subsection 4, paying fees or expenses of prosecution pursuant to section 1319 and, paying witness fees pursuant to section 1320 and paying for examination fees or expenses

pursuant to Title 34-B, section 3862-A, subsection 6, paragraph D, subparagraph (3).

**Sec. C-2. 15 MRSA §393, sub-§1, ¶¶E-1 and E-2** are enacted to read:

E-1. Is currently a restricted person under Title 34-B, section 3862-A, subsection 2 or subsection 6, paragraph D except that the prohibition applies to possession and control, and not ownership. Violation of this paragraph is a Class D crime;

E-2. Has been ordered to participate in a progressive treatment program pursuant to Title 34-B, section 3873-A and, as part of that order, directed not to possess a dangerous weapon pursuant to Title 34-B, section 3873-A, subsection 7-A for the duration of the treatment program, except that the prohibition applies to possession and control, and not ownership. Violation of this paragraph is a Class D crime;

**Sec. C-3. 25 MRSA §2803-B, sub-§1, ¶L**, as amended by PL 2013, c. 147, §19, is further amended to read:

L. Mental illness and the process for involuntary commitment, and the process pursuant to Title 34-B, section 3862-A; and

**Sec. C-4. 25 MRSA §2804-C, sub-§2-E** is enacted to read:

**2-E. Receipt of certain dangerous weapons; training; procedure; liability.** Beginning in 2020, the Maine Criminal Justice Academy Board of Trustees shall require training as part of its mandated training schedule for municipal, county and state law enforcement officers regarding the process for protection from substantial threats by a restricted person and the proper handling, storage, safekeeping and return of dangerous weapons received pursuant to an endorsement or court order under Title 34-B, section 3862-A or 3873-A. The training must include education concerning the prohibitions on the purchase, control or possession of dangerous weapons. A law enforcement officer who receives custody of a dangerous weapon pursuant to Title 34-B, section 3862-A or 3873-A shall exercise reasonable care to avoid loss, damage or reduction in value of the weapon and may not permanently mark or fire the weapon unless there is reasonable suspicion that the weapon has been used in the commission of a crime. Any liability for damage or reduction in value to such a weapon is governed by Title 14, chapter 741.

**Sec. C-5. 34-B MRSA §3862, sub-§1, ¶B**, as amended by PL 2017, c. 402, Pt. C, §97 and affected by Pt. F, §1, is further amended to read:

B. If the law enforcement officer does take the person into protective custody, shall deliver the person immediately for examination by a medical practitioner as provided in section 3862-A or 3863

or, for a person taken into protective custody who has an advance health care directive authorizing mental health treatment, for examination as provided in Title 18-C, section 5-803, subsection 4 to determine the individual's capacity and the existence of conditions specified in the advance health care directive for the directive to be effective.

## PART D

**Sec. D-1. Assessments at alternative locations.** The executive branch shall work with medical practitioners and law enforcement to develop and release, by January 1, 2020, a request for proposals for the development and acquisition of the technology necessary to enable assessments under the Maine Revised Statutes, Title 34-B, section 3862-A at locations other than health care facilities.

**Sec. D-2. Database of restrictions.** By February 1, 2020, the Department of Public Safety shall develop a plan, including any cost estimates, to implement a database system to support this Act.

**Sec. D-3. Effective dates.** Parts A to C of this Act take effect July 1, 2020. This Part takes effect 90 days after the adjournment of the First Regular Session of the 129th Legislature.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 412

### H.P. 19 - L.D. 18

#### An Act To Ensure Proper Prosecution of Crimes Involving Domestic Violence and Enhance Protection of Victims of Domestic Violence

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, to ensure the necessary and proper prosecution of crimes in the State involving domestic violence and to enhance the protection of victims of domestic violence from their abusers, this legislation must take effect immediately; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §207-A, sub-§1, ¶B**, as amended by PL 2017, c. 432, Pt. D, §1, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

**Sec. 2. 17-A MRSA §§208-D, 208-E and 208-F** are enacted to read:

**§208-D. Domestic violence aggravated assault**

**1. A person is guilty of domestic violence aggravated assault if that person:**

**A. Violates section 208, subsection 1, paragraph A and the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a Class B crime;**

**B. Violates section 208, subsection 1, paragraph A-1 and the victim is a family or household member as defined in Title 19-A, section 4002, subsec-**

**tion 4. Violation of this paragraph is a Class A crime;**

**C. Violates section 208, subsection 1, paragraph B and the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a Class B crime; or**

**D. Violates section 208, subsection 1, paragraph C and the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a Class B crime.**

**§208-E. Domestic violence elevated aggravated assault**

**1. A person is guilty of domestic violence elevated aggravated assault if:**

**A. The person violates section 208-B; and**

**B. The victim is a family or household member as defined in Title 19-A, section 4002, subsection 4.**

**2. Violation of this section is a Class A crime.**

**§208-F. Domestic violence elevated aggravated assault on pregnant person**

**1. A person is guilty of domestic violence elevated aggravated assault on a pregnant person if:**

**A. The person violates section 208-C; and**

**B. The victim is a family or household member as defined in Title 19-A, section 4002, subsection 4.**

**2. Violation of this section is a Class A crime.**

**Sec. 3. 17-A MRSA §209-A, sub-§1, ¶B**, as amended by PL 2017, c. 432, Pt. D, §2, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release vi-

olated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

**Sec. 4. 17-A MRSA §210-B, sub-§1, ¶B**, as amended by PL 2017, c. 432, Pt. D, §3, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially

similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

**Sec. 5. 17-A MRSA §210-C, sub-§1, ¶B**, as amended by PL 2017, c. 432, Pt. D, §4, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

**Sec. 6. 17-A MRSA §211-A, sub-§1, ¶B**, as amended by PL 2017, c. 432, Pt. D, §5, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B

or 210-C or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

**Sec. 7. 19-A MRSA §4002, sub-§4**, as amended by PL 2015, c. 296, Pt. C, §24 and affected by Pt. D, §1, is further amended to read:

**4. Family or household members.** "Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of Title 15, section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and Title 17-A, sections 15, 207-A, 208-D, 208-E, 208-F, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to

remain responsible indefinitely for each other's welfare.

**Sec. 8. 19-A MRSA §4011, sub-§5** is enacted to read:

**5. Repeat violations.** A person who commits a violation under subsection 1 and has 2 or more prior convictions under subsection 1 or 2 or more convictions for engaging in substantially similar conduct in another jurisdiction commits a Class C crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

**Sec. 9. 19-A MRSA §4012, sub-§5**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**5. Arrest in certain situations.** When a law enforcement officer has probable cause to believe that there has been a criminal violation under section 4011 of a court-approved consent agreement or a protection order issued pursuant to this chapter or Title 15, chapter 12-A, or that a violation of Title 17-A, section ~~208~~ 208-D, 208-E, 208-F ~~has occurred between members of the same family or household~~ has occurred, that enforcement officer shall arrest and take into custody the alleged offender.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 20, 2019.

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## CHAPTER 413

### H.P. 20 - L.D. 19

#### An Act To Require Newly Purchased Public School Buses To Be Equipped with School Bus Crossing Arms

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, it is necessary to enact this legislation before model year 2021 school buses become available for purchase to avoid requiring previously purchased school buses to be retrofitted with a school bus crossing arm; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 29-A MRSA §2301, sub-§5-C** is enacted to read:

**5-C. School bus crossing arm.** "School bus crossing arm" means a device mounted on the front bumper of a school bus that is no shorter than 70 inches and no longer than the width of the school bus and when activated extends outward in front of the school bus to require students who cross the roadway in front of the school bus to maintain a safe distance in front of the school bus.

**Sec. 2. 29-A MRSA §2302**, as amended by PL 2003, c. 293, §2, is further amended to read:

**§2302. School bus markings; lights; mirrors; school bus crossing arms**

**1. Identifications.** Each school bus:

A. Must be identified with the words, "school bus":

- (1) Printed in letters not less than 8 inches high; and
- (2) Located between the warning signal lamps as high as possible without impairing front and rear visibility of the lettering;

B. Must have no other lettering on the front or rear, except lettering not more than 4 inches high indicating an emergency exit and a bus number;

C. Must be painted national school bus glossy yellow, except that the hood may be lusterless black;

D. Must have bumpers of glossy black unless painting is impracticable through use of rubber, reflective material or other devices;

E. Must be equipped with a system of signal lights that conform to school bus requirements approved by the Commissioner of Education;

F. Must be equipped with a system of mirrors that give the seated operator a view of the way to each side of the bus, and of the area immediately in front of the front bumper;

G. May be equipped with a system of stop arms to be operated only with the red signal lights; and

H. May be equipped with reflective strips of national school bus yellow.

**1-A. School bus crossing arms.** A school bus of model year 2021 or newer must be equipped with a school bus crossing arm.

**3. Other purposes.** A school bus permanently converted wholly to other purposes must be painted a color other than national school bus glossy yellow and

have the words "school bus," school bus signal lights and stop arms removed.

**4. Other passengers.** A school bus operated on a public way and transporting passengers who do not include school-age persons must have the words "school bus" removed or concealed and the school bus signal lamps may not be operable.

**5. Application.** A vehicle operated on a public way displaying the words "school bus" or with the equipment required by this section may only be used to transport school-age persons, as defined in section 2301.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 20, 2019.

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**CHAPTER 414**

**H.P. 391 - L.D. 534**

**An Act To Make Ballot Questions Easier To Read and Understand for Maine Voters**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the ability of voters to make informed choices on ballot questions is essential for the proper functioning of the State's citizen democracy; and

**Whereas**, this Act makes necessary improvements to the process of presenting referendum questions to the voters; and

**Whereas**, it is possible that referenda may be sent to the voters before the 90-day period has expired; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 21-A MRSA §906, sub-§6, ¶¶B and C**, as repealed and replaced by PL 1993, c. 352, §3, are amended to read:

B. The Secretary of State shall write the question in a ~~simple~~, clear, concise and direct manner that describes the subject matter of the people's veto or direct initiative as simply as is possible.

C. The question for a direct initiative must be phrased so that an affirmative vote is in favor of the people's veto or direct initiative.

**Sec. 2. 21-A MRSA §906, sub-§8** is enacted to read:

**8. Explanation of effect of "yes" or "no" vote.** The Secretary of State shall include on the ballot for each referendum question those portions of the statement prepared by the Attorney General pursuant to Title 1, section 353 that describe what a "yes" vote favors and what a "no" vote opposes. These statements must appear directly below the relevant referendum question and above the place on the ballot for the voter to designate the voter's choice.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 20, 2019.

**CHAPTER 415**

**H.P. 744 - L.D. 1002**

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**PART A**

**Sec. A-1. Appropriations and allocations.**

In order to provide for the necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 2020 and June 30, 2021, the following sums as designated in the following tabulations are appropriated or allocated out of money not otherwise appropriated or allocated.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Budget - Bureau of the 0055**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$116,091	\$116,678
All Other	\$8,893	\$8,893
<b>HIGHWAY FUND TOTAL</b>	<b>\$124,984</b>	<b>\$125,571</b>

**BUDGET - BUREAU OF THE 0055**

**PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$116,091	\$116,678
All Other	\$8,893	\$8,893
<b>HIGHWAY FUND TOTAL</b>	<b>\$124,984</b>	<b>\$125,571</b>

**Buildings and Grounds Operations 0080**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	11,000	11,000
Personal Services	\$572,476	\$585,308
All Other	\$1,302,241	\$1,302,241
<b>HIGHWAY FUND TOTAL</b>	<b>\$1,874,717</b>	<b>\$1,887,549</b>

**BUILDINGS AND GROUNDS OPERATIONS 0080**

**PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	11,000	11,000
Personal Services	\$572,476	\$585,308
All Other	\$1,302,241	\$1,302,241
<b>HIGHWAY FUND TOTAL</b>	<b>\$1,874,717</b>	<b>\$1,887,549</b>

**Claims Board 0097**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$56,979	\$56,840
All Other	\$18,344	\$18,344
<b>HIGHWAY FUND TOTAL</b>	<b>\$75,323</b>	<b>\$75,184</b>

**CLAIMS BOARD 0097**

**PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$56,979	\$56,840
All Other	\$18,344	\$18,344
<b>HIGHWAY FUND TOTAL</b>	<b>\$75,323</b>	<b>\$75,184</b>

**Revenue Services, Bureau of 0002**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$564,568	\$570,014
All Other	\$32,095	\$32,095
<b>HIGHWAY FUND TOTAL</b>	<b>\$596,663</b>	<b>\$602,109</b>

**Revenue Services, Bureau of 0002**

Initiative: Reallocates the costs of one Tax Examiner position from 25% General Fund and 75% Highway Fund to 100% General Fund within the same program.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$54,475)	(\$54,996)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$54,475)</b>	<b>(\$54,996)</b>

**REVENUE SERVICES, BUREAU OF 0002  
PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$510,093	\$515,018
All Other	\$32,095	\$32,095
<b>HIGHWAY FUND TOTAL</b>	<b>\$542,188</b>	<b>\$547,113</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>HIGHWAY FUND</b>	<b>\$2,617,212</b>	<b>\$2,635,417</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$2,617,212</b>	<b>\$2,635,417</b>

**Sec. A-2. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Air Quality 0250**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$33,054	\$33,054
<b>HIGHWAY FUND TOTAL</b>	<b>\$33,054</b>	<b>\$33,054</b>

**AIR QUALITY 0250**

**PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$33,054	\$33,054
<b>HIGHWAY FUND TOTAL</b>	<b>\$33,054</b>	<b>\$33,054</b>

**Sec. A-3. Appropriations and allocations.**  
The following appropriations and allocations are made.

**LEGISLATURE**

**Legislature 0081**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$5,720	\$3,575

All Other	\$7,280	\$4,550
<b>HIGHWAY FUND TOTAL</b>	<b>\$13,000</b>	<b>\$8,125</b>
<b>LEGISLATURE 0081</b>		
<b>PROGRAM SUMMARY</b>		
<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$5,720	\$3,575
All Other	\$7,280	\$4,550
<b>HIGHWAY FUND TOTAL</b>	<b>\$13,000</b>	<b>\$8,125</b>

**Sec. A-4. Appropriations and allocations.**  
The following appropriations and allocations are made.

**MUNICIPAL BOND BANK, MAINE**

**TransCap Trust Fund Z064**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$34,213,364	\$34,213,364
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$34,213,364</b>	<b>\$34,213,364</b>

**TransCap Trust Fund Z064**

Initiative: Adjusts funding to reflect projected revenue as of the December 2018 report of the Revenue Forecasting Commission.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$443,514	\$634,078
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$443,514</b>	<b>\$634,078</b>

**TransCap Trust Fund Z064**

Initiative: Adjusts funding to reflect transfers from the Highway Fund unallocated surplus for the 2020-2021 biennium.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$6,345,967	\$6,404,253
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$6,345,967</b>	<b>\$6,404,253</b>

**TRANSCAP TRUST FUND Z064**

**PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$41,002,845	\$41,251,695
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$41,002,845</b>	<b>\$41,251,695</b>

**MUNICIPAL BOND BANK, MAINE**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$41,002,845</b>	<b>\$41,251,695</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$41,002,845</b>	<b>\$41,251,695</b>

**Sec. A-5. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF Administration - Public Safety 0088**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$128,135	\$130,648
All Other	\$680,340	\$680,340
<b>HIGHWAY FUND TOTAL</b>	<b>\$808,475</b>	<b>\$810,988</b>

**Administration - Public Safety 0088**

Initiative: Provides funding for the approved reclassification of one Office Assistant II position to an Office Associate II position effective August 2016 and provides funding for related All Other.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$94	\$51
<b>HIGHWAY FUND TOTAL</b>	<b>\$94</b>	<b>\$51</b>

**Administration - Public Safety 0088**

Initiative: Provides funding for the approved reclassification of one Accounting Associate I position to an Office Associate II position effective April 2016 and provides funding for related All Other.

HIGHWAY FUND	2019-20	2020-21
All Other	\$48	\$22
<b>HIGHWAY FUND TOTAL</b>	<b>\$48</b>	<b>\$22</b>

All Other	\$2,000	\$2,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$2,000</b>	<b>\$2,000</b>

**Administration - Public Safety 0088**

Initiative: Provides funding for the approved reclassification of one Office Associate I position to an Office Associate II position effective March 2018 and provides funding for related All Other.

HIGHWAY FUND	2019-20	2020-21
All Other	\$60	\$61
<b>HIGHWAY FUND TOTAL</b>	<b>\$60</b>	<b>\$61</b>

**Administration - Public Safety 0088**

Initiative: Transfers and reallocates one Inventory and Property Associate II position and related All Other costs from 100% Highway Fund to 65% General Fund and 35% Highway Fund within the same program.

HIGHWAY FUND	2019-20	2020-21
All Other	(\$887)	(\$893)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$887)</b>	<b>(\$893)</b>

**Administration - Public Safety 0088**

Initiative: Provides funding for the approved reclassification of 8 Public Safety Inspector I positions to Motor Vehicle Safety Inspector positions effective March 2017 and provides funding for related All Other.

HIGHWAY FUND	2019-20	2020-21
All Other	\$2,676	\$832
<b>HIGHWAY FUND TOTAL</b>	<b>\$2,676</b>	<b>\$832</b>

**ADMINISTRATION - PUBLIC SAFETY 0088**

**PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$128,135	\$130,648
All Other	\$694,454	\$692,205
<b>HIGHWAY FUND TOTAL</b>	<b>\$822,589</b>	<b>\$822,853</b>

**Administration - Public Safety 0088**

Initiative: Provides funding for an increase in leased space costs for the Central Maine Commerce Center.

HIGHWAY FUND	2019-20	2020-21
All Other	\$5,447	\$5,447
<b>HIGHWAY FUND TOTAL</b>	<b>\$5,447</b>	<b>\$5,447</b>

**Highway Safety DPS 0457**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$72,326	\$75,502
All Other	\$445,522	\$445,522
<b>HIGHWAY FUND TOTAL</b>	<b>\$517,848</b>	<b>\$521,024</b>

**Administration - Public Safety 0088**

Initiative: Provides funding for the Department of Administrative and Financial Services, Office of Information Technology and nonstate vendor increases in technology costs.

HIGHWAY FUND	2019-20	2020-21
All Other	\$4,676	\$4,345
<b>HIGHWAY FUND TOTAL</b>	<b>\$4,676</b>	<b>\$4,345</b>

**Highway Safety DPS 0457**

Initiative: Provides funding for an increase in leased space costs for the Central Maine Commerce Center.

HIGHWAY FUND	2019-20	2020-21
All Other	\$6,506	\$6,506
<b>HIGHWAY FUND TOTAL</b>	<b>\$6,506</b>	<b>\$6,506</b>

**Administration - Public Safety 0088**

Initiative: Provides funding for the increased cost of implied consent testing.

HIGHWAY FUND	2019-20	2020-21
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**Highway Safety DPS 0457**

Initiative: Provides funding for the increased cost of implied consent testing.

HIGHWAY FUND	2019-20	2020-21
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All Other	\$101,133	\$101,133
<b>HIGHWAY FUND TOTAL</b>	<b>\$101,133</b>	<b>\$101,133</b>

**HIGHWAY SAFETY DPS 0457  
PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$72,326	\$75,502
All Other	\$553,161	\$553,161
<b>HIGHWAY FUND TOTAL</b>	<b>\$625,487</b>	<b>\$628,663</b>

**Motor Vehicle Inspection 0329**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$837,139	\$850,202
All Other	\$357,297	\$357,297
<b>HIGHWAY FUND TOTAL</b>	<b>\$1,194,436</b>	<b>\$1,207,499</b>

**Motor Vehicle Inspection 0329**

Initiative: Provides funding for the approved reclassification of 8 Public Safety Inspector I positions to Motor Vehicle Safety Inspector positions effective March 2016 and provides funding for related All Other.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$172,496	\$40,117
All Other	\$3,058	\$711
<b>HIGHWAY FUND TOTAL</b>	<b>\$175,554</b>	<b>\$40,828</b>

**Motor Vehicle Inspection 0329**

Initiative: Provides funding to purchase 2 sedans in each year of the 2020-2021 biennium.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$41,200	\$42,436
<b>HIGHWAY FUND TOTAL</b>	<b>\$41,200</b>	<b>\$42,436</b>

**Motor Vehicle Inspection 0329**

Initiative: Provides funding for the Department of Administrative and Financial Services, Office of Information Technology and nonstate vendor increases in technology costs.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$35,762	\$35,762
<b>HIGHWAY FUND TOTAL</b>	<b>\$35,762</b>	<b>\$35,762</b>

**MOTOR VEHICLE INSPECTION 0329  
PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$1,009,635	\$890,319
All Other	\$396,117	\$393,770
Capital Expenditures	\$41,200	\$42,436
<b>HIGHWAY FUND TOTAL</b>	<b>\$1,446,952</b>	<b>\$1,326,525</b>

**State Police 0291**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$14,340,095	\$14,524,926
All Other	\$6,108,283	\$6,108,283
<b>HIGHWAY FUND TOTAL</b>	<b>\$20,448,378</b>	<b>\$20,633,209</b>

**State Police 0291**

Initiative: Provides funding for the approved reclassification of one Office Assistant II position to an Office Associate II position effective August 2016 and provides funding for related All Other.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$3,944	\$2,474
All Other	\$82	\$44
<b>HIGHWAY FUND TOTAL</b>	<b>\$4,026</b>	<b>\$2,518</b>

**State Police 0291**

Initiative: Provides funding for the approved reclassification of one Accounting Associate I position to an Office Associate II position effective April 2016 and provides funding for related All Other.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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Personal Services	\$2,331	\$1,024
All Other	\$42	\$19
<b>HIGHWAY FUND TOTAL</b>	<b>\$2,373</b>	<b>\$1,043</b>

**State Police 0291**

Initiative: Provides funding for an increase in leased space costs for the Central Maine Commerce Center.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$37,964	\$37,964
<b>HIGHWAY FUND TOTAL</b>	<b>\$37,964</b>	<b>\$37,964</b>

**State Police 0291**

Initiative: Provides funding for the Department of Administrative and Financial Services, Office of Information Technology and nonstate vendor increases in technology costs.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$173,303	\$156,476
<b>HIGHWAY FUND TOTAL</b>	<b>\$173,303</b>	<b>\$156,476</b>

**State Police 0291**

Initiative: Transfers and reallocates one Communications Technician position from 65% General Fund and 35% Highway Fund in the Department of Public Safety, State Police program and one Communications Technician position from 50% Highway Fund and 50% Federal Expenditures Fund in the Department of Public Safety, Traffic Safety - Commercial Vehicle Enforcement program to 100% Office of Information Services Fund in the Department of Administrative and Financial Services, Information Services program. Reduces funding for related All Other.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$25,667)	(\$26,910)
All Other	(\$455)	(\$477)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$26,122)</b>	<b>(\$27,387)</b>

**State Police 0291**

Initiative: Transfers and reallocates one Inventory and Property Associate II position and related All Other costs from 100% Highway Fund to 65% General Fund and 35% Highway Fund within the same program.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)

Personal Services	(\$44,356)	(\$44,648)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$44,356)</b>	<b>(\$44,648)</b>

**STATE POLICE 0291 PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	0.000
Personal Services	\$14,276,347	\$14,456,866
All Other	\$6,319,219	\$6,302,309
<b>HIGHWAY FUND TOTAL</b>	<b>\$20,595,566</b>	<b>\$20,759,175</b>

**State Police - Support 0981**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$628,789	\$640,164
All Other	\$11,145	\$11,145
<b>HIGHWAY FUND TOTAL</b>	<b>\$639,934</b>	<b>\$651,309</b>

**State Police - Support 0981**

Initiative: Provides funding for the approved reclassification of one Office Assistant II position to an Office Associate II position effective April 2017.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$18,302	\$7,469
<b>HIGHWAY FUND TOTAL</b>	<b>\$18,302</b>	<b>\$7,469</b>

**STATE POLICE - SUPPORT 0981 PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$647,091	\$647,633
All Other	\$11,145	\$11,145
<b>HIGHWAY FUND TOTAL</b>	<b>\$658,236</b>	<b>\$658,778</b>

**Traffic Safety 0546**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$1,034,765	\$1,044,635
All Other	\$286,193	\$286,193
<b>HIGHWAY FUND TOTAL</b>	<b>\$1,320,958</b>	<b>\$1,330,828</b>

**Traffic Safety 0546**

Initiative: Provides funding for the purchase and installation of one airplane engine.

HIGHWAY FUND	2019-20	2020-21
Capital Expenditures	\$60,000	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$60,000</b>	<b>\$0</b>

**Traffic Safety 0546**

Initiative: Provides funding to purchase one sport utility vehicle and one Police Interceptor sport utility vehicle in each year of the 2020-2021 biennium.

HIGHWAY FUND	2019-20	2020-21
Capital Expenditures	\$55,836	\$57,512
<b>HIGHWAY FUND TOTAL</b>	<b>\$55,836</b>	<b>\$57,512</b>

**Traffic Safety 0546**

Initiative: Provides funding for the Department of Administrative and Financial Services, Office of Information Technology and nonstate vendor increases in technology costs.

HIGHWAY FUND	2019-20	2020-21
All Other	\$27,798	\$27,798
<b>HIGHWAY FUND TOTAL</b>	<b>\$27,798</b>	<b>\$27,798</b>

**TRAFFIC SAFETY 0546 PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	8.000	8.000
Personal Services	\$1,034,765	\$1,044,635
All Other	\$313,991	\$313,991
Capital Expenditures	\$115,836	\$57,512
<b>HIGHWAY FUND TOTAL</b>	<b>\$1,464,592</b>	<b>\$1,416,138</b>

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	44.000	44.000
Personal Services	\$4,791,040	\$4,827,744
All Other	\$973,128	\$973,128
<b>HIGHWAY FUND TOTAL</b>	<b>\$5,764,168</b>	<b>\$5,800,872</b>

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Provides funding for the approved reclassification of one Office Associate I position to an Office Associate II position effective March 2018 and provides funding for related All Other.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$2,867	\$2,937
All Other	\$51	\$53
<b>HIGHWAY FUND TOTAL</b>	<b>\$2,918</b>	<b>\$2,990</b>

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Provides funding to purchase 8 Police Interceptor sport utility vehicles in each year of the 2020-2021 biennium.

HIGHWAY FUND	2019-20	2020-21
Capital Expenditures	\$269,958	\$278,056
<b>HIGHWAY FUND TOTAL</b>	<b>\$269,958</b>	<b>\$278,056</b>

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Transfers and reallocates one Communications Technician position from 65% General Fund and 35% Highway Fund in the Department of Public Safety, State Police program and one Communications Technician position from 50% Highway Fund and 50% Federal Expenditures Fund in the Department of Public Safety, Traffic Safety - Commercial Vehicle Enforcement program to 100% Office of Information Services Fund in the Department of Administrative and Financial Services, Information Services program. Reduces funding for related All Other.

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)

Personal Services	(\$36,669)	(\$38,447)
All Other	(\$650)	(\$681)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$37,319)</b>	<b>(\$39,128)</b>

Personal Services	\$27,658,768	\$28,258,808
All Other	\$12,446,300	\$12,446,300
<b>HIGHWAY FUND TOTAL</b>	<b>\$40,105,068</b>	<b>\$40,705,108</b>

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Provides funding for the approved range change of one Motor Carrier Inspection Supervisor position from range 20 to range 24, retroactive to June 2017, and related All Other.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$15,631	\$7,078
All Other	\$277	\$125
<b>HIGHWAY FUND TOTAL</b>	<b>\$15,908</b>	<b>\$7,203</b>

**TRAFFIC SAFETY - COMMERCIAL VEHICLE ENFORCEMENT 0715**

**PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	43.000	43.000
Personal Services	\$4,772,869	\$4,799,312
All Other	\$972,806	\$972,625
Capital Expenditures	\$269,958	\$278,056
<b>HIGHWAY FUND TOTAL</b>	<b>\$6,015,633</b>	<b>\$6,049,993</b>

**PUBLIC SAFETY, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>HIGHWAY FUND</b>	<b>\$31,629,055</b>	<b>\$31,662,125</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$31,629,055</b>	<b>\$31,662,125</b>

**Sec. A-6. Appropriations and allocations.**  
The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	366.500	366.500

**Administration - Motor Vehicles 0077**

Initiative: Establishes 3 Customer Representative Associate II - Motor Vehicle positions and related All Other costs needed for the implementation of federal REAL ID Act in branch office operations.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$198,300	\$207,930
All Other	\$37,611	\$15,844
<b>HIGHWAY FUND TOTAL</b>	<b>\$235,911</b>	<b>\$223,774</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides one-time funding for additional storage for driver license data in production and at the disaster recovery facility, including 5 years of support.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$41,860
Capital Expenditures	\$155,004	\$30,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$155,004</b>	<b>\$71,860</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides one-time funding for additional bandwidth to extend data processing capacity by purchasing 2 switches for the data center, with one year support.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$2,512
Capital Expenditures	\$0	\$29,600
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$32,112</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides one-time funding to update the Maine Motorist Handbook and Study Guide and associated test pool items.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$104,650	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$104,650</b>	<b>\$0</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides one-time funding for the American Association of Motor Vehicle Administrators, Digital Image Access and Exchange program, which supports state-to-state verification services required in the federal REAL ID Act.

HIGHWAY FUND	2019-20	2020-21
All Other	\$28,779	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$28,779</b>	<b>\$0</b>

**Administration - Motor Vehicles 0077**

Initiative: Establishes one Motor Vehicle Detective position to fulfill requirements of the federal REAL ID Act and provides funding for related All Other costs.

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$93,741	\$97,422
All Other	\$36,908	\$19,917
<b>HIGHWAY FUND TOTAL</b>	<b>\$130,649</b>	<b>\$117,339</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides funding for the approved reorganization of one Systems Team Leader position to a Public Service Manager II position and related All Other costs.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$12,955	\$17,630
All Other	\$602	\$820
<b>HIGHWAY FUND TOTAL</b>	<b>\$13,557</b>	<b>\$18,450</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides funding for the retroactive portion of the approved stipend increase of 2 Senior Revenue Agent positions from 5% to 14% and related All Other costs.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$21,581	\$0
All Other	\$1,004	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$22,585</b>	<b>\$0</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides funding for the approved employee-initiated reclassification of 4 Driver License Examiner II positions from range 19 to range 22 and 2

Motor Vehicle Registration Compliance Inspector positions to Driver License Examiner II positions and related All Other costs.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$228,177	\$84,712
All Other	\$6,688	\$1,625
<b>HIGHWAY FUND TOTAL</b>	<b>\$234,865</b>	<b>\$86,337</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides funding for tort liability, property and vehicle insurance increases based on rates provided by the Department of Administrative and Financial Services, risk management division.

HIGHWAY FUND	2019-20	2020-21
All Other	\$29,945	\$29,945
<b>HIGHWAY FUND TOTAL</b>	<b>\$29,945</b>	<b>\$29,945</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides funding for technology costs based on the rate schedules provided by the Department of Administrative and Financial Services, Office of Information Technology.

HIGHWAY FUND	2019-20	2020-21
All Other	\$474,546	\$474,546
<b>HIGHWAY FUND TOTAL</b>	<b>\$474,546</b>	<b>\$474,546</b>

**Administration - Motor Vehicles 0077**

Initiative: Reorganizes 2 Office Associate I positions to Office Associate II positions and provides funding for related All Other costs.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$5,896	\$5,870
All Other	\$274	\$273
<b>HIGHWAY FUND TOTAL</b>	<b>\$6,170</b>	<b>\$6,143</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides one-time funding for 40 portable touch screen computers and for the replacement of printers that are 4 years old for driver license exams.

HIGHWAY FUND	2019-20	2020-21
All Other	\$114,278	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$114,278</b>	<b>\$0</b>

**Administration - Motor Vehicles 0077**

Initiative: Provides one-time funding for 17 laptop computers used by detectives and motor vehicle regulation compliance inspectors in the field.

HIGHWAY FUND	2019-20	2020-21
All Other	\$0	\$89,476
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$89,476</b>

**ADMINISTRATION - MOTOR VEHICLES 0077**

**PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	370.500	370.500
Personal Services	\$28,219,418	\$28,672,372
All Other	\$13,281,585	\$13,123,118
Capital Expenditures	\$155,004	\$59,600
<b>HIGHWAY FUND TOTAL</b>	<b>\$41,656,007</b>	<b>\$41,855,090</b>

**SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS**

	2019-20	2020-21
<b>HIGHWAY FUND</b>	<b>\$41,656,007</b>	<b>\$41,855,090</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$41,656,007</b>	<b>\$41,855,090</b>

**Sec. A-7. Appropriations and allocations.**  
The following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF**

**Administration 0339**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	96.500	96.500
Personal Services	\$8,912,324	\$9,365,171
All Other	\$4,492,783	\$4,492,783
<b>HIGHWAY FUND TOTAL</b>	<b>\$13,405,107</b>	<b>\$13,857,954</b>

**Administration 0339**

Initiative: Provides funding for management-initiated reorganizations by eliminating vacancies equal to 35

full-time equivalent counts. Position detail is on file with the Bureau of the Budget.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$125,204	\$130,156
<b>HIGHWAY FUND TOTAL</b>	<b>\$125,204</b>	<b>\$130,156</b>

**Administration 0339**

Initiative: Eliminates 10 vacant positions to provide funding for light capital needs.

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(4.000)	(4.000)
Personal Services	(\$343,778)	(\$367,770)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$343,778)</b>	<b>(\$367,770)</b>

**Administration 0339**

Initiative: Transfers positions within programs to more appropriately match the account with the work being done.

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$276,707	\$290,906
<b>HIGHWAY FUND TOTAL</b>	<b>\$276,707</b>	<b>\$290,906</b>

**ADMINISTRATION 0339**

**PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	95.500	95.500
Personal Services	\$8,970,457	\$9,418,463
All Other	\$4,492,783	\$4,492,783
<b>HIGHWAY FUND TOTAL</b>	<b>\$13,463,240</b>	<b>\$13,911,246</b>

**Bond Interest - Highway 0358**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
All Other	\$905,540	\$905,540
<b>HIGHWAY FUND TOTAL</b>	<b>\$905,540</b>	<b>\$905,540</b>

**Bond Interest - Highway 0358**

Initiative: Adjusts funding to correctly reflect the debt service costs for the Bond Interest - Highway and Bond Retirement - Highway programs.

HIGHWAY FUND	2019-20	2020-21
All Other	(\$515,872)	(\$795,040)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$515,872)</b>	<b>(\$795,040)</b>

**BOND INTEREST - HIGHWAY 0358**

**PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
All Other	\$389,668	\$110,500
<b>HIGHWAY FUND TOTAL</b>	<b>\$389,668</b>	<b>\$110,500</b>

**Bond Retirement - Highway 0359**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
All Other	\$12,500,000	\$12,500,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$12,500,000</b>	<b>\$12,500,000</b>

**Bond Retirement - Highway 0359**

Initiative: Adjusts funding to correctly reflect the debt service costs for the Bond Interest - Highway and Bond Retirement - Highway programs.

HIGHWAY FUND	2019-20	2020-21
All Other	(\$4,890,000)	(\$10,290,000)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$4,890,000)</b>	<b>(\$10,290,000)</b>

**BOND RETIREMENT - HIGHWAY 0359**

**PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
All Other	\$7,610,000	\$2,210,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$7,610,000</b>	<b>\$2,210,000</b>

**Callahan Mine Site Restoration Z007**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$740,000	\$740,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$740,000	\$740,000
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**CALLAHAN MINE SITE RESTORATION Z007**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$740,000	\$740,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$740,000	\$740,000
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**Fleet Services 0347**

Initiative: BASELINE BUDGET

FLEET SERVICES FUND - DOT	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	26.000	26.000
POSITIONS - FTE COUNT	132.000	132.000
Personal Services	\$11,489,049	\$12,111,065
All Other	\$18,009,153	\$18,009,153

FLEET SERVICES FUND - DOT TOTAL	\$29,498,202	\$30,120,218
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**Fleet Services 0347**

Initiative: Provides funding for management-initiated reorganizations by eliminating vacancies equal to 35 full-time equivalent counts. Position detail is on file with the Bureau of the Budget.

FLEET SERVICES FUND - DOT	2019-20	2020-21
Personal Services	\$35,366	\$36,328

FLEET SERVICES FUND - DOT TOTAL	\$35,366	\$36,328
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**FLEET SERVICES 0347**

**PROGRAM SUMMARY**

FLEET SERVICES FUND - DOT	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	26.000	26.000
POSITIONS - FTE COUNT	132.000	132.000
Personal Services	\$11,524,415	\$12,147,393

All Other	\$18,009,153	\$18,009,153
<b>FLEET SERVICES FUND - DOT TOTAL</b>	<b>\$29,533,568</b>	<b>\$30,156,546</b>

OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,000,000	\$10,000,000
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**Highway and Bridge Capital 0406**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	458.000	458.000
POSITIONS - FTE COUNT	20.192	20.192
Personal Services	\$20,621,810	\$21,635,892
All Other	\$18,862,766	\$18,862,766
<b>HIGHWAY FUND TOTAL</b>	<b>\$39,484,576</b>	<b>\$40,498,658</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$22,921,277	\$24,043,434
All Other	\$42,655,513	\$42,655,513
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$65,576,790</b>	<b>\$66,698,947</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$2,317,592	\$2,429,475
All Other	\$4,589,564	\$4,589,564
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$6,907,156</b>	<b>\$7,019,039</b>

**Highway and Bridge Capital 0406**

Initiative: Provides funding for Capital Expenditures in various programs within the Federal Fund and Other Special Revenue Funds.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Capital Expenditures	\$123,000,000	\$126,000,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$123,000,000</b>	<b>\$126,000,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$10,000,000	\$10,000,000

**Highway and Bridge Capital 0406**

Initiative: Provides funding for management-initiated reorganizations by eliminating vacancies equal to 35 full-time equivalent counts. Position detail is on file with the Bureau of the Budget.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$740,654	\$813,644
<b>HIGHWAY FUND TOTAL</b>	<b>\$740,654</b>	<b>\$813,644</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$820,362	\$901,203
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$820,362</b>	<b>\$901,203</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$82,019	\$90,147
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$82,019</b>	<b>\$90,147</b>

**Highway and Bridge Capital 0406**

Initiative: Provides the allocation to spend GARVEE bond proceeds for highway and bridge needs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$0	\$75,000,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$75,000,000</b>

**Highway and Bridge Capital 0406**

Initiative: Eliminates 10 vacant positions to provide funding for light capital needs.

HIGHWAY FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	(\$29,630)	(\$31,882)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$29,630)</b>	<b>(\$31,882)</b>

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
Personal Services	(\$32,923)	(\$35,424)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$32,923)</b>	<b>(\$35,424)</b>

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	(\$3,292)	(\$3,542)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$3,292)</b>	<b>(\$3,542)</b>

**Highway and Bridge Capital 0406**

Initiative: Provides increased federal allocation to properly expense federal discretionary grants.

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
All Other	\$5,000,000	\$5,000,000
Capital Expenditures	\$20,000,000	\$20,000,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$25,000,000</b>	<b>\$25,000,000</b>

**Highway and Bridge Capital 0406**

Initiative: Provides increased federal allocation to properly expense federal formula grants.

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
Capital Expenditures	\$10,000,000	\$10,000,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$10,000,000</b>	<b>\$10,000,000</b>

**Highway and Bridge Capital 0406**

Initiative: Transfers positions within programs to more appropriately match the account with the work being done.

	2019-20	2020-21
<b>HIGHWAY FUND</b>		
POSITIONS - LEGISLATIVE COUNT	(4.000)	(4.000)
Personal Services	(\$185,046)	(\$194,049)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$185,046)</b>	<b>(\$194,049)</b>

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		

Personal Services	(\$205,610)	(\$215,610)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$205,610)</b>	<b>(\$215,610)</b>

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	(\$20,561)	(\$21,561)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$20,561)</b>	<b>(\$21,561)</b>

**HIGHWAY AND BRIDGE CAPITAL 0406 PROGRAM SUMMARY**

	2019-20	2020-21
<b>HIGHWAY FUND</b>		
POSITIONS - LEGISLATIVE COUNT	453.000	453.000
POSITIONS - FTE COUNT	20.192	20.192
Personal Services	\$21,147,788	\$22,223,605
All Other	\$18,862,766	\$18,862,766
<b>HIGHWAY FUND TOTAL</b>	<b>\$40,010,554</b>	<b>\$41,086,371</b>

	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>		
Personal Services	\$23,503,106	\$24,693,603
All Other	\$47,655,513	\$47,655,513
Capital Expenditures	\$153,000,000	\$156,000,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$224,158,619</b>	<b>\$228,349,116</b>

	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	\$2,375,758	\$2,494,519
All Other	\$4,589,564	\$4,589,564
Capital Expenditures	\$10,000,000	\$85,000,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$16,965,322</b>	<b>\$92,084,083</b>

**Highway Light Capital Z095**

Initiative: BASELINE BUDGET

	2019-20	2020-21
<b>HIGHWAY FUND</b>		
All Other	\$2,250,000	\$2,250,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$2,250,000</b>	<b>\$2,250,000</b>

**Highway Light Capital Z095**

Initiative: Provides funding for the Highway Light Capital program at a level to provide approximately 600 miles of light capital paving per year, among other work, depending on bid prices and the severity of winter weather.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$2,470,000	\$2,470,000
Capital Expenditures	\$1,780,000	\$1,780,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$4,250,000</b>	<b>\$4,250,000</b>

**Highway Light Capital Z095**

Initiative: Provides authority to spend the return of the cash available after the repayment of bonds from the funds previously transferred to the Maine Municipal Bond Bank TransCap Trust Fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$21,100,000	\$21,100,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$21,100,000</b>	<b>\$21,100,000</b>

**Highway Light Capital Z095**

Initiative: Provides funding for light capital paving.

HIGHWAY FUND	2019-20	2020-21
Capital Expenditures	\$4,000,000	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$4,000,000</b>	<b>\$0</b>

**Highway Light Capital Z095**

Initiative: Eliminates 10 vacant positions to provide funding for light capital needs.

HIGHWAY FUND	2019-20	2020-21
Capital Expenditures	\$726,827	\$769,249
<b>HIGHWAY FUND TOTAL</b>	<b>\$726,827</b>	<b>\$769,249</b>

**HIGHWAY LIGHT CAPITAL Z095**

**PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$2,470,000	\$2,470,000
All Other	\$2,250,000	\$2,250,000
Capital Expenditures	\$6,506,827	\$2,549,249

HIGHWAY FUND TOTAL	\$11,226,827	\$7,269,249
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$21,100,000	\$21,100,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$21,100,000</b>	<b>\$21,100,000</b>

**Local Road Assistance Program 0337**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
All Other	\$21,079,597	\$21,079,597
<b>HIGHWAY FUND TOTAL</b>	<b>\$21,079,597</b>	<b>\$21,079,597</b>

**Local Road Assistance Program 0337**

Initiative: Adjusts funding for the Local Road Assistance Program at the correct proportioned rate in accordance with the Maine Revised Statutes, Title 23, section 1803-B.

HIGHWAY FUND	2019-20	2020-21
All Other	\$174,969	\$221,298
<b>HIGHWAY FUND TOTAL</b>	<b>\$174,969</b>	<b>\$221,298</b>

**Local Road Assistance Program 0337**

Initiative: Adjusts funding for the Local Road Assistance Program at the correct proportioned rate.

HIGHWAY FUND	2019-20	2020-21
All Other	\$385,547	\$26,751
<b>HIGHWAY FUND TOTAL</b>	<b>\$385,547</b>	<b>\$26,751</b>

**LOCAL ROAD ASSISTANCE PROGRAM 0337**

**PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
All Other	\$21,640,113	\$21,327,646
<b>HIGHWAY FUND TOTAL</b>	<b>\$21,640,113</b>	<b>\$21,327,646</b>

**Maintenance and Operations 0330**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	159.000	159.000
POSITIONS - FTE COUNT	1,054.575	1,054.575
Personal Services	\$87,673,051	\$92,287,859
All Other	\$74,156,579	\$74,156,579
<b>HIGHWAY FUND TOTAL</b>	<b>\$161,829,630</b>	<b>\$166,444,438</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$3,605,093	\$3,795,513
All Other	\$5,106,169	\$5,106,169
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$8,711,262</b>	<b>\$8,901,682</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$99,027	\$99,025
All Other	\$1,374,886	\$1,374,886
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,473,913</b>	<b>\$1,473,911</b>

<b>INDUSTRIAL DRIVE FACILITY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500,000	\$500,000
<b>INDUSTRIAL DRIVE FACILITY FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

**Maintenance and Operations 0330**

Initiative: Provides funding to support fleet services in the purchase of approximately 55 vehicles in each fiscal year of the biennium in accordance with the long-term equipment purchasing plan.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$7,500,000	\$7,500,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$7,500,000</b>	<b>\$7,500,000</b>

**Maintenance and Operations 0330**

Initiative: Provides funding for the purchase of capital equipment to be used in the maintenance of the transportation system.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$607,800	\$600,300

<b>HIGHWAY FUND TOTAL</b>	<b>\$607,800</b>	<b>\$600,300</b>
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**Maintenance and Operations 0330**

Initiative: Provides funding for management-initiated reorganizations by eliminating vacancies equal to 35 full-time equivalent counts. Position detail is on file with the Bureau of the Budget.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - FTE COUNT	(34.671)	(34.671)
Personal Services	(\$970,232)	(\$1,029,193)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$970,232)</b>	<b>(\$1,029,193)</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$19,208	\$20,058
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$19,208</b>	<b>\$20,058</b>

**Maintenance and Operations 0330**

Initiative: Transfers funding from anticipated Personal Services savings to All Other to provide more direct infrastructure improvements through additional contracting and purchase of highway materials.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$8,000,000)	(\$8,000,000)
All Other	\$8,000,000	\$8,000,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Maintenance and Operations 0330**

Initiative: Provides funding for capital improvements to the headquarters building on Child Street in Augusta.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$400,000	\$500,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$400,000</b>	<b>\$500,000</b>

**Maintenance and Operations 0330**

Initiative: Eliminates 10 vacant positions to provide funding for light capital needs.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	(5.000)	(5.000)

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Personal Services	(\$353,418)	(\$369,597)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$353,418)</b>	<b>(\$369,597)</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$14,726)	(\$15,400)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$14,726)</b>	<b>(\$15,400)</b>

Personal Services	\$82,478,533	\$87,023,770
All Other	\$85,656,579	\$85,656,579
Capital Expenditures	\$1,007,800	\$1,100,300
<b>HIGHWAY FUND TOTAL</b>	<b>\$169,142,912</b>	<b>\$173,780,649</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$3,614,956	\$3,805,784
All Other	\$5,106,169	\$5,106,169

**Maintenance and Operations 0330**

Initiative: Provides funding for a recruitment and retention stipend of \$2 per hour for all Transportation Worker positions and an additional \$1.50 per hour for those Transportation Worker positions in Region 1 by managing vacancies and reducing All Other.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$4,000,000	\$4,000,000
All Other	(\$4,000,000)	(\$4,000,000)
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$8,721,125</b>	<b>\$8,911,953</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$99,027	\$99,025
All Other	\$1,374,886	\$1,374,886

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,473,913</b>	<b>\$1,473,911</b>
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**Maintenance and Operations 0330**

Initiative: Transfers positions within programs to more appropriately match the account with the work being done.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$129,132	\$134,701
<b>HIGHWAY FUND TOTAL</b>	<b>\$129,132</b>	<b>\$134,701</b>

<b>INDUSTRIAL DRIVE FACILITY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500,000	\$500,000

<b>INDUSTRIAL DRIVE FACILITY FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>
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**Multimodal - Aviation 0294**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$5,381	\$5,613
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,381</b>	<b>\$5,613</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,585,782	\$1,585,782

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,585,782</b>	<b>\$1,585,782</b>
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**MAINTENANCE AND OPERATIONS 0330**

**PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	155.000	155.000
POSITIONS - FTE COUNT	1,019.904	1,019.904

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000

Personal Services	\$218,713	\$227,228
All Other	\$957,000	\$957,000

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,175,713</b>	<b>\$1,184,228</b>
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**Multimodal - Aviation 0294**

Initiative: Provides funding for Capital Expenditures in various programs within the Federal Expenditures Fund and Other Special Revenue Funds.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Capital Expenditures	\$300,000	\$300,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$300,000</b>	<b>\$300,000</b>

**Multimodal - Aviation 0294**

Initiative: Provides funding for management-initiated reorganizations by eliminating vacancies equal to 35 full-time equivalent counts. Position detail is on file with the Bureau of the Budget.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$13,046	\$13,511
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$13,046</b>	<b>\$13,511</b>

**MULTIMODAL - AVIATION 0294**

**PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,585,782	\$1,585,782
Capital Expenditures	\$300,000	\$300,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,885,782</b>	<b>\$1,885,782</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$231,759	\$240,739
All Other	\$957,000	\$957,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,188,759</b>	<b>\$1,197,739</b>

**Multimodal - Freight Rail 0350**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2019-20	2020-21
All Other	\$603,599	\$603,599
<b>HIGHWAY FUND TOTAL</b>	<b>\$603,599</b>	<b>\$603,599</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$100,000	\$100,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$220,135	\$233,899
All Other	\$1,467,904	\$1,467,904
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,688,039</b>	<b>\$1,701,803</b>

**Multimodal - Freight Rail 0350**

Initiative: Provides funding for Capital Expenditures in various programs within the Federal Expenditures Fund and Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Capital Expenditures	\$500,000	\$500,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

**MULTIMODAL - FREIGHT RAIL 0350**

**PROGRAM SUMMARY**

HIGHWAY FUND	2019-20	2020-21
All Other	\$603,599	\$603,599
<b>HIGHWAY FUND TOTAL</b>	<b>\$603,599</b>	<b>\$603,599</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$100,000	\$100,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$220,135	\$233,899

All Other	\$1,467,904	\$1,467,904
Capital Expenditures	\$500,000	\$500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,188,039	\$2,201,803

**Multimodal - Island Ferry Service Z016**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,395,711	\$5,395,711
HIGHWAY FUND TOTAL	\$5,395,711	\$5,395,711

<b>ISLAND FERRY SERVICES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	78.000	78.000
POSITIONS - FTE COUNT	9.966	9.966
Personal Services	\$7,095,939	\$7,409,241
All Other	\$3,966,495	\$3,966,495

ISLAND FERRY SERVICES FUND TOTAL	\$11,062,434	\$11,375,736
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**Multimodal - Island Ferry Service Z016**

Initiative: Provides funding for management-initiated reorganizations by eliminating vacancies equal to 35 full-time equivalent counts. Position detail is on file with the Bureau of the Budget.

<b>ISLAND FERRY SERVICES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$167,919	\$176,084
ISLAND FERRY SERVICES FUND TOTAL	\$167,919	\$176,084

**Multimodal - Island Ferry Service Z016**

Initiative: Provides funding to adjust the state support to 50% of the operating cost of the Maine State Ferry Service in accordance with Maine Revised Statutes, Title 23, section 4210-C.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$219,465	\$380,199
HIGHWAY FUND TOTAL	\$219,465	\$380,199

**Multimodal - Island Ferry Service Z016**

Initiative: Provides funding for the increased costs of repairs to the aging fleet of boats.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$250,000	\$250,000
HIGHWAY FUND TOTAL	\$250,000	\$250,000

<b>ISLAND FERRY SERVICES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500,000	\$500,000
ISLAND FERRY SERVICES FUND TOTAL	\$500,000	\$500,000

**Multimodal - Island Ferry Service Z016**

Initiative: Establishes 4 Ordinary Seaman positions to meet staffing requirements of ferry vessels.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$63,065	\$65,678
HIGHWAY FUND TOTAL	\$63,065	\$65,678

<b>ISLAND FERRY SERVICES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$252,260	\$262,712
All Other	(\$126,130)	(\$131,356)

ISLAND FERRY SERVICES FUND TOTAL	\$126,130	\$131,356
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**MULTIMODAL - ISLAND FERRY SERVICE Z016**

**PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,928,241	\$6,091,588
HIGHWAY FUND TOTAL	\$5,928,241	\$6,091,588

<b>ISLAND FERRY SERVICES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	82.000	82.000
POSITIONS - FTE COUNT	9.966	9.966
Personal Services	\$7,516,118	\$7,848,037

All Other	\$4,340,365	\$4,335,139
ISLAND FERRY SERVICES	\$11,856,483	\$12,183,176
FUND TOTAL		

**Multimodal - Passenger Rail Z139**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$2,000,000	\$2,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,000,000	\$2,000,000

**MULTIMODAL - PASSENGER RAIL Z139**

**PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$2,000,000	\$2,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,000,000	\$2,000,000

**Multimodal - Ports and Marine 0323**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$150,000	\$150,000
FEDERAL EXPENDITURES FUND TOTAL	\$150,000	\$150,000

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$323,172	\$341,543
All Other	\$9,500	\$9,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$332,672	\$351,043

**Multimodal - Ports and Marine 0323**

Initiative: Provides funding in Personal Services for engineering services performed by department staff for projects financed through General Fund general obligation bond funds and adjusts All Other to the anticipated revenue and expenditure level for the biennium.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$50,000	\$50,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$50,000	\$50,000

**Multimodal - Ports and Marine 0323**

Initiative: Provides funding for management-initiated reorganizations by eliminating vacancies equal to 35 full-time equivalent counts. Position detail is on file with the Bureau of the Budget.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$9,002	\$9,335
OTHER SPECIAL REVENUE FUNDS TOTAL	\$9,002	\$9,335

**MULTIMODAL - PORTS AND MARINE 0323**

**PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$150,000	\$150,000
FEDERAL EXPENDITURES FUND TOTAL	\$150,000	\$150,000

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$332,174	\$350,878
All Other	\$59,500	\$59,500

OTHER SPECIAL REVENUE FUNDS TOTAL	\$391,674	\$410,378
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**Multimodal - Transit 0443**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	4,000	4,000
Personal Services	\$503,287	\$528,182
All Other	\$8,130,612	\$8,130,612

FEDERAL EXPENDITURES FUND TOTAL	\$8,633,899	\$8,658,794
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$71,616	\$76,618
All Other	\$1,395,665	\$1,395,665
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,467,281	\$1,472,283

**Multimodal - Transit 0443**

Initiative: Provides funding for Capital Expenditures in various programs within the Federal Expenditures Fund and Other Special Revenue Funds.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$3,800,000	\$3,800,000
FEDERAL EXPENDITURES FUND TOTAL	\$3,800,000	\$3,800,000

**MULTIMODAL - TRANSIT 0443  
PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000
Personal Services	\$503,287	\$528,182
All Other	\$8,130,612	\$8,130,612
Capital Expenditures	\$3,800,000	\$3,800,000
FEDERAL EXPENDITURES FUND TOTAL	\$12,433,899	\$12,458,794
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$71,616	\$76,618
All Other	\$1,395,665	\$1,395,665
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,467,281	\$1,472,283

**Multimodal Transportation Fund Z017**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,209,519	\$1,209,519
FEDERAL EXPENDITURES FUND TOTAL	\$1,209,519	\$1,209,519
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$250,000	\$250,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$250,000	\$250,000

**Multimodal Transportation Fund Z017**

Initiative: Provides funding in Personal Services for engineering services performed by department staff for projects financed through General Fund general obligation bond funds and adjusts All Other to the anticipated revenue and expenditure level for the biennium.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$425,000	\$425,000
All Other	\$2,941,825	\$2,824,079
Capital Expenditures	\$1,000,000	\$1,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,366,825	\$4,249,079

**MULTIMODAL TRANSPORTATION FUND  
Z017**

**PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,209,519	\$1,209,519
FEDERAL EXPENDITURES FUND TOTAL	\$1,209,519	\$1,209,519
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$425,000	\$425,000
All Other	\$3,191,825	\$3,074,079
Capital Expenditures	\$1,000,000	\$1,000,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,616,825	\$4,499,079
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All Other	\$2,200,000	\$2,200,000
TRANSPORTATION FACILITIES FUND TOTAL	\$2,200,000	\$2,200,000

**Receivables 0344**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$100,000	\$100,000
All Other	\$912,121	\$912,121
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,012,121</b>	<b>\$1,012,121</b>

**TRANSPORTATION FACILITIES Z010 PROGRAM SUMMARY**

TRANSPORTATION FACILITIES FUND	2019-20	2020-21
All Other	\$2,200,000	\$2,200,000
<b>TRANSPORTATION FACILITIES FUND TOTAL</b>	<b>\$2,200,000</b>	<b>\$2,200,000</b>

**RECEIVABLES 0344 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$100,000	\$100,000
All Other	\$912,121	\$912,121
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,012,121</b>	<b>\$1,012,121</b>

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2019-20	2020-21
<b>HIGHWAY FUND</b>	<b>\$270,015,154</b>	<b>\$266,390,848</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$248,658,944</b>	<b>\$253,065,164</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$53,293,934</b>	<b>\$128,341,397</b>
<b>TRANSPORTATION FACILITIES FUND</b>	<b>\$2,200,000</b>	<b>\$2,200,000</b>
<b>FLEET SERVICES FUND - DOT</b>	<b>\$29,533,568</b>	<b>\$30,156,546</b>
<b>INDUSTRIAL DRIVE FACILITY FUND</b>	<b>\$500,000</b>	<b>\$500,000</b>
<b>ISLAND FERRY SERVICES FUND</b>	<b>\$11,856,483</b>	<b>\$12,183,176</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$616,058,083</b>	<b>\$692,837,131</b>

**State Infrastructure Bank 0870**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$150,000	\$150,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$150,000</b>	<b>\$150,000</b>

**STATE INFRASTRUCTURE BANK 0870 PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$150,000	\$150,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$150,000</b>	<b>\$150,000</b>

**Transportation Facilities Z010**

Initiative: BASELINE BUDGET

TRANSPORTATION FACILITIES FUND	2019-20	2020-21
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**PART B**

**Sec. B-1. Attrition savings.** Notwithstanding any provision of law to the contrary, the attrition rate for the 2020-2021 biennium is increased from 1.6% to 5% for judicial branch and executive branch departments and agencies only. The attrition rate for subsequent biennia is 1.6%.

**Sec. B-2. Calculation and transfer.** Notwithstanding any provision of law to the contrary, the State Budget Officer shall calculate the amount of savings in this Part that applies against each Highway Fund account for all departments and agencies from savings associated with attrition in fiscal year 2019-20 and fiscal year 2020-21 and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appro-

priations in fiscal year 2019-20 and fiscal year 2020-21. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Appropriations and Financial Affairs no later than October 1, 2019.

**Sec. B-3. Appropriations and allocations.**

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Executive Branch Departments and Independent Agencies - Statewide 0017**

Initiative: Reduces funding to reflect projected savings from an increase in the attrition rate from 1.6% to 5% for fiscal years 2019-20 and 2020-21.

HIGHWAY FUND	2019-20	2020-21
Personal Services	(\$4,029,998)	(\$4,254,648)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$4,029,998)</b>	<b>(\$4,254,648)</b>

**PART C**

**Sec. C-1. Carrying provision; Department of Secretary of State, Administration - Motor Vehicles program.** Notwithstanding any provision of law to the contrary, the State Controller shall carry forward any unexpended balances in the Personal Services and All Other line categories in the Department of Secretary of State, Administration - Motor Vehicles program, after all financial commitments for salary, benefits and other obligations and budgetary adjustments have been made, at the end of fiscal year 2018-19 to the All Other line category for the 2019-20 fiscal year and at the end of fiscal year 2019-20 to the All Other line category for the 2020-21 fiscal year, to be used for the procurement and implementation of an automated driver's license testing system for written and road skills tests that must meet conditions prescribed in the Federal Motor Carrier Safety Administration regulations for commercial license examinations.

**PART D**

**Sec. D-1. 23 MRSA §4210-B, sub-§3,** as amended by PL 2011, c. 649, Pt. E, §2, is further amended to read:

**3. Use of funds.** The ~~money funds~~ deposited into and disbursed from the Multimodal Transportation Fund must be used for the purposes of purchasing, operating, maintaining, improving, repairing, constructing and managing the assets of multimodal forms of transportation, including, but not limited to, transit, aeronautics, marine and rail, of the State, municipalities and multimodal providers. The commissioner may use the funds to make loans to counties, municipa-

lities, state agencies and quasi-state government agencies for multimodal forms of transportation upon such terms as the commissioner determines, including secured and unsecured loans, and in connection with the secured and unsecured loans take appropriate actions to protect the security and safeguard against losses, including foreclosure and the bidding upon and purchase of property upon foreclosure or other sale.

**PART E**

**Sec. E-1. Programmed GARVEE bonding level for the 2020-2021 biennium.** Notwithstanding any provision of law to the contrary and pursuant to the Maine Revised Statutes, Title 23, chapter 19, subchapter 3-A, the Maine Municipal Bond Bank may issue from time to time up to \$75,000,000 of GARVEE bonds for highway and bridge needs statewide to be repaid solely from annual federal transportation appropriations for funding for qualified transportation projects.

**PART F**

**Sec. F-1. Transfer of Highway Fund unallocated balance; capital program needs; Department of Transportation.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law to the contrary, at the close of the fiscal years 2019-20 and 2020-21, the State Controller shall transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute and the fiscal year 2019-20 unallocated balance dedicated to the fiscal year 2020-21 budget to the Department of Transportation, Highway and Bridge Capital, Highway Light Capital and Maintenance and Operations programs for capital or all other needs. The Commissioner of Transportation is authorized to allot these funds by financial order upon the recommendation of the State Budget Officer and the approval of the Governor. The transferred amounts are considered adjustments to allocations. Within 30 days of approval of the financial order, the Commissioner of Transportation shall provide to the Joint Standing Committee on Transportation a report detailing the financial status of the department's capital program.

**PART G**

**Sec. G-1. Transfer authorized.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law to the contrary, for the fiscal years ending June 30, 2020 and June 30, 2021 the Commissioner of Transportation is authorized to transfer, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, identified Highway Fund Personal Services savings to the Department of Transportation, Highway and Bridge Capital, Highway Light Capital

and Maintenance and Operations programs for capital or all other needs. The financial order must identify the specific savings after all adjustments that may be required by the State Controller to ensure that all financial commitments have been met in Personal Services after assuming all costs for that program including collective bargaining costs. The Commissioner of Transportation shall provide a report by September 15, 2020 and September 15, 2021 to the joint standing committee of the Legislature having jurisdiction over transportation matters detailing the financial adjustments to the Highway Fund.

**PART H**

**Sec. H-1. Transfer of funds; Highway Fund; TransCap.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$6,345,967 in fiscal year 2019-20 and \$6,404,253 in fiscal year 2020-21 from the Highway Fund unallocated surplus to the TransCap Trust Fund established in the Maine Revised Statutes, Title 30-A, section 6006-G.

**PART I**

**Sec. I-1. Transfers of nonbond funds; capital project expenditures; 5-year useful life.** Notwithstanding the Maine Revised Statutes, Title 23, section 1604, subsection 3 or any other provision of law to the contrary, transfers of nonbond funds from the TransCap Trust Fund established in Title 30-A, section 6006-G may be used for capital projects having an estimated useful life of 5 years or more.

**PART J**

**Sec. J-1. 23 MRSA §4210-C, sub-§3,** as amended by PL 2011, c. 652, §10 and affected by §14, is repealed.

**PART K**

**Sec. K-1. Salary schedule for one Public Service Executive I position and one Public Service Manager II position within the Department of the Secretary of State, Bureau of Motor Vehicles changed.** By August 1, 2019, the Department of Administrative and Financial Services, Bureau of Human Resources shall amend its rules regarding compensation to ensure that the fixed salary schedule for one Public Service Executive I position and one Public Service Manager II position within the Department of the Secretary of State, Bureau of Motor Vehicles is increased by 5%, effective for the first pay period commencing on or after July 1, 2019.

**Sec. K-2. Appropriations and allocations.** The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077**

Initiative: Provides funding for a 5% salary increase for one Public Service Executive I position and one Public Service Manager II position.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$13,031	\$12,708
All Other	\$606	\$591
<b>HIGHWAY FUND TOTAL</b>	<b>\$13,637</b>	<b>\$13,299</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 20, 2019.

**CHAPTER 416**

**H.P. 968 - L.D. 1340**

**An Act To Require Criminal History Record Checks for All Prospective and Current Staff Members of the Office of the State Auditor**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the work of the Office of the State Auditor requires that its employees have access to federal tax information and other confidential financial records; and

**Whereas,** the United States Internal Revenue Service requires state agencies that permit employees and contractors access to federal tax information must complete a criminal history background investigation that is favorably adjudicated; and

**Whereas,** this background investigation must include submission of fingerprints to the United States Department of Justice, Federal Bureau of Investigation; and

**Whereas,** the work of the Office of the State Auditor will be delayed until such time as its employees have completed the required criminal history background investigation; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §247** is enacted to read:

**§247. Criminal history background checks for State Auditor employees**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department" means the Department of Public Safety, State Bureau of Identification.

B. "Federal Bureau of Investigation" means the United States Department of Justice, Federal Bureau of Investigation.

C. "Office" means the Office of the State Auditor.

D. "State Police" means the Department of Public Safety, Bureau of State Police.

**2. Criminal history; information about criminal records and data obtained.** The office shall obtain in print or electronic format, criminal history record information containing a record of public criminal history record information as defined in Title 16, section 703, subsection 8 from the Maine Criminal Justice Information System, created pursuant to Title 16, section 631, and the Federal Bureau of Investigation for any person employed by or who may be offered employment by the office to comply with the United States Internal Revenue Service's tax information security guidelines for federal, state and local agencies.

**3. Fingerprint-based criminal history obtained.** A person employed by the office shall consent to having the person's fingerprints taken. A person who may be offered employment by the office shall consent to and have the person's fingerprints taken prior to being employed by the office. The Maine State Police shall take or cause to be taken the fingerprints of a person who has consented under this subsection and shall forward the fingerprints to the department so that the department may conduct a state and national criminal history record check on the person. The department shall forward the results obtained to the office. The fee charged to the office by the Maine State Police must be consistent with the fee charged to executive branch agencies receiving similar services. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Maine State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the department.

**4. Reliance on criminal history record information.** The office may rely on the information from the department under subsection 3 for 24 months after receiving the information.

**5. Updates to information.** The office may request a subsequent criminal background check under subsection 3 on an employee or a person who may be offered employment by the office as the office determines appropriate, including receiving continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

**6. Confidentiality.** Information obtained pursuant to this section is confidential and may not be disseminated for purposes other than as provided in subsection 7.

**7. Use of information obtained.** Criminal history record and fingerprint information obtained pursuant to this section may be used by the office to screen an employee and a person who may be offered employment by the office for employment purposes. The subject of any criminal background check search under subsection 3 may contest any negative decision made by the office based upon the information received pursuant to the criminal background check.

**8. Person's access to information obtained.** A person subject to a criminal background check pursuant to subsection 3 must be notified each time a criminal background check is performed on the person. A person subject to a criminal background check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal background check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

**9. Right of subject to remove fingerprints from record.** Upon request from an applicant for employment by the office who was fingerprinted but not hired or a former employee of the office, the department shall remove the applicant's or former employee's fingerprints from the department's records and provide written confirmation of the removal to the applicant or former employee.

**Sec. 2. 25 MRSA §1542-A, sub-§1, ¶P,** as enacted by PL 2017, c. 452, §25, is reallocated to 25 MRSA §1542-A, sub-§1, ¶S.

**Sec. 3. 25 MRSA §1542-A, sub-§1, ¶¶Q and R,** as enacted by PL 2017, c. 457, §13, are amended to read:

Q. Who is an applicant for licensure with the State Board of Nursing as required under Title 32, section 2111, subsection 1; or

R. Who is required to have a criminal background check under Title 22, section 8302-A or 8302-B; or

**Sec. 4. 25 MRSA §1542-A, sub-§1, ¶T** is enacted to read:

T. Who is employed or may be offered employment by the Office of the State Auditor as required under Title 5, section 247.

**Sec. 5. 25 MRSA §1542-A, sub-§3, ¶O**, as enacted by PL 2017, c. 452, §26, is repealed.

**Sec. 6. 25 MRSA §1542-A, sub-§3, ¶R** is enacted to read:

R. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph S at the request of that person or the Department of Administrative and Financial Services under Title 22, section 2425-A, subsection 3-A.

**Sec. 7. 25 MRSA §1542-A, sub-§3, ¶S** is enacted to read:

S. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph T at the request of that person or the Office of the State Auditor and upon payment by the Office of the State Auditor of the fee established in Title 5, section 247, subsection 3.

**Sec. 8. 25 MRSA §1542-A, sub-§4**, as amended by PL 2017, c. 452, §27 and c. 457, §16, is repealed and the following enacted in its place:

**4. Duty to submit to State Bureau of Identification.** It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, K, L or S must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services. Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately to the

State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph Q must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Health and Human Services. Fingerprints taken pursuant to subsection 1, paragraph T must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Office of the State Auditor.

**Sec. 9. Appropriations and allocations.** The following appropriations and allocations are made.

**AUDITOR, OFFICE OF THE STATE**

**Audit Bureau 0067**

Initiative: Provides funding for employee fingerprint-based background checks required by the United States Internal Revenue Service.

GENERAL FUND	2019-20	2020-21
All Other	\$784	\$118
<b>GENERAL FUND TOTAL</b>	<b>\$784</b>	<b>\$118</b>
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,216	\$182
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,216</b>	<b>\$182</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 20, 2019.

**CHAPTER 417**  
**H.P. 1118 - L.D. 1535**

**An Act To Correct Errors and  
Inconsistencies Related to the  
Maine Uniform Probate Code  
and To Make Other  
Substantive Changes**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, this Act amends provisions in the Maine Uniform Probate Code, which is effective July 1, 2019; and

**Whereas**, the 90-day period may not expire until after July 1, 2019; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**PART A**

**Sec. A-1. 18-C MRSA §1-108, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Automatic adjustment of amounts for inflation.** The dollar amounts stated in sections 2-102, 2-402, 2-403 ~~and~~ 2-405 ~~and~~ 3-1201 apply to the estate of a decedent who died in or after 2017, but for the estate of a decedent who died after 2018, these dollar amounts must be increased or decreased if the Consumer Price Index for the calendar year immediately preceding the year of death exceeds or is less than the reference base index. The amount of any increase or decrease is computed by multiplying each dollar amount by the percentage by which the Consumer Price Index for the calendar year immediately preceding the year of death exceeds or is less than the reference base index. If any increase or decrease produced by the computation is not a multiple of \$100, the increase or decrease is rounded down, if an increase, or up, if a decrease, to the next multiple of \$100, but for the purpose of section 2-405, the periodic installment amount is the lump-sum amount divided by 12. If the Consumer Price Index for 2018 is changed by the United States Department of Labor, Bureau of Labor Statistics, the reference base index must be revised using the rebasing factor reported by the Bureau of Labor Statistics or other comparable data if a rebasing factor is not reported.

**Sec. A-2. 18-C MRSA §1-201, sub-§44**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**44. Property.** "Property" means anything that may be the subject of ownership and includes both real and personal property or any interest therein, including a digital asset as defined in section 10-102, subsection 2.

**Sec. A-3. 18-C MRSA §2-807, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Wrongful death action; damages; limitations.** Every wrongful death action must be brought by and in the name of the personal representative or special administrator of the deceased person, and is distributable, after payment for funeral expenses and the costs of recovery including attorney's fees, directly to the decedent's heirs without becoming part of the probate estate, except as may be specifically provided in this subsection. The amount recovered in every wrongful death action, except as specifically provided in this subsection, is for the exclusive benefit of the deceased's heirs to be distributed to the individuals and in the proportions as provided ~~in~~ under the intestacy laws of this State in sections 2-102 and 2-103 2-101 to 2-113. The jury may give damages as it determines a fair and just compensation with reference to the pecuniary injuries resulting from the death. Damages are payable to the estate of the deceased person only if the jury specifically makes an award payable to the estate for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses or, in the case of a settlement, the settlement documents specifically provide for such an allocation to the estate for the same. In addition, the jury may give damages not exceeding \$500,000 for the loss of comfort, society and companionship of the deceased, including any damages for emotional distress arising from the same facts as those constituting the underlying claim, to the persons for whose benefit the action is brought. The jury may also give punitive damages not exceeding \$250,000. An action under this section must be commenced within 2 years after the decedent's death, except that if the decedent's death is caused by a homicide, the action may be commenced within 6 years of the date the personal representative or special administrator of the decedent discovers that there is a just cause of action against the person who caused the homicide. If a claim under this section is settled without an action having been commenced, the amount paid in settlement must be distributed as provided in this subsection. A settlement on behalf of minor children is not valid unless approved by the court, as provided in Title 14, section 1605.

**Sec. A-4. 18-C MRSA §3-108, sub-§1, ¶¶D and E**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

D. An informal appointment or a formal testacy or appointment proceeding may be commenced more than 3 years after the decedent's death if no proceeding concerning the succession or estate administration has occurred within the 3-year period after the decedent's death, but the personal representative has no right to possess estate assets as provided in section 3-709 beyond that necessary to confirm title in the successors to the estate, and claims other than expenses of administration may not be presented against the estate; ~~and~~

E. A formal testacy proceeding may be commenced at any time after 3 years from the decedent's death for the purpose of establishing an instrument to direct or control the ownership of property passing or distributable after the decedent's death from a person other than the decedent when the property is to be appointed by the terms of the decedent's will or is to pass or be distributed as a part of the decedent's estate or its transfer is otherwise to be controlled by the terms of the decedent's will; and

**Sec. A-5. 18-C MRSA §3-108, sub-§1, ¶F** is enacted to read:

F. Appropriate probate, appointment or testacy proceedings may be commenced in relation to a claim for personal injury made against the decedent by a person without actual notice of the death of the decedent at any time within 6 years after the cause of action accrues. If the proceedings are commenced more than 3 years after the decedent's death, any recovery is limited to applicable insurance.

**Sec. A-6. 18-C MRSA §3-203, sub-§5**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**5. Appointment without priority.** Appointment of a person who does not have priority, ~~including except~~ priority resulting from renunciation or nomination determined pursuant to this section, may be made only in formal proceedings. Before appointing a person without priority, the court must determine that those persons having priority, although given notice of the proceedings, have failed to request appointment or to nominate another person for appointment and that administration is necessary.

**Sec. A-7. 18-C MRSA §3-916, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Short title.** This section may be known and cited as "the Uniform Estate Tax Apportionment Act."

**Sec. A-8. 18-C MRSA §5-101**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

### §5-101. Short title

Parts 1, 2, 3, 4 and 5 of this Article may be known and cited as "the Maine Uniform Guardianship, Conservatorship and Protective Proceedings Act."

**Sec. A-9. 18-C MRSA §5-103, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Transfer of money or personal property to minor.** Unless a person required to transfer money or personal property to a minor knows that a conservator has been appointed or that a proceeding for appointment of a conservator of the estate of the minor is pending, the person may do so, as to an amount or value not exceeding ~~\$10,000 a year~~ the annual gift tax exclusion pursuant to 26 United States Code, Section 2503, by transferring it to:

- A. A person who has the care and custody of the minor and with whom the minor resides;
- B. A guardian of the minor;
- C. A custodian under the Maine Uniform Transfers to Minors Act;

C-1. A qualified tuition program or a qualified ABLE program in the State, or both, under Sections 529 and 529A, respectively, of the federal Internal Revenue Code of 1986;

D. A financial institution as a deposit in an interest-bearing account or certificate in the sole name of the minor and giving notice of the deposit to the minor; or

E. The minor, if married or emancipated.

**Sec. A-10. 18-C MRSA §5-113, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Proof of notice.** Proof of notice of a hearing under this Act must be ~~made filed~~ made filed before ~~or at~~ the hearing ~~and filed in the proceeding.~~

**Sec. A-11. 18-C MRSA §5-114, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Waiver prohibited.** ~~A~~ Unless represented by an attorney, a respondent, an individual subject to guardianship, an individual subject to conservatorship, an individual subject to a protective arrangement instead of guardianship or conservatorship, an appointed guardian or an appointed conservator may not waive notice under this Act.

**Sec. A-12. 18-C MRSA §5-116**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§5-116. Request for notice**

A person that is interested in the welfare of a respondent, individual subject to guardianship or conservatorship or individual subject to a protective arrangement instead of guardianship or conservatorship and that is not otherwise entitled to notice under this Act may file a request with the court for notice. The court shall send or deliver a copy of the request to the guardian, to the ~~eustodian conservator~~ if one has been appointed and to the individual who is subject to the guardianship, conservatorship or protective arrangement. ~~The recipient of the notice guardian, conservator and the individual who is subject to the guardianship, conservatorship or other protective arrangement~~ may file an objection to the demand for notice within 60 days. If an objection is filed, the court shall hold a hearing on the request. If the court approves the request, the court shall give notice of the approval to the guardian or conservator if one has been appointed or to the respondent if no guardian or conservator has been appointed. The request must include a statement showing the interest of the person making it and the address of the person or an attorney for the person to whom notice is to be given. If the court approves the request or if no objection is filed within 60 days then the requesting party is entitled to notice.

**Sec. A-13. 18-C MRSA §5-117, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Disclosure; petition.** As part of the petition to be appointed a guardian or conservator, ~~a person the petitioner~~ shall disclose to the court whether the ~~person~~ proposed guardian or conservator:

- A. Is or has been a debtor in a bankruptcy, insolvency or receivership proceeding; or
- B. Has been convicted of:
  - (1) A felony;
  - (2) A crime involving dishonesty, neglect, violence or use of physical force; or
  - (3) Any other crime relevant to the functions the individual would assume as guardian or conservator.

**Sec. A-14. 18-C MRSA §5-119**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§5-119. Compensation and expenses; in general**

**1. Attorney for respondent.** Unless ~~otherwise compensated for services rendered the court has made a finding that the respondent is indigent and has appointed an attorney for the respondent on that basis~~, an attorney for a respondent in a proceeding under this Act is entitled to reasonable compensation and reimbursement of reasonable expenses from the property of the respondent.

**2. Attorney or other person.** Unless ~~otherwise compensated for services rendered the court has made a finding that the respondent is indigent~~, an attorney or other person whose services resulted in an order beneficial to an individual subject to guardianship or conservatorship or beneficial to an individual for whom a protective arrangement instead of guardianship or conservatorship was ordered is entitled to reasonable compensation and reimbursement of reasonable expenses from the property of the individual.

**3. Court review.** After notice to all interested persons, on petition of an interested person, the propriety of employment of any person by a conservator or guardian, including any attorney, accountant, investment advisor or other specialized agent or assistant, and the reasonableness of the compensation of any person so employed, and the propriety of employment and the reasonableness of compensation for an attorney for a respondent under subsection 1 and an attorney or other person under subsection 2, may be reviewed by the court. Any person who has received excessive compensation or reimbursement of inappropriate expenses for services rendered may be ordered to make appropriate refunds. The factors set forth in section 3-721, subsection 2 must be considered as guides in determining the reasonableness of compensation under this section.

**4. Costs assessed against petitioner.** If the court dismisses a petition under this Act and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or visitor, and any attorney's fees or other costs incurred by the respondent, against the petitioner.

**Sec. A-15. 18-C MRSA §5-122, sub-§2, ¶A**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

A. The guardian's or conservator's proposed action would be inconsistent with this Act or any other law, rule or regulation; or

**Sec. A-16. 18-C MRSA §5-122, sub-§3**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**3. Report refusal to court.** A person ~~that~~ who refuses to accept the authority of a guardian or conservator in accordance with subsection 1 or 2 shall report the refusal and the reason for refusal to the court. The court on receiving a report shall consider whether removal of the guardian or conservator or other action is appropriate.

**Sec. A-17. 18-C MRSA §5-122, sub-§4**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**4. Petition to require recognition or acceptance.** A guardian or conservator may petition the court to require a 3rd party to recognize the authority

of a guardian or conservator or accept a decision made by the guardian or conservator on behalf of the individual subject to guardianship or conservatorship, and if the court finds that the refusal of a 3rd party to recognize the authority of a guardian or conservator or accept the decision made by the guardian or conservator was in bad faith and without adequate justification, the court may charge the person who refuses to recognize the authority of a guardian or conservator or accept the decision of the guardian or conservator for attorney's fees and costs. Notice of the petition must be given to the adult subject to guardianship or conservatorship and to all persons entitled to notice under section 5-310, subsection 5, section 5-411, subsection 5 or a subsequent order.

**Sec. A-18. 18-C MRSA §5-204, sub-§4**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is repealed and the following enacted in its place:

**4. Appointment of a guardian on an emergency basis.** The court may appoint a guardian on an emergency basis for a minor pursuant to this subsection.

A. On motion by a person who has also filed a petition for appointment of a guardian pursuant to subsection 1, the court may appoint a guardian for the minor on an emergency basis if the court finds by a preponderance of the evidence that:

- (1) The sworn affidavit or testimony demonstrates that appointment of a guardian on an emergency basis is needed to prevent substantial harm to the minor's physical health or safety;
- (2) No other person appears to have authority and willingness to act in the circumstances;
- (3) Following the procedures set forth in section 5-205, including those for appointment of a guardian on an interim basis, will likely result in substantial harm to the minor's health or safety before a guardian can be appointed;
- (4) A petition has been filed under subsection 1 and there is a substantial likelihood that a basis for appointment of a guardian under subsection 2 exists; and
- (5) The requirements of this subsection for providing notice have been satisfied.

B. The petitioner bears the burden of proof on the appropriateness of the appointment pursuant to this subsection.

C. The duration of the authority of a guardian appointed pursuant to this subsection may not exceed 90 days, and the guardian may exercise only the powers specified in the order.

D. Reasonable notice of the motion for appointment of an emergency guardian and the time and place of the hearing on the petition must be given by the petitioner to the minor, if the minor has attained 14 years of age, to each living parent of the minor and to a person having care or custody of the minor, if other than a parent. The court shall hold a hearing on the appointment of the guardian on an emergency basis within 14 days but not less than 7 days after the filing of the petition.

E. The court may dispense with the notice requirement in paragraph D and appoint a guardian pursuant to this subsection on a temporary ex parte basis if it finds from affidavit or testimony that the minor will be substantially harmed before notice can be completed to all those entitled to receive notice and a hearing can be held on the petition. If the guardian is appointed without notice and hearing, the court shall schedule a hearing on the appointment of the guardian on an emergency basis within 14 days but not less than 7 days after issuance of the order appointing the guardian, except that a parent may request that the hearing take place sooner. Notice of the appointment and hearing must be given by the petitioner to the minor, if the minor has attained 14 years of age, to each living parent of the minor and to a person having care or custody of the minor, if other than a parent, within 48 hours after the appointment.

F. The notices required under this subsection regarding guardianship on an emergency basis may be provided orally or in writing using a means that the petitioner in good faith believes is the most effective way to ensure actual notice. The petitioner shall state in an affidavit the date, time, location and method of providing the required notice and to whom the notice was provided or attempted. The court shall make a determination as to whether the methods of notices or attempted notices by petitioner were reasonably calculated to give notice of the pendency of the petition.

G. Appointment of a guardian on an emergency basis under this subsection is not a determination that the conditions required for appointment of a guardian under subsection 2 or the notice requirements set forth in section 5-205 have been satisfied. Before a guardian may be appointed pursuant to subsection 2, the petitioner must meet the notice requirements set forth in this Part and any applicable rules of procedure.

**Sec. A-19. 18-C MRSA §5-210, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Modification of guardianship order.** A guardian of a minor, a parent of a minor, a person interested in the welfare of a minor or the minor, if 14 years of age or older, may file a motion asking the

court to modify the terms of an order appointing a guardian or to take other action in the best interest of the minor as circumstances require. The motion must be filed with the court and served on all parties entitled to notice. Unless the motion specifies that it is filed with the consent of all parties entitled to notice, the matter must be set for hearing to determine whether there has been a substantial change in circumstances necessitating modification of the order and how the court should modify the order in furtherance of the best interest of the minor and the parent's rights. The court may identify certain requirements that must be met before specific provisions of the order are modified. A court may modify a term of a guardianship order as needed to grant relief to a party to address contempt or other failure to follow the order.

**Sec. A-20. 18-C MRSA §5-210, sub-§7**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**7. Parent's petition to terminate guardianship; burden of proof.** A parent may bring a petition to terminate the guardianship of a minor. A parent's notification to the court of the revocation of prior consent for a guardianship must be considered a petition to terminate the guardianship. Before the court may apply the termination requirements in subsection 6, a party opposing a parent's petition to terminate a guardianship bears the burden of proving by a ~~preponderance of the~~ clear and convincing evidence that the parent seeking to terminate the guardianship is currently unfit to regain custody of the minor, in accordance with the standard set forth in section 5-204, subsection 2, paragraph C. If the party opposing termination of the guardianship fails to meet its burden of proof on the question of the parent's fitness to regain custody, the court shall terminate the guardianship and make any further order that may be appropriate. In a contested action, the court may appoint counsel for the minor or for any indigent guardian or parent. In ruling on a petition to terminate a guardianship, the court may modify the terms of the guardianship or order transitional arrangements pursuant to section 5-211.

**Sec. A-21. 18-C MRSA §5-301**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§5-301. Basis for appointment of guardian for adult**

**1. Appointment.** On petition and after notice and hearing, the court may:

A. Appoint a guardian for a respondent who is an adult if it finds by clear and convincing evidence that the respondent lacks the ability to meet essential requirements for physical health, safety or self-care because:

- (1) The respondent is unable to receive and evaluate information or make or communi-

cate decisions, even with appropriate supportive services, technological assistance or supported decision making that provides adequate protection for the respondent;

- (2) The respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternatives that provide adequate protection for the respondent; and

- (3) The appointment is necessary or desirable as a means of enabling the respondent to meet essential requirements for physical health, safety or self-care; or

B. With appropriate findings, and additional notice to persons the court determines are entitled to notice, treat the petition as one for a conservatorship under Part 4 or a protective arrangement instead of guardianship or conservatorship under Part 5, enter any other appropriate order or dismiss the proceeding.

In making a determination on a petition under this section, including whether supported decision making or other less restrictive alternatives are appropriate, the court may consider the following factors: any proposed vetting of the person or persons chosen to provide support in decision making; reports to the court by an interested party or parties regarding the effectiveness of an existing supported decision-making arrangement; or any other information the court determines necessary or appropriate to determine whether supportive services, technological assistance, supported decision making, protective arrangements or less restrictive arrangements will provide adequate protection for the respondent.

**2. Powers.** The court shall grant to a guardian appointed under subsection 1 only those powers necessitated by the limitations and demonstrated needs of the respondent and enter orders that will encourage the development of the respondent's maximum self-determination and independence. The court may not establish a full guardianship if a limited guardianship, protective arrangement instead of guardianship or other less restrictive alternatives would meet the needs of and provide adequate protection for the respondent.

**Sec. A-22. 18-C MRSA §5-302, sub-§2, ¶C**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

C. The name and current address of each of the following, if applicable:

- (1) A person responsible for care or custody of the respondent;
- (2) Any attorney currently representing the respondent;

- (3) The representative payee appointed by the United States Social Security Administration for the respondent;
- (4) A guardian or conservator acting for the respondent in this State or in another jurisdiction;
- (5) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;
- (6) The United States Department of Veterans Affairs fiduciary for the respondent;
- (7) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;
- (8) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;
- (9) A person nominated as guardian by the respondent;
- (10) A person nominated as guardian by the respondent's parent, spouse or domestic partner in a will or other signed record;
- (11) A proposed guardian and the reason the proposed guardian should be selected; and
- (12) A person known to have routinely assisted the respondent with decision making within the 6 months before the filing of the petition;

**Sec. A-23. 18-C MRSA §5-304, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Interview with petitioner, proposed guardian and respondent.** A visitor appointed under subsection 1 shall interview the petitioner and the proposed guardian and shall interview the respondent in person and, in a manner the respondent is best able to understand:

- A. Explain to the respondent the substance of the petition, the nature, purpose and effect of the proceeding, the respondent's rights at the hearing and the general powers and duties of a guardian;
- B. Determine the respondent's views about the appointment, including views about a proposed guardian, the guardian's proposed powers and duties and the scope and duration of the proposed guardianship, and general preferences and values;
- C. Inform the respondent of the respondent's right to employ and consult with an attorney at the respondent's expense and the right to request a court-appointed attorney; and
- D. Inform the respondent that all costs and expenses of the proceeding, including the respondent's attorney's fees, may be paid from the respondent's assets.

ent's attorney's fees, may be paid from the respondent's assets.

**Sec. A-24. 18-C MRSA §5-304, sub-§3**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**3. Additional duties.** In addition to the duties imposed by subsection 2, the visitor shall perform any duties that the court directs, which may include:

- ~~A. Interview the petitioner and proposed guardian, if any;~~
- B. ~~Visit~~ Visiting the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the appointment is made;
- C. ~~Obtain~~ Obtaining information from any physician or other person known to have treated, advised or assessed the respondent's relevant physical or mental condition; and
- D. ~~Investigate~~ Investigating the allegations in the petition and any other matter relating to the petition as the court directs.

**Sec. A-25. 18-C MRSA §5-304, sub-§4, ¶C**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

C. A summary of the respondent's medical conditions, cognitive functioning, everyday functioning, preferences and values and a summary of self-care and independent living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance or supported decision making and cannot manage;

**Sec. A-26. 18-C MRSA §5-304, sub-§4, ¶H-1** is enacted to read:

H-1. A statement whether the respondent wishes to attend the hearing under paragraph H after being informed of the right to attend the hearing, the purposes of the hearing and the potential consequences of failing to attend;

**Sec. A-27. 18-C MRSA §5-306, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Right to decline.** The respondent has the right to decline to participate in an evaluation ordered under subsection 1. If the respondent declines to participate in an evaluation ordered under subsection 1, the petitioner may request an examination under the Maine Rules of Civil Procedure, Rule 35.

**Sec. A-28. 18-C MRSA §5-307, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Attendance by respondent.** Except as otherwise provided in subsection 2, a hearing under section 5-303 may proceed only if the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are conducted, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audiovisual technology or by telephone if real-time audiovisual technology is not available.

**Sec. A-29. 18-C MRSA §5-307, sub-§6,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**6. Attendance by proposed guardian required.** Unless excused by the court for good cause, the proposed guardian shall attend a hearing under section 5-303 in person. Upon a showing of good cause, the court may allow the proposed guardian to participate using real-time audiovisual technology or by telephone if real-time audiovisual technology is not available.

**Sec. A-30. 18-C MRSA §5-308, sub-§4** is enacted to read:

**4. Effective date.** This section takes effect January 1, 2021.

**Sec. A-31. 18-C MRSA §5-309, sub-§1, ¶D,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

D. A spouse or domestic partner of the respondent; and

**Sec. A-32. 18-C MRSA §5-309, sub-§1, ¶E,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is repealed.

**Sec. A-33. 18-C MRSA §5-309, sub-§1, ¶¶F to I** are enacted to read:

F. An adult child of the respondent;

G. A parent of the respondent, including a person nominated by will or other writing signed by a deceased parent;

H. Any relative of the respondent with whom the respondent resided for more than 6 months within the 12 months prior to the filing of the petition under section 5-302; and

I. A family member or other individual who has exhibited special care and concern for the respondent.

**Sec. A-34. 18-C MRSA §5-309, sub-§3,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**3. Appointment based on best interest of respondent.** The court, acting in the best interest of the respondent, may decline to appoint as guardian a per-

son having priority under subsection 1 and appoint a person having a lower priority or no priority. In its determination, the court may evaluate whatever factors the court determines appropriate, including comparing the following factors for the person having priority and the potential guardian who has a lower or no priority: relationships with the respondent, the higher priority person's and the potential guardian's skills, the expressed wishes of the respondent and the extent to which the person with higher priority and the potential guardian with lower or no priority have similar values and preferences as the respondent and the likelihood that the potential guardian will be able to satisfy the duties of a guardian successfully.

**Sec. A-35. 18-C MRSA §5-310, sub-§§1 and 2,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

**1. Order contents.** A court order appointing a guardian for an adult must clearly:

A. Include a finding that clear and convincing evidence has established that the identified needs of the respondent cannot be met by a protective arrangement instead of guardianship or other less restrictive alternatives, including use of appropriate supportive services, technological assistance or supported decision-making basis for an appointment of a guardian, as required under section 5-301, has been met; and

B. Include a finding that clear and convincing evidence established that the respondent was given proper notice of the hearing on the petition;

C. State whether the adult subject to guardianship retains the right to vote and, if the adult does not retain the right to vote, include findings that support removing that right, which must include a finding that the adult cannot communicate, with or without support, a specific desire to participate in the voting process; and

D. State whether the adult subject to guardianship retains the right to marry and, if the adult's right to marry is subject to conditions or if the adult does not retain the right to marry, include findings that support the conditions on that right or the removal of that right.

**2. Rights retained.** An adult subject to guardianship retains the right to vote and the right to marry unless the order under subsection 1 includes the findings required by subsection 1, paragraph C court orders otherwise. An adult subject to guardianship retains the right to marry unless the order under subsection 1 includes the findings required by subsection 1, paragraph D. A court order removing the right to vote must include a finding that the adult cannot communicate, with or without support, a specific desire to participate in the voting process. A court order removing the right to marry or placing conditions on the right to

marry must include findings that support the removal of the right to marry or support conditions on the right to marry.

**Sec. A-36. 18-C MRSA §5-310, sub-§5, ¶D**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

D. Notice that the guardian will be ~~unavailable to visit the adult subject to guardianship for more than 2 months or~~ unable to perform the guardian's duties for more than one month;

**Sec. A-37. 18-C MRSA §5-312, sub-§3, ¶C**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

C. The petitioner shall state in an affidavit the date, time, location and method of providing the required notice under paragraph A and to whom the notice was provided. The court shall make a determination as to the adequacy of the method of providing notice and whether the petitioner complied with the notice requirements of this subsection. The requirements of section ~~5-309~~ 5-303 do not apply to this section.

**Sec. A-38. 18-C MRSA §5-312, sub-§4-A** is enacted to read:

**4-A. Appointment without professional evaluation.** A professional evaluation under section 5-306 is not required before the appointment of an emergency guardian if the court finds from the affidavit or testimony that the basis for an emergency has been met and the petitioner has good cause for not submitting a professional evaluation before the emergency order.

**Sec. A-39. 18-C MRSA §5-313, sub-§3, ¶C**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

C. Administer assets of the adult subject to guardianship having a value of ~~\$5,000~~ \$10,000 or less;

**Sec. A-40. 18-C MRSA §5-314, sub-§1, ¶A**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

A. Apply for or receive money, personal effects or benefits for the support of the adult and apply the money for support, care and education of the adult, unless a conservator has been appointed for the adult and the application or receipt is within the powers of the conservator, but the guardian may not use money from the adult's estate for room and board that the guardian or the guardian's spouse, parent or child has furnished to the adult unless a charge for the services is approved by order of the court;

**Sec. A-41. 18-C MRSA §5-314, sub-§5, ¶¶D and F**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

D. Establish or move the permanent place of dwelling of an adult subject to guardianship to a nursing home, mental health facility or other facility that places restrictions on the individual's ability to leave or have visitors only if:

- (1) The establishment or move is generally set forth in the guardian's plan;
- (2) The court authorizes the establishment or move; or
- (3) ~~Notice~~ Absent a compelling reason, notice of the establishment or move is given at least 14 days before the establishment or move to the adult subject to guardianship and all persons entitled to the notice under section 5-310, subsection 5 or a subsequent order ~~and no objection has been filed.~~ The notice must be given orally and in writing to the adult subject to guardianship, and in writing to all persons entitled to notice under section 5-310, subsection 5 and must include the address of the current place of dwelling, the address and type of new permanent place of dwelling, the reason for the establishment or move to the new permanent place of dwelling and the right to object to the new place of dwelling;

F. Take action that would result in the sale of or surrender the lease to the primary dwelling of the adult subject to guardianship only if:

- (1) The action is ~~specifically~~ generally set forth in the guardian's plan;
- (2) The court authorizes the action by specific order; or
- (3) Notice of the action is given at least 14 days before the action to the adult subject to guardianship ~~and, orally and in writing, and in writing to~~ all persons entitled to the notice under section 5-310, subsection 5 or a subsequent order, and no objection has been filed within 14 days of the notice.

**Sec. A-42. 18-C MRSA §5-314, sub-§7** is enacted to read:

**7. Application to existing guardianships.** For guardianships established prior to September 1, 2019, the guardian is not subject to the duties of notice and restrictions of power set forth in subsection 5, paragraphs C, D and F until so ordered by the court.

**Sec. A-43. 18-C MRSA §5-315, sub-§3, ¶C**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

C. The guardian has good cause to believe restriction is necessary because interaction with the person poses a risk of significant physical, psychological or financial harm to the adult ~~and the restriction is.~~ The guardian shall provide a no-

tice, orally and in writing, of the restriction to the adult subject to guardianship immediately upon imposition of the restriction and shall provide written notice of the restriction to all other persons entitled to notice under section 5-310, subsection 5 within 7 days of imposition of the restriction. Notice must include a description of the restriction, contact information of the court and the right to object to the restriction.

~~(1) For a period of not more than 7 business days if the person has a family or preexisting social relationship with the adult; or~~

~~(2) For a period of not more than 60 days if the person does not have a family or preexisting social relationship with the adult.~~

**Sec. A-44. 18-C MRSA §5-315, sub-§4** is enacted to read:

**4. Application to existing guardianships.** For guardianships established prior to September 1, 2019, the guardian is not subject to the duties of notice and restrictions of power set forth in subsection 3 until so ordered by the court.

**Sec. A-45. 18-C MRSA §5-316, sub-§1, ¶A-1** is enacted to read:

A-1. The adult's medical conditions, cognitive functioning, everyday functioning and levels of supervision needed;

**Sec. A-46. 18-C MRSA §5-316, sub-§§3 and 4,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

**3. Objection to revised plan.** An adult subject to guardianship and any person entitled under subsection 2 to receive notice and a copy of the guardian's plan may object to the revised plan within 14 days of receipt of notice of the revised plan.

**4. Court review of plan or revised plan; approval.** The court shall review a guardian's plan or revised plan filed under subsection 1. In deciding whether to approve the plan or the revised plan the court shall consider an objection under subsection 3 and whether the plan or revised plan is consistent with the guardian's duties and powers under sections 5-313 and 5-314. The court may schedule a hearing on any revised plan submitted and may not approve any revised plan until 30 days after its filing. The guardian may implement the revised plan 30 days after filing unless the court orders otherwise.

**Sec. A-47. 18-C MRSA §5-316, sub-§6** is enacted to read:

**6. Application to existing guardianship.** For guardianships established prior to September 1, 2019, the guardian is not subject to the requirement for filing a revised plan until so ordered by the court.

**Sec. A-48. 18-C MRSA §5-317, sub-§1, ¶D,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

D. A summary of the guardian's visits with the adult, including the dates of the visits and the visits of agents designated by the guardian to visit on behalf of the guardian;

**Sec. A-49. 18-C MRSA §5-317, sub-§1, ¶¶M and N,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

M. A recommendation as to the need for continued guardianship and any recommended change in the scope of the guardianship; ~~and~~

N. Whether any coguardian or successor guardian appointed to serve when a designated future event occurs is alive and able to serve; ~~and~~

**Sec. A-50. 18-C MRSA §5-317, sub-§1, ¶O** is enacted to read:

O. The fees that are paid to the guardian for the year or still outstanding.

**Sec. A-51. 18-C MRSA §5-317, sub-§8** is enacted to read:

**8. Application to existing guardianship.** For guardianships established prior to September 1, 2019, in which there is no existing order to file an annual report, the guardian is not subject to the requirements for filing an annual report until so ordered by the court.

**Sec. A-52. 18-C MRSA §5-401, sub-§2,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Conservator for adult; findings.** On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of an adult if the court determines by clear and convincing evidence that:

A. The adult is unable to manage property or financial affairs because:

(1) Of a limitation in the ability to receive and evaluate information or make or communicate decisions even with the use of appropriate supportive services, technological assistance and supported decision making that provide adequate protection for the respondent; or

(2) The adult is missing, detained or unable to return to the United States;

B. Appointment is necessary to:

(1) Avoid harm to the adult or significant dissipation of the property of the adult; or

(2) Obtain or provide money needed for the support, care, education, health or welfare of the adult, or of an individual entitled to the adult's support, and protection is necessary or desirable to obtain or provide money for the purpose; and

C. The respondent's identified needs cannot be met by less restrictive alternatives.

In making a determination on a petition under this section, including whether supported decision making or other less restrictive alternatives are appropriate, the court may consider the following factors: any proposed vetting of the person or persons chosen to provide support in decision making; reports to the court by an interested party or parties regarding the effectiveness of an existing supported decision-making arrangement; or any other information the court determines necessary or appropriate to determine whether supportive services, technological assistance, supported decision making, protective arrangements or less restrictive arrangements will provide adequate protection for the respondent.

**Sec. A-53. 18-C MRSA §5-401, sub-§3,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**3. Powers.** The court shall grant a conservator only those powers necessitated by demonstrated limitations and needs of the respondent and enter orders that encourage the development of the respondent's maximum self-determination and independence. The court may not establish a full conservatorship if a limited conservatorship, protective arrangement instead of conservatorship or other less restrictive alternatives would meet the needs of and provide adequate protection for the respondent.

**Sec. A-54. 18-C MRSA §5-402, sub-§2, ¶E,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

E. The reason conservatorship is necessary, including a brief description of:

(1) The nature and extent of the respondent's alleged need based on the respondent's medical conditions, cognitive functioning and everyday financial functioning and levels of supervision needed;

(2) If the petition alleges the respondent is missing, detained or unable to return to the United States, the relevant circumstances, including the time and nature of the disappearance or detention and any search or inquiry concerning the respondent's whereabouts;

(3) Any protective arrangement instead of conservatorship or other less restrictive alternatives for meeting the respondent's alleged

need which have been considered or implemented;

(4) If no protective arrangement or other less restrictive alternatives have been considered or implemented, the reason they have not been considered or implemented; and

(5) The reason a protective arrangement or other less restrictive alternatives are insufficient to meet the respondent's need;

**Sec. A-55. 18-C MRSA §5-404, sub-§4** is enacted to read:

**4. Order to preserve or apply property while proceeding pending.** While a petition under section 5-402 is pending, after preliminary hearing and without notice to others, the court may issue an order to preserve and apply property of the respondent as required for the support of the respondent or an individual who is in fact dependent on the respondent.

**Sec. A-56. 18-C MRSA §5-405, sub-§§3 and 4,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

**3. Interview with petitioner, proposed conservator and adult respondent.** A visitor appointed for an adult under subsection 2 shall interview the petitioner and the proposed conservator and shall interview the respondent in person and, in a manner the respondent is best able to understand:

A. Explain to the respondent the substance of the petition, the nature, purpose and effect of the proceeding, the respondent's rights at the hearing and the general powers and duties of a conservator;

B. Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed conservator, the conservator's proposed powers and duties and the scope and duration of the proposed conservatorship, and general financial preferences and values;

C. Inform the respondent of the respondent's right to employ and consult with an attorney at the respondent's expense and the right to request a court-appointed attorney; and

D. Inform the respondent that all costs and expenses of the proceeding, including the respondent's attorney's fees, may be paid from the respondent's assets.

**4. Additional duties.** In addition to the duties imposed by subsection 3, the visitor appointed for an adult under subsection 2 shall perform any duties that the court directs, which may include:

~~A. Interview the petitioner and proposed conservator, if any;~~

B. ~~Review~~ Reviewing financial records of the respondent, if relevant to the visitor's recommendation under subsection 5, paragraph B;

C. ~~State~~ Stating whether the respondent's needs could be met by a less restrictive alternative, including a protective arrangement instead of conservatorship and, if so, ~~identify~~ identifying the less restrictive alternative; and

D. ~~Investigate~~ Investigating the allegations in the petition and any other matter relating to the petition as the court directs.

**Sec. A-57. 18-C MRSA §5-405, sub-§5, ¶A-1** is enacted to read:

A-1. A summary of the respondent's financial functioning, financial preferences and independent financial tasks the respondent can manage without assistance or with existing supports or could manage with the assistance of appropriate supportive services, technological assistance or supported decision making;

**Sec. A-58. 18-C MRSA §5-405, sub-§5, ¶F-1** is enacted to read:

F-1. A statement whether the respondent wishes to attend the hearing under paragraph F after being informed of the right to attend the hearing, the purposes of the hearing and the potential consequences of failing to attend;

**Sec. A-59. 18-C MRSA §5-407, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Right to decline.** The respondent has the right to decline to participate in an evaluation ordered under subsection 1. If the respondent declines to participate in an evaluation ordered under subsection 1, the petitioner may request an examination under the Maine Rules of Civil Procedure, Rule 35.

**Sec. A-60. 18-C MRSA §5-408, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Attendance by respondent required.** Except as otherwise provided in subsection 2, a hearing under section 5-403 may proceed only if the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are conducted, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audiovisual technology or by telephone if real-time audiovisual technology is not available.

**Sec. A-61. 18-C MRSA §5-408, sub-§6**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**6. Attendance by proposed conservator required.** Unless excused by the court for good cause, the proposed conservator shall attend a hearing under section 5-403 in person. Upon a showing of good cause, the court may allow the proposed conservator to participate using real-time audiovisual technology or by telephone if real-time audiovisual technology is not available.

**Sec. A-62. 18-C MRSA §5-409, sub-§4** is enacted to read:

**4. Effective date.** This section takes effect January 1, 2021.

**Sec. A-63. 18-C MRSA §5-410, sub-§1, ¶D**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

D. A spouse or domestic partner of the respondent; ~~and~~

**Sec. A-64. 18-C MRSA §5-410, sub-§1, ¶E**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is repealed.

**Sec. A-65. 18-C MRSA §5-410, sub-§1, ¶¶F to H** are enacted to read:

F. An adult child of the respondent;

G. A parent of the respondent or a person nominated in the will of a deceased parent; and

H. A family member or other individual who has exhibited special care and concern for the respondent.

**Sec. A-66. 18-C MRSA §5-410, sub-§3**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**3. Appointment based on best interest of respondent.** The court, acting in the best interest of the respondent, may decline to appoint as conservator a person having priority under subsection 1 and appoint a person having a lower priority or no priority. In its determination, the court may evaluate whatever factors the court determines appropriate, including comparing the following factors for the person having priority and the potential conservator who has a lower or no priority: relationships with the respondent, the higher priority person's and the potential conservator's skills, the expressed wishes of the respondent and the extent to which the person with higher priority and the potential conservator with lower priority or no priority have similar values and preferences as the respondent and the likelihood that the potential conservator will be able to satisfy the duties of a conservator successfully.

**Sec. A-67. 18-C MRSA §5-411, sub-§§2 to 4**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

**2. Conservator for adult; findings.** A court order appointing a conservator for an adult must include a ~~clear~~ finding by clear and convincing evidence that:

A. ~~The identified needs of the respondent cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives, including use of appropriate supportive services, technological assistance or supported decision making basis for appointment of a conservator as required under section 5-401 has been met;~~ and

B. ~~Clear and convincing evidence established the~~ The respondent was given proper notice of the hearing on the petition.

**3. Basis for full conservatorship.** A court order establishing a full conservatorship for an adult ~~clearly~~ must state the basis for granting a full conservatorship and include specific findings to support the conclusion that a limited conservatorship would not meet the functional needs of the adult.

**4. Limited conservatorship; powers granted to conservator.** A court order establishing a limited conservatorship must ~~state clearly~~ identify the property placed under the control of the conservator and the powers granted to the conservator.

**Sec. A-68. 18-C MRSA §5-413, sub-§3, ¶C,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

C. The petitioner shall state in an affidavit the date, time, location and method of providing the required notice under paragraph A and to whom the notice was provided. The court shall make a determination as to the adequacy of the method of providing notice and whether the petitioner complied with the notice requirements of this subsection. The requirements of section ~~5-410~~ 5-403 do not apply to this section.

**Sec. A-69. 18-C MRSA §5-413, sub-§4-A** is enacted to read:

**4-A. Appointment without professional evaluation.** A professional evaluation under section 5-407 is not required before the appointment of an emergency conservator if the court finds from the affidavit or testimony that the basis for an emergency has been met and the petitioner has good cause for not submitting a professional evaluation before the emergency order.

**Sec. A-70. 18-C MRSA §5-414, sub-§1, ¶A,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

A. ~~Make~~ Except as provided in section 5-421, subsection 2, paragraph Y, make gifts, except those of de minimis value;

**Sec. A-71. 18-C MRSA §5-414, sub-§1, ¶I,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

I. Make, modify, amend or revoke the will of the individual subject to conservatorship ~~in compliance with the laws of the State governing executing wills, with the conservator treated as the individual making, modifying, amending or revoking the will.~~

**Sec. A-72. 18-C MRSA §5-414, sub-§5** is enacted to read:

**5. Application to existing conservatorships.** For conservatorships established prior to September 1, 2019, the conservator is not subject to the notice and court authorization requirements under subsection 1, paragraph B until so ordered by the court.

**Sec. A-73. 18-C MRSA §5-416, sub-§1,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Bond or alternative asset-protection arrangement required.** The court shall require a conservator of an estate of \$50,000 or more to furnish a bond with a surety the court specifies, or require an alternative asset-protection arrangement, conditioned on faithful discharge of all duties of the conservator. The court may waive the requirement only if the court finds that a bond or other asset-protection arrangement is not necessary to protect the interests of the individual subject to conservatorship. The court may not waive the requirement if the conservator is in the business of serving as a conservator and is being paid for the conservator's service except as provided by subsection 3. With respect to an estate of less than \$50,000, the court in its discretion may require a bond or other surety.

**Sec. A-74. 18-C MRSA §5-416, sub-§4** is enacted to read:

**4. Spouse as conservator.** The court in its discretion may waive the requirement of a bond or other surety for a spouse wishing to serve as conservator.

**Sec. A-75. 18-C MRSA §5-419, sub-§§2 to 4,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

**2. Notice of revised plan.** A conservator shall give notice of the filing of a revised plan under subsection 1, along with a copy of the revised plan, to the individual subject to conservatorship, all persons entitled to notice under section 5-411, subsection 5 or a subsequent order and other persons as the court determines. The notice must include a statement of the right to object to the revised plan and be given not later than 14 days after the filing.

**3. Objection to revised plan.** An individual subject to conservatorship and any person entitled under

subsection 2 to receive notice and a copy of the conservator's revised plan may object to the revised plan within 14 days of receipt of notice of the revised plan.

**4. Court review of plan or revised plan; approval.** The court shall review a conservator's plan or revised plan filed under subsection 1. In deciding whether to approve the plan or revised plan, the court shall consider any objection under subsection 3 and whether the plan or revised plan is consistent with the conservator's duties and powers. The court may schedule a hearing on any revised plan submitted and may not approve the plan or revised plan until 30 days after its filing. The conservator may implement the revised plan 30 days after filing unless the court orders otherwise.

**Sec. A-76. 18-C MRSA §5-419, sub-§6** is enacted to read:

**6. Application to existing conservatorships.** For conservatorships established prior to September 1, 2019, the conservator is not subject to the requirement for the filing of a revised plan until so ordered by the court.

**Sec. A-77. 18-C MRSA §5-420, sub-§1,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Inventory.** Not later than ~~60~~ 90 days after appointment, a conservator shall prepare and file with the appointing court a detailed inventory of the conservatorship estate, together with an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits.

**Sec. A-78. 18-C MRSA §5-421, sub-§2, ¶A,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

A. Collect, hold and retain property included in the conservatorship estate, including property in which the conservator has a personal interest and real property in this State or another state, until the conservator determines disposition of the property should be made;

**Sec. A-79. 18-C MRSA §5-421, sub-§2, ¶G,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

G. Acquire or dispose of property of the conservatorship estate, including real property in this State or another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of or abandon property included in the conservatorship estate;

**Sec. A-80. 18-C MRSA §5-423, sub-§2, ¶E,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

E. ~~Annual~~ An annual credit report of the individual subject to conservatorship and, to the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts and mortgages or other debts of the individual subject to conservatorship, ~~along with,~~ with all but the last 4 digits of the account numbers and the individual's social security number redacted;

**Sec. A-81. 18-C MRSA §5-423, sub-§9** is enacted to read:

**9. Application to existing conservatorships.** For conservatorships established prior to January 1, 2008, the conservator is not subject to the requirement for an annual report and accounting until so ordered by the court.

**Sec. A-82. 18-C MRSA §5-431, sub-§10,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**10. Property; report; petition for discharge.** On termination of a conservatorship and whether or not formally distributed by the conservator, property of the conservatorship estate passes to the individual formerly subject to conservatorship or ~~the individual's heirs, successors or assigns~~ other persons entitled to the property. The order of termination must provide for expenses of administration and direct the conservator to file a final report and petition for discharge on approval of the final report.

**Sec. A-83. 18-C MRSA §5-502, sub-§1,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Findings.** After the hearing conducted on a petition for guardianship under section 5-302 or one or more protective arrangements instead of guardianship under section 5-501, subsection ~~+~~ 2, the court may enter an order for one or more protective arrangements instead of guardianship under subsection 2 if the court finds by clear and convincing evidence that:

A. The respondent lacks the ability to meet essential requirements for physical health, safety or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, ~~even with after the court's consideration of the respondent's ability to use appropriate supportive services, technological assistance or supported decision making that provides adequate protection for the respondent;~~ and

B. The respondent's identified needs cannot be met by less restrictive alternatives that provide adequate protection for the respondent.

**Sec. A-84. 18-C MRSA §5-502, sub-§3,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**3. Factors.** In deciding whether to enter an order under this section, the court shall consider the factors under sections 5-313 and 5-314 that a guardian must consider when making a decision on behalf of an adult subject to guardianship. In addition, in deciding whether supported decision making or other less restrictive alternatives are appropriate, the court may consider the following factors: any proposed vetting of the person or persons chosen to provide support in decision making; reports to the court by an interested party or parties regarding the effectiveness of an existing supported decision-making arrangement; or any other information the court determines necessary or appropriate to determine whether supportive services, technological assistance, supported decision making, protective arrangements or less restrictive arrangements will provide adequate protection for the respondent.

**Sec. A-85. 18-C MRSA §5-503, sub-§1,** ¶A, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

A. By clear and convincing evidence that the respondent is unable to manage property or financial affairs because of a limitation in the ability to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance or supported decision making that provides adequate protection for the respondent, or the adult is missing, detained or unable to return to the United States;

**Sec. A-86. 18-C MRSA §5-503, sub-§3,** ¶A, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

A. Authorize or direct a transaction necessary to protect the financial interest or property of the respondent, including but not limited to:

- (1) An action to establish eligibility for benefits;
- (2) Payment, delivery, deposit or retention of funds or property;
- (3) Sale, mortgage, lease or other transfer of property;
- (4) Purchase of an annuity;
- (5) Entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training or employment;
- (6) Addition to or establishment of a trust;
- (6-A) Creation, modification, amendment or revocation of a will or a codicil;

(7) Ratification or invalidation of a contract, trust, will or other transaction, including a transaction related to the property or business affairs of the respondent; or

(8) Settlement of a claim; or

**Sec. A-87. 18-C MRSA §5-503, sub-§4,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**4. Order to restrict access.** If, after the hearing conducted under section 5-505 on a petition under section 5-501, subsection 1, paragraph B or section 5-501, subsection 3, a court may enter an order to restrict access to the respondent or the respondent's property by a person that the court ~~finds~~ by clear and convincing evidence finds:

A. Through fraud, coercion, duress or the use of deception and control, caused or attempted to cause ~~an action that would have resulted in financial~~ harm to the respondent or the respondent's property; ~~and or~~

B. Poses a ~~serious~~ significant risk of ~~substantial financial~~ harm to the respondent or the respondent's property.

**Sec. A-88. 18-C MRSA §5-503, sub-§5,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**5. Factors.** In deciding whether to enter an order under subsection 3 or 4, the court shall consider the factors under section 5-418 a conservator must consider when making a decision on behalf of an individual subject to conservatorship. In addition, in deciding whether to enter an order under this section, including whether supported decision making or other less restrictive alternatives are appropriate, the court may consider the following factors: any proposed vetting of the person or persons chosen to provide support in decision making; reports to the court by an interested party or parties regarding the effectiveness of an existing supported decision-making arrangement; or any other information the court determines necessary or appropriate to determine whether supportive services, technological assistance, supported decision making, protective arrangements or less restrictive arrangements will provide adequate protection for the respondent.

**Sec. A-89. 18-C MRSA §5-506, sub-§4,** ¶¶B to D, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

B. Determine the respondent's views, preferences and values with respect to the order sought;

C. Inform the respondent of the respondent's right to employ and consult with an attorney at the respondent's expense and the right to request a court-appointed attorney; and

D. Inform the respondent that all costs and expenses of the proceeding, including the respondent's attorney's fees, may be paid from the respondent's assets;

**Sec. A-90. 18-C MRSA §5-506, sub-§4, ¶¶E to H,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are repealed.

**Sec. A-91. 18-C MRSA §5-506, sub-§4-A** is enacted to read:

**4-A. Additional visitor duties.** In addition to the duties imposed by subsection 4, the visitor shall perform any duties that the court directs, which may include:

A. Visiting the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the order is granted;

B. Obtaining information from any physician or other person known to have treated, advised or assessed the respondent's relevant physical or mental condition;

C. Reviewing financial records of the respondent if relevant to the visitor's recommendation; and

D. Investigating the allegations in the petition and any other matter relating to the petition as the court directs.

**Sec. A-92. 18-C MRSA §5-506, sub-§5,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**5. Report.** A visitor under this section promptly shall file a report in a record with the court, which, in addition to reporting on the additional visitor duties directed by the court under subsection 4-A, must include:

A. A recommendation whether an attorney should be appointed to represent the respondent;

B. To the extent relevant to the order sought, a summary of self-care, independent living tasks and financial management tasks the respondent can manage without assistance or with existing supports, or could manage with the assistance of appropriate supportive services, technological assistance or supported decision making and cannot manage that provides adequate protections for the respondent;

B-1. To the extent relevant to the order sought, a summary of the respondent's medical conditions, cognitive functioning, everyday functioning, values and preferences, risks and levels of supervision needed and any means to enhance the respondent's capacity;

C. Recommendations regarding the appropriateness of the protective arrangement sought and whether less restrictive alternatives for meeting

the respondent's needs are available that provide adequate protections for the respondent;

D. If the petition seeks to change the physical location of the dwelling of the respondent, a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to the respondent's dwelling;

E. A recommendation whether a professional evaluation under section 5-508 is necessary;

F. A statement whether the respondent is able to attend a hearing at the location court proceedings typically are conducted;

F-1. A statement whether the respondent wishes to attend a hearing under paragraph F, after being informed of the right to attend the hearing, the purposes of the hearing and the potential consequences of failing to attend the hearing;

G. A statement whether the respondent is able to participate in a hearing and that identifies any technology or other form of support that would enhance the respondent's ability to participate; and

H. Any other matter as the court directs.

**Sec. A-93. 18-C MRSA §5-508, sub-§3,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**3. Right to decline.** The respondent has the right to decline to participate in an evaluation ordered under subsection 1. If the respondent declines to participate in an evaluation ordered under subsection 1, the petitioner may request an examination under the Maine Rules of Civil Procedure, Rule 35.

**Sec. A-94. 18-C MRSA §5-509, sub-§1,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**1. Attendance by respondent required.** Except as otherwise provided in subsection 2, a hearing under this Part may proceed only if the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are conducted, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audiovisual technology or by telephone if real-time audiovisual technology is not available.

**Sec. A-95. 18-C MRSA §5-511, sub-§4** is enacted to read:

**4. Effective date.** This section takes effect January 1, 2021.

**Sec. A-96. 18-C MRSA §5-703,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§5-703. Exclusiveness of public guardian or conservator**

When the court has appointed a public guardian or conservator under this Part, no coguardian or coconservator may be appointed for the same individual subject to guardianship or protected person during the continuation of the public guardianship or public conservatorship. When the court has appointed a public conservator under this Part, a coconservator may not be appointed for the same individual subject to conservatorship.

**Sec. A-97. 18-C MRSA §5-705**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§5-705. Acceptance by public guardian or conservator; plan**

Prior to the appointment of a public guardian or conservator, the appropriate agency nominated shall accept or reject the nomination in writing within 30 days of its receipt of notification that it has been nominated and if the nomination is accepted shall file a detailed plan that, as relevant, ~~must include but is not limited to the type of proposed living arrangement for the individual subject to guardianship, how the individual's financial needs will be met, how the individual's medical and other remedial needs will be met, how the individual's social needs will be met and a plan for the individual's continuing contact with relatives and friends, as well as a plan for the management of the individual's or protected person's estate in the case of a public conservatorship under section 5-316 for a guardianship and section 5-419 for a conservatorship.~~

**Sec. A-98. 18-C MRSA §5-707, first ¶**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

A public guardian or conservator has the same powers, rights and duties respecting the individual subject to guardianship or the ~~protected person individual subject to conservatorship~~ as provided for guardians and conservators by the other Parts of this Article except as otherwise specifically provided in this Part, including the following particular provisions.

**Sec. A-99. 18-C MRSA §5-707, sub-§§2 and 3**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are repealed.

**Sec. A-100. 18-C MRSA §5-931, sub-§1, ¶¶G and H**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

G. Exercise fiduciary powers that the principal has authority to delegate; ~~and~~

H. Disclaim property, including a power of appointment; ~~and~~

**Sec. A-101. 18-C MRSA §5-931, sub-§1, ¶I** is enacted to read:

I. Exercise authority over the content of an electronic communication of the principal in accordance with the Maine Revised Uniform Fiduciary Access to Digital Assets Act.

**Sec. A-102. 18-C MRSA §6-203, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Accounts governed by this Part.** An account established before, on or after ~~the July~~ September 1, 2019, whether in the form prescribed in section 6-204 or in any other form, is either a single-party account or a multiple-party account, with or without right of survivorship and with or without a POD designation or an agency designation, within the meaning of this Part and is governed by this Part.

**Sec. A-103. 18-C MRSA §8-301**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§8-301. Time of taking effect; provisions for transition**

**1. Effective date.** This Code takes effect on ~~July~~ September 1, 2019.

**2. Applicability.** Except as provided elsewhere in this Code, on the effective date of this Code:

A. The Code applies to any wills of decedents who die after the effective date;

A-1. The elective share provisions of Article 2, Part 2 and the exempt property and allowances provisions of Article 2, Part 4 apply to the estates of decedents who die on or after the effective date;

B. The Code applies to any proceedings in court pending on the effective date or commenced after the effective date regardless of the time of the death of the decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this Code;

C. Every personal representative appointed prior to ~~July~~ September 1, 2019 continues to hold the appointment but has only the powers conferred by this Code and is subject to the duties imposed with respect to any act occurring or done after the effective date, and a guardian or conservator appointed prior to ~~July~~ September 1, 2019 has the powers conferred by this Code on guardians and conservators, unless otherwise limited by the original order of appointment or subsequent court order under this Code;

D. An act done before ~~July~~ September 1, 2019 in any proceeding and any accrued right is not impaired by this Code. If a right is acquired, extinguished or barred upon the expiration of a pre-

scribed period of time that has commenced to run by the provisions of any statute before ~~July~~ September 1, 2019, the provisions remain in force with respect to that right;

E. Any rule of construction or presumption provided in this Code applies to instruments executed and multiple party accounts opened before ~~July~~ September 1, 2019 unless there is a clear indication of a contrary intent; and

F. For an adoption decree entered before ~~July~~ September 1, 2019 and not amended after ~~July~~ September 1, 2019, the child is the child of both the former and adopting parents for purposes of intestate succession, notwithstanding section 2-117, unless the decree provides otherwise.

**Sec. A-104. 18-C MRSA §9-202, sub-§6,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**6. Final and irrevocable; exceptions.** Except as provided in subsection 7 and section 9-205, subsection 2, a surrender and release or a consent is final and irrevocable ~~when duly executed upon the court's approval of the surrender and release or consent pursuant to subsection 2.~~

**Sec. A-105. 18-C MRSA §9-204, sub-§3,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**3. Grounds for termination.** The court may order termination of parental rights if:

A. The parent consents to the termination. Consent must be written and voluntarily and knowingly executed in court before a judge. The judge shall explain the effects of a termination order; or

B. The court finds, based on clear and convincing evidence, that:

(1) Termination is in the best interest of the child; and

(2) Either:

(a) The parent is unwilling or unable to protect the child from jeopardy, as defined by Title 22, section 4002, subsection 6, and these circumstances are unlikely to change within a time that is reasonably calculated to meet the child's needs;

(b) The parent has been unwilling or unable to take responsibility for the child within a time that is reasonably calculated to meet the child's needs; or

(c) The parent has abandoned the child, as described in Title 22, section 4002, subsection 1-A~~2~~.

In making findings pursuant to this paragraph, the court may consider the extent to which the parent had opportunities to rehabilitate and to reunify with the child, including actions by the child's other parent to foster or to interfere with a relationship between the parent and child or services provided by public or nonprofit agencies.

**Sec. A-106. 18-C MRSA §9-401, sub-§4,** ~~¶F~~, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

F. Has in that child's family background factors such as severe mental illness, substance ~~abuse~~ use disorder, prostitution, genetic or medical conditions or illnesses that place the child at risk for future problems.

**Sec. A-107. 18-C MRSA Art. 10** is enacted to read:

**ARTICLE 10**

**MAINE REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT**

**§10-101. Short title**

This Article may be known and cited as "the Maine Revised Uniform Fiduciary Access to Digital Assets Act."

**§10-102. Definitions**

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

**1. Account.** "Account" means an arrangement under a terms of service agreement in which a custodian carries, maintains, processes, receives or stores a digital asset of a user or provides goods or services to a user.

**2. Agent.** "Agent" means an attorney in fact granted authority under a durable or nondurable power of attorney.

**3. Carries.** "Carries" means engages in the transmission of an electronic communication.

**4. Catalog of electronic communications.** "Catalog of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication and the electronic address of the person.

**5. Conservator.** "Conservator" means a person appointed by a court to manage the estate of a living individual. "Conservator" includes a limited conservator and a guardian exercising the powers of a conservator when a conservator has not been appointed.

**6. Content of an electronic communication.** "Content of an electronic communication" means in-

formation concerning the substance or meaning of an electronic communication that:

A. Has been sent or received by a user;

B. Is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and

C. Is not readily accessible to the public.

7. Custodian. "Custodian" means a person that carries, maintains, processes, receives or stores a digital asset of a user.

8. Designated recipient. "Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user.

9. Digital asset. "Digital asset" means an electronic record in which an individual has a right or interest. "Digital asset" does not include an underlying asset or liability unless the asset or liability is itself an electronic record.

10. Electronic. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

11. Electronic communication. "Electronic communication" has the same meaning as in 18 United States Code, Section 2510(12).

12. Electronic communication service. "Electronic communication service" means a service that provides to a user the ability to send or receive an electronic communication.

13. Fiduciary. "Fiduciary" means an original, additional or successor personal representative, conservator, agent or trustee.

14. Information. "Information" means data, text, images, videos, sounds, codes, computer programs, software and databases or the like.

15. Online tool. "Online tool" means an electronic service provided by a custodian that allows a user, in an agreement distinct from the terms of service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a 3rd person.

16. Person. "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.

17. Personal representative. "Personal representative" means an executor, administrator, special administrator or person that performs substantially the same function under the laws of this State other than this Act and a person claiming to be a successor of the

decedent user who presents an affidavit under section 3-1201.

18. Power of attorney. "Power of attorney" means a record that grants an agent authority to act in the place of a principal.

19. Principal. "Principal" means an individual who grants authority to an agent in a power of attorney.

20. Protected person. "Protected person" means an individual for whom a conservator has been appointed. "Protected person" includes an individual for whom an application for the appointment of a conservator is pending and an individual for whom a guardian has been appointed, when no conservator has been appointed.

21. Record. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

22. Remote computing service. "Remote computing service" means a service that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system as defined in 18 United States Code, Section 2510(14).

23. Terms of service agreement. "Terms of service agreement" means an agreement, as defined in Title 11, section 1-1201, subsection (3), that controls the relationship between a user and a custodian.

24. Trustee. "Trustee" means a fiduciary with legal title to property pursuant to an agreement or declaration that creates a beneficial interest in another person. "Trustee" includes a successor trustee.

25. User. "User" means a person that has an account with a custodian.

26. Will. "Will" includes a codicil, a testamentary instrument that only appoints an executor and an instrument that revokes or revises a testamentary instrument.

#### **§10-103. Applicability**

1. Applicable date. This Act applies to:

A. A fiduciary or agent acting under a will or power of attorney executed before, on or after July 1, 2018;

B. A personal representative acting for a decedent who died before, on or after July 1, 2018;

C. A conservatorship proceeding commenced before, on or after July 1, 2018; and

D. A trustee acting under a trust created before, on or after July 1, 2018.

**2. User resident of this State.** This Act applies to a custodian if the user resides in this State or resided in this State at the time of the user's death.

**3. Digital asset of employer.** This Act does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

#### **§10-104. User direction for disclosure of digital assets**

**1. Use of online tool.** A user may use an online tool to direct the custodian to disclose to a designated recipient or not to disclose some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney or other record.

**2. No online tool used.** If a user has not used an online tool to give direction under subsection 1 or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney or other record disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications.

**3. User direction overrides.** A user's direction under subsection 1 or 2 overrides a contrary provision in a terms of service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms of service.

#### **§10-105. Terms of service agreement**

**1. Rights of custodian or user not changed or impaired.** This Act does not change or impair a right of a custodian or a user under a terms of service agreement to access and use digital assets of the user.

**2. No new or expanded rights to fiduciary or designated recipient.** This Act does not give a fiduciary or designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

**3. Fiduciary's or designated recipient's access may be modified or eliminated.** A fiduciary's or designated recipient's access to digital assets may be modified or eliminated by a user, by federal law or by a terms of service agreement if the user has not provided direction under section 10-104.

#### **§10-106. Procedure for disclosing digital assets**

**1. Disclosure at discretion of custodian.** When disclosing digital assets of a user under this Act, the custodian may at its sole discretion:

A. Grant a fiduciary or designated recipient full access to the user's account;

B. Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or

C. Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

**2. Administrative charge.** A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this Act.

**3. Deleted digital assets.** A custodian need not disclose under this Act a digital asset deleted by a user.

**4. Undue burden on custodian; court order to disclose.** If a user directs or a fiduciary requests a custodian to disclose under this Act some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:

A. A subset limited by date of the user's digital assets;

B. All of the user's digital assets to the fiduciary or designated recipient;

C. None of the user's digital assets; or

D. All of the user's digital assets to the court for review in camera.

#### **§10-107. Disclosure of content of electronic communications of deceased user**

If a deceased user consented to or a court directs disclosure of the content of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication if the representative gives the custodian:

**1. Written request.** A written request for disclosure in physical or electronic form;

**2. Death certificate.** A copy of the death certificate of the user;

**3. Letters of appointment or court order.** A copy of the letters of appointment of the personal representative or court order;

**4. Record of consent to disclosure.** Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney or other record evidencing the user's consent to disclosure of the content of electronic communications; and

**5. Information requested by custodian.** If requested by the custodian:

- A. A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
- B. Evidence linking the account to the user; or
- C. A finding by the court that:

(1) The user had a specific account with the custodian, identifiable by the information specified in paragraph A;

(2) Disclosure of the content of electronic communications of the user would not violate 18 United States Code, Section 2701 et seq., 47 United States Code, Section 222 or other applicable law;

(3) Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or

(4) Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

**§10-108. Disclosure of other digital assets of deceased user**

Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalog of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user if the representative gives the custodian:

**1. Written request.** A written request for disclosure in physical or electronic form;

**2. Death certificate.** A copy of the death certificate of the user;

**3. Letters of appointment or court order.** A copy of the letters of appointment of the personal representative or court order; and

**4. Information requested by custodian.** If requested by the custodian:

A. A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

B. Evidence linking the account to the user;

C. An affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or

D. A finding by the court that:

(1) The user had a specific account with the custodian, identifiable by the information specified in paragraph A; or

(2) Disclosure of the user's digital assets is reasonably necessary for administration of the estate.

**§10-109. Disclosure of content of electronic communications of principal**

To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content of electronic communications if the agent gives the custodian:

**1. Written request.** A written request for disclosure in physical or electronic form;

**2. Power of attorney.** An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;

**3. Agent's certificate.** A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

**4. Information requested by custodian.** If requested by the custodian:

A. A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

B. Evidence linking the account to the principal.

**§10-110. Disclosure of other digital assets of principal**

Unless otherwise ordered by the court, directed by the principal or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalog of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:

**1. Written request.** A written request for disclosure in physical or electronic form;

**2. Power of attorney.** An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;

**3. Agent's certificate.** A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

**4. Information requested by custodian.** If requested by the custodian:

A. A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

B. Evidence linking the account to the principal.

**§10-111. Disclosure of digital assets held in trust when trustee is original user**

Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalog of electronic communications of the trustee and the content of those electronic communications.

**§10-112. Disclosure of content of electronic communications held in trust when trustee is not original user**

Unless otherwise ordered by the court, directed by the user or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received or stored by the custodian in the account of the trust if the trustee gives the custodian:

1. **Written request.** A written request for disclosure in physical or electronic form;

2. **Trust instrument or certification of trust.** A certified copy of the trust instrument or a certification of the trust under Title 18-B, section 1013 that includes consent to disclosure of the content of electronic communications to the trustee;

3. **Trustee's certification.** A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

4. **Information requested by custodian.** If requested by the custodian:

A. A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

B. Evidence linking the account to the trust.

**§10-113. Disclosure of other digital assets held in trust when trustee is not original user**

Unless otherwise ordered by the court, directed by the user or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account a catalog of electronic communications sent or received by an original or successor user and stored, carried or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

1. **Written request.** A written request for disclosure in physical or electronic form;

2. **Trust instrument or certification of trust.** A certified copy of the trust instrument or a certification of the trust under Title 18-B, section 1013;

3. **Trustee's certification.** A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

4. **Information requested by custodian.** If requested by the custodian:

A. A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

B. Evidence linking the account to the trust.

**§10-114. Disclosure of digital assets to conservator of protected person**

1. **Court order granting access.** After an opportunity for a hearing under Article 5, Part 4, the court may grant a conservator access to the digital assets of a protected person.

2. **Disclosure by custodian.** Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator the catalog of electronic communications sent or received by a protected person and any digital assets, other than the content of electronic communications, in which the protected person has a right or interest if the conservator gives the custodian:

A. A written request for disclosure in physical or electronic form;

B. A certified copy of the court order that gives the conservator authority over the digital assets of the protected person; and

C. If requested by the custodian:

(1) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the account of the protected person; or

(2) Evidence linking the account to the protected person.

3. **Request to suspend or terminate account.** A conservator with general authority to manage the assets of a protected person may request a custodian of the digital assets of the protected person to suspend or terminate an account of the protected person for good cause. A request made under this subsection must be accompanied by a copy of the court order giving the conservator authority over the protected person's property.

**§10-115. Fiduciary duty and authority**

**1. Fiduciary's legal duties.** The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

- A. The duty of care;
- B. The duty of loyalty; and
- C. The duty of confidentiality.

**2. Limitations on fiduciary's or designated recipient's authority.** A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- A. Except as otherwise provided in section 10-104, is subject to the applicable terms of service agreement;
- B. Is subject to other applicable law, including copyright law;
- C. In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and
- D. May not be used to impersonate the user.

**3. Right to access.** A fiduciary with authority over the property of a decedent, protected person, principal or settlor has the right to access any digital asset in which the decedent, protected person, principal or settlor had a right or interest and that is not held by a custodian or subject to a terms of service agreement.

**4. Authorized user.** A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, protected person, principal or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including Title 17-A, chapter 18.

**5. Fiduciary's authority to access; authorized user.** A fiduciary with authority over the tangible, personal property of a decedent, protected person, principal or settlor:

- A. Has the right to access the property and any digital asset stored in it; and
- B. Is an authorized user for the purpose of computer fraud and unauthorized computer access laws, including Title 17-A, chapter 18.

**6. Disclosure of information to terminate account.** A custodian may disclose information in an account to a fiduciary of a user when the information is required to terminate an account used to access digital assets licensed to the user.

**7. Request for termination.** A fiduciary of a user may request a custodian to terminate the user's account. A request for termination must be in writing, in either physical or electronic form, and accompanied by:

A. If the user is deceased, a copy of the death certificate of the user;

B. A copy of the letters of appointment of the personal representative or court order, power of attorney or trust giving the fiduciary authority over the account; and

C. If requested by the custodian:

(1) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(2) Evidence linking the account to the user; or

(3) A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in subparagraph (1).

**§10-116. Custodian compliance and immunity**

**1. Disclose or terminate upon request; court order.** Not later than 60 days after receipt of the information required under sections 10-107 to 10-115, a custodian shall comply with a request under this Act from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

**2. Finding that compliance not in violation.** An order under subsection 1 directing compliance must contain a finding that compliance is not in violation of 18 United States Code, Section 2702.

**3. Notification to user.** A custodian may notify the user that a request for disclosure or to terminate an account was made under this Act.

**4. Denial of request if subsequent lawful access.** A custodian may deny a request under this Act from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

**5. Court order.** This Act does not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this Act to obtain a court order that:

A. Specifies that an account belongs to the protected person or principal;

B. Specifies that there is sufficient consent from the protected person or principal to support the requested disclosure; and

C. Contains a finding required by law other than this Act.

**6. Immunity.** A custodian and its officers, employees and agents are immune from liability for an act or omission done in good faith in compliance with this Act.

**§10-117. Uniformity of application and construction**

In applying and construing this Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**§10-118. Relation to Electronic Signatures in Global and National Commerce Act**

This Act modifies, limits or supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 United States Code, Section 7001 et seq., but does not modify, limit or supersede Section 101(c) of that Act, 15 United States Code, Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 United States Code, Section 7003(b).

**Sec. A-108. 32 MRSA §9405, sub-§1-A, ¶F,** as amended by PL 2017, c. 402, Pt. C, §86 and affected by Pt. F, §1 and amended by c. 407, Pt. A, §142, is repealed and the following enacted in its place:

F. Submits an application that contains the following, to be answered by the applicant:

- (1) Full name;
- (2) Full current address and addresses for the prior 5 years;
- (3) The date and place of birth, height, weight and color of eyes;
- (4) A record of previous issuances of, refusals to issue and renew, suspensions and revocations of a license to be a contract security company. The record of previous refusals to issue alone does not constitute cause for refusal and the record of previous refusals to renew and revocations alone constitutes cause for refusal only as provided in section 9411-A;
- (5) The following questions.
  - (a) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a crime that is punishable by one year or more of imprisonment or for any other crime alleged to have been committed by you with the use of a dangerous weapon, as defined in Title 17-A, section 2, subsection 9, or of a firearm against another person?
  - (b) Is there a formal charging instrument now pending against you in this or any

other jurisdiction for a juvenile offense that involves conduct that, if committed by an adult, would be punishable by one year or more of imprisonment or for any other juvenile offense alleged to have been committed by you with the use of a dangerous weapon, as defined in Title 17-A, section 2, subsection 9, or of a firearm against another person?

(c) Have you ever been convicted of a crime described in division (a) or adjudicated as having committed a juvenile offense as described in division (b)?

(d) Is there a formal charging instrument now pending against you in this jurisdiction for any crime enumerated in section 9412?

(e) Is there a formal charging instrument now pending against you in this jurisdiction for a juvenile offense that involves conduct that, if committed by an adult, would be a crime enumerated in section 9412?

(f) Have you within the past 5 years been convicted of a crime described in division (d) or adjudicated as having committed a juvenile offense as described in division (e)?

(g) Are you a fugitive from justice?

(h) Are you a drug user or a person with substance use disorder?

(i) Do you have a mental disorder that causes you to be potentially dangerous to yourself or others?

(j) Do you currently have a guardian or conservator who was appointed for you under Title 18-C, Article 5, Part 3 or 4?

(k) Have you been dishonorably discharged from the military forces within the past 5 years?

(l) Are you an illegal alien?;

(6) A list of employees as of the date the applicant signs the application who will perform security guard functions within the State. This list must identify each employee by the employee's full name, full current address and addresses for the prior 5 years and the employee's date and place of birth, height, weight and color of eyes. For each employee on this list who will perform security guard functions at the site of a labor dispute or strike, the applicant shall have previously investigated the background of the employee to ensure that the employee meets all of the re-

quirements to be a security guard as contained in section 9410-A, subsection 1. If the employee meets all of the requirements to be a security guard, the applicant shall also submit a statement, signed by the applicant, stating that the applicant has conducted this background investigation and that the employee meets the requirements contained in section 9410-A, subsection 1; and

(7) A photograph of the applicant taken within 6 months of the date the applicant affixes the applicant's signature to the application; and

**Sec. A-109. 36 MRSA §4641-D, sub-§6**, as amended by PL 2017, c. 402, Pt. C, §107 and Pt. E, §6 and affected by Pt. F, §1, is repealed and the following enacted in its place:

**6. Deed of distribution.** Any deed of distribution made pursuant to Title 18-C; and

**Sec. A-110. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 18-C, Article 5, in the article headnote, the words "uniform guardianship and protective proceedings" are amended to read "Maine uniform guardianship, conservatorship and protective proceedings" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. A-111. Study and recommendations by Family Law Advisory Commission.** The Family Law Advisory Commission shall study and provide recommendations on the following matters related to the Maine Uniform Probate Code: petitions for termination of parental rights in the context of adoption; competing adoption petitions; and rights of contact between a minor and the former guardian when the guardianship is terminated. The Family Law Advisory Commission shall review relevant decisions of the Maine Supreme Judicial Court and the United States Supreme Court, as well as relevant court cases and legislative action in other jurisdictions, and work with stakeholders to explore policy options and develop recommendations. The Family Law Advisory Commission shall submit a report, including specific recommendations for amendments to the Maine Uniform Probate Code and other family law statutes, to the Joint Standing Committee on Judiciary by December 1, 2019.

## PART B

**Sec. B-1. 18-C MRSA §1-110, sub-§5**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**5. Application and effective date.** This section applies to all trusts and estates in existence on and created after ~~July~~ September 1, 2019.

**Sec. B-2. 18-C MRSA §2-513, first ¶**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

A contract to make a will or devise, or not to revoke a will or devise, or to die intestate, if executed after ~~July~~ September 1, 2019, can be established only by:

**Sec. B-3. 18-C MRSA §2-916**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

### §2-916. Application to existing relationships

Except as otherwise provided in section 2-913, an interest in or power over property existing on ~~July~~ September 1, 2019 as to which the time for delivering or filing a disclaimer under law superseded by this Part has not expired may be disclaimed after ~~July~~ September 1, 2019.

**Sec. B-4. 18-C MRSA §3-916, sub-§12**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**12. Delayed application.** The applicability of subsections 3 to 7 is governed by this subsection.

A. Subsections 3 to 7 do not apply to the estate of a decedent who dies on or within 3 years after ~~July~~ September 1, 2019 nor to the estate of a decedent who dies more than 3 years after ~~July~~ September 1, 2019 if the decedent continuously lacked testamentary capacity from the expiration of the 3-year period until the date of death.

B. For the estate of a decedent who dies on or after ~~July~~ September 1, 2019 to which subsections 3 to 7 do not apply, estate taxes must be apportioned pursuant to the law in effect immediately before ~~July~~ September 1, 2019.

**Sec. B-5. 18-C MRSA §5-643**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

### §5-643. Transitional provisions

**1. Proceedings on or after September 1, 2019.** This Part applies to guardianship and protective proceedings begun on or after ~~July~~ September 1, 2019.

**2. Proceedings before September 1, 2019.** Subparts 1 and 3 and sections 5-641 and 5-642 apply to proceedings begun before ~~July~~ September 1, 2019, regardless of whether a guardianship or protective order has been issued.

**Sec. B-6. 18-C MRSA §5-906, sub-§§1 and 2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, are amended to read:

**1. Executed on or after September 1, 2019.** A power of attorney executed in this State on or after

~~July~~ September 1, 2019 is valid if its execution complies with section 5-905.

**2. Executed on or after July 1, 2010 but before September 1, 2019.** A power of attorney executed on or after July 1, 2010 but before ~~July~~ September 1, 2019 is valid if its execution complied with former Title 18-A, section 5-906.

**Sec. B-7. 18-C MRSA §5-963**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§5-963. Effect on existing powers of attorney**

Except as otherwise provided in this Part:

**1. Application to powers of attorney.** This Part applies to a power of attorney created before, on or after ~~July~~ September 1, 2019;

**2. Application to judicial proceedings commenced on or after September 1, 2019.** This Part applies to a judicial proceeding concerning a power of attorney commenced on or after ~~July~~ September 1, 2019; and

**3. Application to judicial proceedings commenced before September 1, 2019.** This Part applies to a judicial proceeding concerning a power of attorney commenced before ~~July~~ September 1, 2019, unless the court finds that application of a provision of this Part would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies.

An act done before ~~July~~ September 1, 2019 is not affected by this Part.

**Sec. B-8. 18-C MRSA §6-311**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§6-311. Application of Part**

This Part applies to registrations of securities in beneficiary form made before, on or after ~~July~~ September 1, 2019 by decedents dying on or after ~~July~~ September 1, 2019.

**Sec. B-9. 18-C MRSA §6-403**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§6-403. Applicability**

This Part applies to a transfer on death deed made before, on or after ~~July~~ September 1, 2019 by a transferor dying on or after ~~July~~ September 1, 2019.

**Sec. B-10. 18-C MRSA §6-421**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is repealed.

**Sec. B-11. 18-C MRSA §7-203**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§7-203. Application of Part**

This Part applies to fiduciary relationships in existence on ~~July~~ September 1, 2019 or established after that date.

**Sec. B-12. 18-C MRSA §7-472**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**§7-472. Application of Part to all trusts and estates**

This Part applies to every trust or decedent's estate, including those in existence on ~~July~~ September 1, 2019, beginning with the first fiscal year of the trust or decedent's estate that begins on or after ~~July~~ September 1, 2019, except as otherwise expressly provided in the will or terms of the trust or in this Part.

**Sec. B-13. 18-C MRSA §9-108, first ¶**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

The laws in effect on ~~June 30~~ August 31, 2019 apply to proceedings for which any of the following occurred before ~~July~~ September 1, 2019:

**Sec. B-14. PL 2017, c. 402, Pt. F, §1** is amended to read:

**Sec. F-1. Effective date.** Parts A to E of this Act take effect ~~July~~ September 1, 2019.

**PART C**

**Sec. C-1. Maine Comments.** Comments submitted by the Probate and Trust Law Advisory Commission, which incorporate comments prepared by the Family Law Advisory Commission in accordance with Public Law 2017, chapter 402, Part G, section 1, are acknowledged by the Legislature as Maine Comments, and the Revisor of Statutes shall submit the comments for inclusion in the publication of the Maine Revised Statutes Annotated.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 20, 2019.

**CHAPTER 418**

**H.P. 39 - L.D. 38**

**An Act To Require Insurance Coverage for Hearing Aids for Adults**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 24-A MRSA §2762, sub-§2**, as amended by PL 2015, c. 494, Pt. A, §28, is further amended to read:

**2. Required coverage.** ~~In accordance with the application of coverage set forth in subsection 3, all~~ All individual health policies and contracts must provide coverage for the purchase of a hearing aid for each hearing-impaired ear for an individual covered under the policy or contract in accordance with the following requirements.

A. The hearing loss must be documented by a physician or audiologist licensed pursuant to Title 32, chapter 137.

B. The hearing aid must be purchased ~~from an audiologist or hearing aid dealer licensed pursuant to Title 32, chapter 137~~ in accordance with federal and state laws, regulations and rules for the sale and dispensing of hearing aids.

C. The policy or contract may limit coverage to ~~\$1,400~~ \$3,000 per hearing aid for each hearing-impaired ear every 36 months.

**Sec. 2. 24-A MRSA §2762, sub-§3**, as enacted by PL 2007, c. 452, §2, is repealed.

**Sec. 3. 24-A MRSA §2847-O, sub-§2**, as amended by PL 2015, c. 494, Pt. A, §29, is further amended to read:

**2. Required coverage.** ~~In accordance with the application of coverage set forth in subsection 3, all~~ All group health insurance policies, contracts and certificates must provide coverage for the purchase of a hearing aid for each hearing-impaired ear for an individual covered under the policy, contract or certificate ~~who is 18 years of age or under~~ in accordance with the following requirements.

A. The hearing loss must be documented by a physician or audiologist licensed pursuant to Title 32, chapter 137.

B. The hearing aid must be purchased ~~from an audiologist or hearing aid dealer licensed pursuant to Title 32, chapter 137~~ in accordance with federal and state laws, regulations and rules for the sale and dispensing of hearing aids.

C. The policy, contract or certificate may limit coverage to ~~\$1,400~~ \$3,000 per hearing aid for each hearing-impaired ear every 36 months.

**Sec. 4. 24-A MRSA §2847-O, sub-§3**, as reallocated by PL 2007, c. 695, Pt. A, §29, is repealed.

**Sec. 5. 24-A MRSA §4255, sub-§2**, as amended by PL 2015, c. 494, Pt. A, §30, is further amended to read:

**2. Required coverage.** ~~In accordance with the application of coverage set forth in subsection 3, all~~ All health maintenance organization individual and

group health insurance contracts must provide coverage for the purchase of a hearing aid for each hearing-impaired ear for an individual covered under the policy, contract or certificate ~~who is 18 years of age or under~~ in accordance with the following requirements.

A. The hearing loss must be documented by a physician or audiologist licensed pursuant to Title 32, chapter 137.

B. The hearing aid must be purchased ~~from an audiologist or hearing aid dealer licensed pursuant to Title 32, chapter 137~~ in accordance with federal and state laws, regulations and rules for the sale and dispensing of hearing aids.

C. The policy, contract or certificate may limit coverage to ~~\$1,400~~ \$3,000 per hearing aid for each hearing-impaired ear every 36 months.

**Sec. 6. 24-A MRSA §4255, sub-§3**, as reallocated by PL 2007, c. 695, Pt. A, §30, is repealed.

**Sec. 7. Application.** The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**Sec. 8. Exemption from review.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, this Act is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

**Sec. 9. Calculation and transfer; premium costs.** The State Budget Officer shall calculate the amount of increased premium costs that apply to each General Fund account and Highway Fund account for all departments and agencies and transfer the amounts by financial order upon the approval of the Governor. The transfers are considered adjustments to appropriations in fiscal year 2020-21.

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Departments and Agencies - Statewide 0016**

Initiative: Provides ongoing funds for increased premium costs to departments and agencies statewide as a result of the State Employee Health Plan being required to cover hearing aids.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$158,492
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$158,492</b>

HIGHWAY FUND	2019-20	2020-21
All Other	\$0	\$56,779
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$56,779</b>

See title page for effective date.

**CHAPTER 419  
S.P. 28 - L.D. 75**

**An Act To Protect Earned Pay**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 26 MRSA §1193, sub-§5**, as amended by PL 2011, c. 645, §8, is further amended to read:

**5. Receiving remuneration.** For any week with respect to which the individual is receiving, has been scheduled to receive or has received remuneration in the form of:

A. Dismissal wages, wages in lieu of notice, or terminal pay ~~or holiday pay; or~~

~~A-1. Any vacation pay in an amount exceeding the equivalent of 4 weeks' wages for that individual; or~~

B. Benefits under the unemployment compensation or employment security law of any state or similar law of the United States.

If the remuneration under paragraph A is less than the benefits that would otherwise be due under this chapter, the individual is entitled to receive for that week, if otherwise eligible, benefits reduced by the amount of the remuneration, rounded to the nearest lower full dollar amount. ~~Earned vacation pay that is paid to the individual prior to the individual's being notified orally or in writing by the employer of the employer's intent to sever the employment relationship is not considered remuneration for purposes of this subsection;~~

See title page for effective date.

**CHAPTER 420  
H.P. 64 - L.D. 78**

**An Act To Facilitate Access to the MaineCare Family Planning Benefit**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §3173-G**, as enacted by PL 2015, c. 356, §1 and affected by §4, is repealed and the following enacted in its place:

**§3173-G. Medicaid coverage for reproductive health care and family planning services**

**1. Family planning benefit.** The department shall provide for the delivery of federally approved Medicaid services to a qualified adult or adolescent whose individual income is equal to or below 209% of the nonfarm income official poverty line for reproductive health care and family planning services, as described in 42 United States Code, Section 1396d(a)(4)(C), including pregnancy prevention, testing and treatment for sexually transmitted infection or cancer and access to contraception, in accordance with the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152.

**2. Presumptive eligibility.** If a MaineCare provider determines that an adult or adolescent is likely to be eligible for services under this section, the provider must be reimbursed for services provided under this section until the department determines that the adult or adolescent is not eligible. The department shall implement this subsection in accordance with 42 United States Code, Section 1396r-1.

**3. Rules.** The department shall adopt routine technical rules as defined by Title 5, chapter 375, subchapter 2-A to carry out the provisions of this section.

See title page for effective date.

**CHAPTER 421  
H.P. 139 - L.D. 176**

**An Act To Enhance Participation on the State Board of Education**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §401, sub-§2**, as amended by PL 2007, c. 179, §2, is further amended to read:

**2. Composition.** ~~The membership of the state board must be broadly representative of the geographic regions of the State and of municipalities of varying sizes. A person whose income is derived in substantial portion from work as a teacher or as an administrator in an educational institution is not eligible for appointment to or service on the state board. Members must have a strong interest in and knowledge of education.~~

**Sec. 2. 20-A MRSA §401, sub-§6** is enacted to read:

**6. Release time for state board meeting attendance.** A teacher or administrator serving on the state board must be granted release time for attendance at state board meetings. The state board is responsible for the cost of any substitute teacher for a teacher granted release time under this subsection.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF  
State Board of Education 0614**

Initiative: Provides ongoing funds for the cost of substitute teachers needed when a teacher is granted release time to serve on the State Board of Education.

GENERAL FUND	2019-20	2020-21
All Other	\$4,950	\$4,950
<b>GENERAL FUND TOTAL</b>	<b>\$4,950</b>	<b>\$4,950</b>

See title page for effective date.

**CHAPTER 422  
H.P. 167 - L.D. 204**

**An Act To Provide Funding for  
a Ranger Pilot Position in the  
Maine Forest Service**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Division of Forest Protection Z232**

Initiative: Provides funding for one Ranger Pilot position and All Other funding for a vehicle, training, clothing and a firearm.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$59,033	\$81,815
All Other	\$9,717	\$11,751
<b>GENERAL FUND TOTAL</b>	<b>\$68,750</b>	<b>\$93,566</b>

**Forest Resource Management Z233**

Initiative: Provides funding for one Ranger Pilot position and All Other funding for a vehicle, training, clothing and a firearm.

GENERAL FUND	2019-20	2020-21
Personal Services	\$24,112	\$33,418
All Other	\$3,969	\$4,800
<b>GENERAL FUND TOTAL</b>	<b>\$28,081</b>	<b>\$38,218</b>

**Office of the Commissioner 0401**

Initiative: Provides All Other funding for a laptop and cellular telephone.

GENERAL FUND	2019-20	2020-21
All Other	\$3,000	\$4,000
<b>GENERAL FUND TOTAL</b>	<b>\$3,000</b>	<b>\$4,000</b>

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF  
DEPARTMENT TOTALS**

	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$99,831</b>	<b>\$135,784</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$99,831</b>	<b>\$135,784</b>

See title page for effective date.

**CHAPTER 423  
H.P. 273 - L.D. 347**

**An Act To Provide Sustainable Funding for Drinking Water and Wastewater Infrastructure**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 30-A MRSA §6006-H, sub-§1, ¶A,** as enacted by PL 2009, c. 377, §2, is amended to read:

A. The fund is established in the custody of the bank as a special fund to provide financial assistance for capital investment in public water and wastewater infrastructure. For the purposes of this section, "public water and wastewater infrastructure" includes, but is not limited to public water systems, drinking water supplies and treatment facilities, public wastewater systems and treatment facilities and water pollution abatement systems.

The fund may also be used to provide financial assistance for capital investment in private and commercial wastewater systems as allowed under Title 38, sections 411 and 411-A.

**Sec. 2. 30-A MRSA §6054, sub-§5, ¶A**, as enacted by PL 2013, c. 269, Pt. B, §2, is repealed and the following enacted in its place:

A. Thirty percent to the State Water and Wastewater Infrastructure Fund established pursuant to section 6006-H and divided as follows:

(1) Forty-five percent to an account within the State Water and Wastewater Infrastructure Fund for drinking water purposes divided as follows:

(a) Up to the maximum amount allowed for the state match for federal funds provided to the safe drinking water revolving loan fund established under section 6006-B to an account within the Department of Health and Human Services for revolving loan funds for drinking water systems; and

(b) The remainder to the Maine Drinking Water Fund established pursuant to Title 22, section 2610; and

(2) Fifty-five percent to an account within the State Water and Wastewater Infrastructure Fund for wastewater purposes divided as follows:

(a) Up to the maximum amount allowed for the state match for federal funds provided to the revolving loan fund established under section 6006-A to an account within the Department of Environmental Protection for revolving loans for wastewater treatment; and

(b) The remainder to the Maine Clean Water Fund established pursuant to Title 38, section 411-C;

**Sec. 3. 38 MRSA §411-C, sub-§1, ¶A**, as enacted by PL 2009, c. 377, §3, is amended to read:

A. The fund is established as a nonlapsing fund to provide financial assistance, in accordance with subsection 2, for the acquisition, planning, design, construction, reconstruction, enlargement, repair, protection and improvement of public wastewater systems and treatment facilities and water pollution abatement systems.

**Sec. 4. 38 MRSA §411-C, sub-§2, ¶A**, as enacted by PL 2009, c. 377, §3, is amended to read:

A. To make grants to public wastewater systems under sections 411, 411-A and 412;

See title page for effective date.

## CHAPTER 424

### H.P. 285 - L.D. 376

#### An Act To Expand Health Insurance Options for Town Academies

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §285, sub-§1, ¶J**, as amended by PL 2011, c. 438, §2, is further amended to read:

J. Legislative employees that are recipients of retirement allowances from the Maine Public Employees Retirement System based upon creditable service as teachers, as defined by section 17001, subsection 42; ~~and~~

**Sec. 2. 5 MRSA §285, sub-§1, ¶K**, as enacted by PL 2011, c. 438, §3, is amended to read:

K. Any employee of a school administrative unit as defined in Title 20-A, section 1, subsection 26 or of an educational advisory organization as described in Title 30-A, section 5724, subsection 9; ~~and~~

**Sec. 3. 5 MRSA §285, sub-§1, ¶L** is enacted to read:

L. Any employee of an academy approved for tuition purposes in accordance with Title 20-A, sections 2951 to 2955.

**Sec. 4. 5 MRSA §285, sub-§1-B**, as amended by PL 2011, c. 438, §4, is further amended to read:

**1-B. Ineligibility.** Except as provided in subsection 1, ~~paragraph~~ paragraphs K and L and subsection 11-A, members of the Maine Municipal Association and employees of counties and municipalities and instrumentalities thereof, including quasi-municipal corporations, are not eligible to participate in the group health plan under this section.

**Sec. 5. Enrollment.** An academy approved for tuition purposes in accordance with the Maine Revised Statutes, Title 20-A, sections 2951 to 2955 that elects to enroll its employees in the group health plan in accordance with this Act may enroll in the group health plan on the first day of the month following the termination of the academy's prior group health plan, but no sooner than January 1, 2020. For an employee hired after January 1, 2020 or who becomes eligible for the group health plan based on a qualifying life event occurring after January 1, 2020, the employee may enroll in the group health plan on the first day of the month after the date on which the employee becomes eligible for enrollment.

See title page for effective date.

**CHAPTER 425  
H.P. 301 - L.D. 392**

**An Act To Fund Maine's  
School-based Health Centers**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Provides ongoing funding to the State's school-based health centers.

FUND FOR A HEALTHY MAINE	2019-20	2020-21
All Other	\$600,000	\$600,000
FUND FOR A HEALTHY MAINE TOTAL	\$600,000	\$600,000

See title page for effective date.

**CHAPTER 426  
S.P. 121 - L.D. 443**

**An Act To Prevent Vitamin K  
Deficiency Bleeding and Eye  
Damage in Infants**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 22 MRSA §1531**, as enacted by PL 1983, c. 848, §2, is repealed and the following enacted in its place:

**§1531. Care of infants after birth**

**1. Prophylactic ophthalmic ointment and reporting requirement.** Every physician, midwife or nurse in charge shall instill or cause to be instilled into the eyes of an infant within 24 hours after its birth prophylactic ophthalmic ointment prescribed by the department and provided without cost by the department. If one or both eyes of an infant become reddened or inflamed at any time within 4 weeks after birth, the midwife, nurse or person having charge of

the infant shall report the condition of the eyes at once to a physician licensed under Title 32, chapter 36 or 48.

**2. Vitamin K injection.** Every physician, midwife or nurse in charge shall administer 0.5 or 1 milligram, based on the infant's weight, of vitamin K to an infant intramuscularly within 6 hours after the infant's birth.

**3. Rulemaking.** The department shall adopt rules to implement this section, including, but not limited to, creating and making publicly available a brochure about the medical benefits and risks of administering the prophylactic ophthalmic ointment and vitamin K injection, and providing a form on which a parent can refuse the prophylactic ophthalmic ointment or vitamin K injection for the infant of that parent.

**Sec. 2. Department of Health and Human Services to amend form.** The Department of Health and Human Services shall amend its newborn blood spot screening refusal form to include a section permitting a parent to refuse the prophylactic ophthalmic ointment or vitamin K injection required under the Maine Revised Statutes, Title 22, section 1531 for the infant of that parent.

**Sec. 3. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Provides funding for the Department of Health and Human Services to create and provide brochures about the medical benefits and risks of the prophylactic ointment and vitamin K treatments.

GENERAL FUND	2019-20	2020-21
All Other	\$7,500	\$2,500
GENERAL FUND TOTAL	\$7,500	\$2,500

See title page for effective date.

CHAPTER 427  
H.P. 418 - L.D. 574

An Act To Clarify That  
Petitions for Certiorari to the  
Supreme Court of the United  
States Are Included within the  
Definition of Indigent Legal  
Services

Be it enacted by the People of the State of  
Maine as follows:

Sec. 1. 4 MRSA §1802, sub-§4, ¶¶B and C,  
as enacted by PL 2009, c. 419, §2, are amended to  
read:

B. An indigent party in a civil case in which the  
United States Constitution or the Constitution of  
Maine or federal or state law requires that the  
State provide representation; and

C. Juvenile defendants; and

Sec. 2. 4 MRSA §1802, sub-§4, ¶D is enact-  
ed to read:

D. An indigent defendant or party or a juvenile  
for the purpose of filing, on behalf of that indigent  
defendant or party or juvenile, a petition for certi-  
orari to the Supreme Court of the United States  
from an adverse decision of the Law Court on a  
case for which services were previously provided  
to that defendant or party or juvenile pursuant to  
paragraph A, B or C.

Sec. 3. 4 MRSA §1804, sub-§3, ¶¶L and  
M, as enacted by PL 2017, c. 284, Pt. UUUU, §7, are  
amended to read:

L. Establish processes and procedures to acquire  
investigative and expert services that may be nec-  
essary for a case, including contracting for such  
services; and

M. Establish procedures for handling complaints  
about the performance of counsel providing indi-  
gent legal services; and

Sec. 4. 4 MRSA §1804, sub-§3, ¶N is enact-  
ed to read:

N. Develop a procedure for approving requests  
by counsel for authorization to file a petition as  
described in section 1802, subsection 4, paragraph  
D.

Sec. 5. Appropriations and allocations.  
The following appropriations and allocations are  
made.

INDIGENT LEGAL SERVICES, MAINE  
COMMISSION ON

Maine Commission on Indigent Legal Services  
Z112

Initiative: Provides funds for the commission to pre-  
pare and file petitions for certiorari to the Supreme  
Court on behalf of indigent parties or juveniles.

GENERAL FUND	2019-20	2020-21
All Other	\$9,000	\$12,000
GENERAL FUND TOTAL	\$9,000	\$12,000

See title page for effective date.

CHAPTER 428  
H.P. 421 - L.D. 577

An Act To Increase Access to  
Nutritious Foods in Schools by  
Implementing an After-school  
Food Program for At-risk  
Students

Be it enacted by the People of the State of  
Maine as follows:

Sec. 1. 20-A MRSA §6602, sub-§1, ¶D is  
enacted to read:

D. A school administrative unit shall participate  
in the federal child and adult care food program  
established in 42 United States Code, Section  
1766 as required under this paragraph. The com-  
missioner shall assist school administrative units  
subject to the requirements of this paragraph in  
developing a plan to participate in the federal  
child and adult care food program to serve at-risk  
students who attend after-school programming  
and in obtaining federal, state and private funds to  
pay for this program. Beginning with the 2019-  
2020 school year, a school administrative unit  
with at least one public school in which at least  
50% of students qualified for a free or reduced-  
price lunch during the preceding school year shall  
participate in the federal child and adult care food  
program in accordance with 42 United States  
Code, Section 1766 during the school year, sub-  
ject to the provisions of this paragraph.

Notwithstanding other provisions of this para-  
graph, a school administrative unit that is required  
to operate a federal child and adult care food pro-  
gram may choose not to operate such a program if  
it determines by a vote of the governing body of  
the school administrative unit after notice and a  
public hearing that operating such a program  
would be financially or logistically impracticable.

See title page for effective date.

**CHAPTER 429**  
**S.P. 204 - L.D. 642**

**An Act Regarding  
Kindergarten Readiness for  
Children Who Are Deaf and  
Hard of Hearing**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §7204, sub-§6**, as amended by PL 2015, c. 448, §11, is further amended to read:

**6. Technical assistance.** May, on the request of a school administrative unit, provide technical assistance in the formulation of a plan or subsequent report required of all administrative units. Assistance may not be designed to transfer the responsibility for or actual development of the plan or report; ~~and~~

**Sec. 2. 20-A MRSA §7204, sub-§7**, as enacted by PL 2015, c. 448, §12, is amended to read:

**7. Out-of-state placement of a state ward.** May, when a child with a disability who is a state ward is placed in an out-of-state residential treatment center by the Department of Health and Human Services, designate the Department of Education as having responsibility for oversight of the child's individualized education program to ensure that the child receives a free, appropriate public education; ~~and~~

**Sec. 3. 20-A MRSA §7204, sub-§8** is enacted to read:

**8. Report on language and literacy development of children who are deaf and hard of hearing from birth to 5 years of age.** Beginning July 31, 2020 and annually thereafter, shall submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs of:

A. The data reported in compliance with the state performance plan required by the federal Individuals with Disabilities Education Act that are specific to language and literacy development of children who are deaf or hard of hearing from birth to 5 years of age, including children who are deaf or hard of hearing and have other disabilities, that demonstrate language and literacy development of children who are deaf or hard of hearing relative to the children's peers who are not deaf or hard of hearing; and

B. Any language developmental milestones or parent resources used or disseminated by the department to parents, educators, early interventionists or therapists for use in tracking or assessing

the expressive and receptive language acquisition of children from birth to 5 years of age who are deaf and hard of hearing and their development stages toward literacy in American Sign Language or English, or both.

The commissioner shall post the report on the department's publicly accessible website.

**Sec. 4. Departmental task force established.** The Commissioner of Education shall establish a departmental task force to recommend language developmental milestones for children, from birth to 5 years of age, based on existing resources and current standards and to develop a parent resource portfolio as described in subsection 5 to monitor and track the expressive and receptive language acquisition of children who are deaf and hard of hearing and their developmental stages toward literacy in American Sign Language or English, or both. The task force must be convened no later than November 1, 2019.

1. The commissioner shall appoint members of the task force in accordance with the following provisions.

A. The task force must include:

- (1) A majority of members who are deaf or hard of hearing;
- (2) Members who are advocates and professionals within the field of education for children who are deaf and hard of hearing and parents of children who are deaf and hard of hearing; and
- (3) A balance between members who personally, professionally or as parents use both American Sign Language and English and members who personally, professionally or as parents use only spoken English.

B. The task force may include:

- (1) A parent of a child who is deaf or hard of hearing and who communicates using only spoken English without visual supplements;
- (2) A parent of a child who is deaf or hard of hearing and who communicates using American Sign Language;
- (3) A parent of a child who is deaf or hard of hearing and who communicates using American Sign Language and spoken English;
- (4) A parent of a child who is deaf or hard of hearing and who has additional special needs;
- (5) A credentialed teacher of students who are deaf and hard of hearing and who use both American Sign Language and English;

(6) A credentialed teacher of students who are deaf and hard of hearing who use only spoken English;

(7) A credentialed teacher of students who are deaf and hard of hearing whose expertise is in curriculum development and instruction in American Sign Language;

(8) A credentialed teacher of students who are deaf and hard of hearing whose expertise is in curriculum development and instruction in English;

(9) A credentialed teacher of students who are deaf and hard of hearing whose expertise is in American Sign Language and English language assessment;

(10) A credentialed spoken language therapist whose expertise is in spoken English assessments;

(11) An expert who researches language outcomes for children who are deaf and hard of hearing;

(12) An advocate for the teaching and use of both American Sign Language and English;

(13) An advocate for the teaching and use of spoken English, with or without visual supplements;

(14) An early intervention specialist who oversees statewide programming for infants and toddlers who are deaf and hard of hearing;

(15) A pediatrician who is committed to the health and well-being of children who are deaf and hard of hearing;

(16) A specialist whose expertise is in the resources, curriculum and teaching of children who are blind and who are also deaf or hard of hearing;

(17) A licensed audiologist who specializes in pediatric and educational audiology;

(18) A licensed clinical social worker who specializes in working with children who are deaf or hard of hearing;

(19) A representative from the Child Development Services System, established under the Maine Revised Statutes, Title 20-A, section 7209; and

(20) A representative from the Maine Newborn Hearing Program established by Title 22, section 8821 within the Department of Health and Human Services who is responsible for referring children who are deaf and hard of hearing to early intervention services.

C. Members are not entitled to compensation.

2. The Department of Education shall provide to the task force the following information:

A. A list of language developmental milestones based on current standardized norms that are aligned to the department's infant, toddler and preschool guidelines;

B. Information held by the department relating to language developmental milestones;

C. The instrument currently used by the Department of Education to assess the development of children with disabilities pursuant to federal law; and

D. The state standards in English language arts education as provided under the Maine Revised Statutes, Title 20-A, section 6209.

3. By September 1, 2020, the task force shall recommend to the Department of Education language developmental milestones based on current standardized norms and aligned with the state instrument used to meet the requirements of federal law for the assessment of children who are deaf or hard of hearing from birth to 5 years of age for purposes of developing a parent resource portfolio as described in subsection 5 for use by parents to monitor and track their children's expressive and receptive language acquisition and developmental stages toward literacy in American Sign Language or English, or both. In selecting language developmental milestones, the task force shall solicit input from experts in the field of education for the deaf and hard of hearing. The Department of Education shall post the recommendations on its publicly accessible website and shall solicit public comments.

4. By September 30, 2020, the Department of Education shall select the language developmental milestones to include in the parent resource portfolio and inform the task force of which language developmental milestones have been selected.

5. By December 1, 2020, the task force shall, in consultation with any governmental entities that oversee the education of children who are deaf or hard of hearing from birth to 5 years of age, develop a parent resource portfolio. The parent resource portfolio may:

A. Include the language developmental milestones selected pursuant to subsection 4;

B. Be appropriate for use, in both content and administration, with children who are deaf and hard of hearing from birth to 5 years of age who use American Sign Language or English, or both;

C. Present the developmental milestones in terms of typical development of all children;

D. Be written for clarity and ease of use for parents to monitor and track their children's expressive and receptive language acquisition and de-

velopmental stages toward literacy in American Sign Language or English, or both;

E. Be aligned to the department's existing infant, toddler and preschool guidelines, the existing instrument used to assess the development of children with disabilities pursuant to federal law and state standards in English language arts;

F. Make clear that parents have the right to select American Sign Language, English, or both, and the modalities for language provision, including but not limited to cued speech, lipreading, listening and tactile communication, for the child's language acquisition and developmental milestones;

G. Make clear that the parent resource portfolio is not a formal assessment of language and literacy development and that a parent's observation of that parent's child may differ from formal assessment data presented at an individual family service plan meeting or individual education program meeting;

H. Make clear that a parent may bring the parent resource portfolio to an individual family service plan meeting or individual education program meeting for purposes of sharing that parent's observations about that parent's child's development; and

I. Include balanced and comprehensive information about languages and communication modes as well as available services and programs.

6. The task force may advise the department on the content and administration of instruments used to assess the development of children with disabilities pursuant to federal law as used to assess the language and literacy development of children who are deaf and hard of hearing to ensure appropriate use of those instruments and may make recommendations regarding future research to improve the measurement of progress in language and literacy of children who are deaf and hard of hearing.

**Sec. 5. Department of Education's selection of tools and assessments for educators, early interventionists and therapists.** The Department of Education shall select tools and assessments for educators, early interventionists and therapists that can be used to assess the language and literacy development of children who are deaf and hard of hearing and that, in addition to the assessment required by federal law, can be used by the children's individual family service plans or individual education program teams, as applicable, to track the progress of these children and to establish and modify individual family service plans or individual education programs. These tools and assessments must:

1. Be in a format that shows stages of language development;

2. Be currently used by educators to track the development of expressive and receptive language acquisition of children who are deaf and hard of hearing and their developmental stages toward literacy in American Sign Language or English, or both;

3. Be drawn from existing instruments or assessments currently used to assess the development of all children from birth to 5 years of age; and

4. Be appropriate, both in content and administration, for use with children who are deaf and hard of hearing.

The selection of tools and assessments for educators, early interventionists and therapists may also reflect the recommendations of the task force made pursuant to section 4, subsection 6.

**Sec. 6. Report.** The Department of Education shall submit an interim report no later than March 1, 2020 and a final report no later than January 1, 2021 of its findings and recommendations for presentation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The report may include suggested legislation and must include:

1. The parent resource portfolio developed by the departmental task force under section 4, and a procedure to disseminate the parent resource portfolio to parents and guardians of children who are deaf and hard of hearing;

2. A procedure to disseminate to local educational agencies educator tools and assessments selected by the department according to section 5 for use in the development and modification of individual family service plans and individual education programs and materials and training in their use in assisting children who are deaf and hard of hearing to become linguistically prepared for kindergarten using American Sign Language or English, or both; and

3. A procedure to require, if a child who is deaf or hard of hearing does not demonstrate progress in expressive and receptive language skills, as measured by one of the educator tools or assessments selected by the department according to section 5 or by the instrument used to assess the development of children with disabilities pursuant to federal law, the child's individual family service plan or individual education program team to provide a detailed explanation of why the child is not meeting the language developmental milestones or progressing toward them and to recommend specific strategies, services and programs that should be provided to the child to assist in the child's success toward literacy in American Sign Language or English, or both, including the possibility that a child may be monolingual in American Sign Language or English.

The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the First Regular Session of the 130th Legislature to implement the findings and recommendations included in the report.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**Special Services Team Z080**

Initiative: Provides one-time funds for consulting services and other costs to support the work of the task force.

GENERAL FUND	2019-20	2020-21
All Other	\$21,336	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$21,336</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 430  
H.P. 647 - L.D. 873**

**An Act To Clarify the Application of the Motor Vehicle Excise Tax to Water Well Drilling Equipment**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 36 MRSA §1481, sub-§3,** as amended by PL 2003, c. 414, Pt. B, §52 and affected by c. 614, §9, is further amended to read:

**3. Motor vehicle.** "Motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, including motorcycles, but not including aircraft. "Motor vehicle" does not include any vehicle prohibited by law from operating on the public highways. "Motor vehicle" does not include any snowmobile as defined in Title 12, section 13001. "Motor vehicle" does not include water well drilling equipment attached to a self-propelled vehicle and used for business purposes by a person licensed under Title 32, chapter 69-C.

See title page for effective date.

**CHAPTER 431  
S.P. 285 - L.D. 995**

**An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 9-A MRSA §1-202, sub-§7,** as amended by PL 2005, c. 55, §1, is further amended to read:

**7. A** Except as provided by Article 14, a loan or consumer credit sale made exclusively for the purpose of deferring or financing educational expenses and on which the finance charge does not exceed that rate per year on the unpaid balances of the amount financed, as established by federal law, or, for loans or consumer credit sales for which federal law does not establish a rate, the highest rate established for educational loans under any federal program and which is insured, guaranteed, subsidized or made directly by the Federal Government, a state, a nonprofit private loan guaranty or organization, by the educational institution itself or through an endowment or trust fund affiliated with such an institution;

**Sec. 2. 9-A MRSA art. 14** is enacted to read:

**ARTICLE 14**

**STUDENT LOAN BILL OF RIGHTS**

**§14-101. Short title**

This Article may be known and cited as "the Student Loan Bill of Rights."

**§14-102. Applicability**

This Article applies to a person who acts as a student loan servicer in this State, except that this Article does not apply to a supervised financial organization or a financial institution holding company as defined in Title 9-B, section 1011, subsection 1, to a mutual holding company as defined in Title 9-B, section 1052, subsection 2 or to a wholly owned subsidiary of a supervised financial organization, financial institution holding company or mutual holding company.

**§14-103. Definitions**

As used in this Article, unless the context otherwise indicates, the following terms have the following meanings.

**1. Servicing.** "Servicing" means:

A. Receiving any scheduled periodic payments from a student loan borrower or notification of such payments and applying the payments to the student loan borrower's account pursuant to the terms of a student education loan or to the terms

of the contract governing the servicing of the student education loan;

B. During a period when a payment is not required on a student education loan, maintaining account records for a student education loan and communicating with a student loan borrower regarding the loan on behalf of the loan's holder; or

C. Interactions with a student loan borrower, including activities to help prevent default on obligations arising from student education loans, conducted to facilitate any of the activities described in paragraph A or B.

**2. Student education loan.** "Student education loan" means a loan that is extended to a student loan borrower expressly for postsecondary education expenses or other school-related expenses and does not include open-ended credit or any loan that is secured by real property.

**3. Student loan borrower.** "Student loan borrower" means:

A. A resident of this State who has received or agreed to pay a student education loan; or

B. A person who shares legal responsibility with a resident under paragraph A for repaying the student education loan.

**4. Student loan servicer.** "Student loan servicer" means a person, wherever located, responsible for the servicing of a student education loan to a student loan borrower. "Student loan servicer" does not include a supervised financial organization or a financial institution holding company as defined in Title 9-B, section 1011, subsection 1, a mutual holding company as defined in Title 9-B, section 1052, subsection 2 or a wholly owned subsidiary of a supervised financial organization, financial institution holding company or mutual holding company.

**5. Superintendent.** "Superintendent" means the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation.

#### **§14-104. Student loan ombudsman**

The superintendent shall, using licensing and investigation fees collected pursuant to section 14-107, support, maintain and designate a student loan ombudsman within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to provide timely assistance to student loan borrowers.

The student loan ombudsman, in consultation with the superintendent, shall:

**1. Complaints.** Receive, review and attempt to resolve complaints between:

A. Student loan borrowers; and

B. Student loan servicers or any other participants in student education loan lending, including, but not limited to, originators servicing their own student education loans. The ombudsman may collaborate with institutions of higher education to attempt to resolve complaints;

**2. Data.** Compile and analyze data on student loan borrower complaints as described in subsection 1 and as resolved pursuant to section 14-106;

**3. Assistance.** Assist student loan borrowers to understand their rights and responsibilities under the terms of student education loans;

**4. Information.** Provide information to the public, agencies, Legislators and others regarding the problems and concerns of student loan borrowers and make recommendations for resolving those problems and concerns;

**5. Laws, regulations and policies.** Analyze and monitor the development and implementation of federal, state and local laws, ordinances, regulations, rules and policies relating to student loan borrowers and recommend any necessary changes;

**6. Student loan history.** Review, as authorized and appropriate, the complete student education loan history for a student loan borrower who provides written consent for such a review;

**7. Outreach.** Provide sufficient outreach and disseminate information concerning the availability of the student loan ombudsman to assist student loan borrowers and potential student loan borrowers, public institutions of higher education, student loan servicers and any other participants in student education loan lending with any student education loan servicing concerns;

**8. Assistance with complaints.** Seek the assistance of an exempt organization in the resolution of a student loan borrower complaint as described in subsection 1 involving that exempt organization. The exempt organization shall cooperate with the student loan ombudsman as required by section 14-106. For purposes of this subsection, "exempt organization" means the Finance Authority of Maine and financial institutions exempt from this Article pursuant to section 14-107, subsection 1; and

**9. Other actions.** Take any other actions necessary to fulfill the duties of the student loan ombudsman as set forth in this Article.

#### **§14-105. Annual report**

The superintendent shall submit a report by January 1st of each year to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and insurance and financial services matters. The report must include:

**1. Implementation.** A description of actions taken with respect to the implementation of this Article;

**2. Effectiveness.** An assessment of the overall effectiveness of the student loan ombudsman, including information, in the aggregate, regarding student loan borrower complaints investigated with the assistance of an organization that is exempt from this Article pursuant to section 14-107, subsection 1;

**3. Funding.** An accounting of the funding for the program, including the license, examination and investigation fees collected pursuant to this Article, and whether those funds are adequate for or are in excess of the costs of carrying out the duties of this Article; and

**4. Additional steps.** Recommendations regarding additional steps for the Department of Professional and Financial Regulation to gain regulatory control over licensing and enforcement with respect to student loan servicers.

**5. Additional steps.** Recommendations regarding additional steps for the Department of Professional and Financial Regulation to gain regulatory control over licensing and enforcement with respect to student loan servicers.

**§14-106. Assistance by exempt organization; report**

An exempt organization that is requested by the student loan ombudsman to provide assistance pursuant to section 14-104, subsection 8 shall provide, in a timely manner, the information requested by the ombudsman necessary to investigate and resolve a student loan borrower complaint, including the steps taken by the exempt organization to resolve the complaint, or, on its own, shall resolve, in a timely manner, the complaint and provide the ombudsman with documentation regarding the resolution. Annually, an exempt organization that is involved in the resolution of a complaint pursuant to this section shall report to the ombudsman the number of complaints received and the number of complaints resolved by the exempt organization. For purposes of this section, "exempt organization" means the Finance Authority of Maine and financial institutions exempt from this Article pursuant to section 14-107, subsection 1.

**§14-107. Licensing of student loan servicers**

A person may not act as a student loan servicer, directly or indirectly, without first obtaining a license from the superintendent pursuant to this section, unless that person is exempt from licensure pursuant to subsection 1.

**1. Exempt.** The following persons are exempt from student loan servicer licensing requirements:

A. A licensed bank or credit union, a wholly owned subsidiary of such a bank or credit union and an operating subsidiary of such a bank or credit union as long as each owner of the operating subsidiary is wholly owned by that bank or credit union;

B. A supervised financial organization or a Maine financial institution holding company as defined in Title 9-B, section 1011, subsection 2; a Maine financial institution as defined in Title 9-B, section 1011, subsection 6; a mutual holding company as defined in Title 9-B, section 1052, subsection 2 whose home state, as defined in Title 9-B, section 131, subsection 20-A, is Maine; or a wholly owned subsidiary of a supervised financial organization, Maine financial institution holding company, Maine financial institution or mutual holding company; and

C. The Finance Authority of Maine.

**2. Application.** A person seeking to act within this State as a student loan servicer shall make a written application to the superintendent for an initial license in such form as the superintendent prescribes. The application must be accompanied by:

A. Financial statements and references of all applicants for a license as the superintendent considers necessary;

B. Information regarding the history of criminal convictions of the following:

- (1) The applicant;
- (2) Partners, if the applicant is a partnership;
- (3) Members, if the applicant is a limited liability company or association; and
- (4) Officers, directors and principal employees, if the applicant is a corporation.

The information submitted pursuant to this paragraph must be sufficient, as determined by the superintendent, to make the findings under subsection 3;

C. A nonrefundable license fee of \$1,000; and

D. A nonrefundable investigation fee of \$800.

The superintendent may require or allow applications to be made electronically through the nationwide mortgage licensing system and registry, as defined in section 13-102, subsection 8. An applicant using that system shall pay any required processing fees.

**3. Investigation of applicant.** Upon the filing of an application for an initial license and the payment of the fees for licensing and investigation pursuant to subsection 2, the superintendent shall investigate the financial condition and responsibility, financial and business experience, character and general fitness of

the applicant. The superintendent, in accordance with Title 25, section 1706, may conduct state and national criminal history record checks of the applicant and of each partner, member, officer, director and principal employee of the applicant. The superintendent may issue a license if the superintendent finds that:

A. The applicant's financial condition is sound;

B. The applicant's business will be conducted honestly, fairly, equitably, carefully and efficiently within the purposes and intent of this Article and in a manner commanding the confidence and trust of the community;

C. If the applicant is:

(1) An individual, the individual is in all respects properly qualified and of good character;

(2) A partnership, each partner is in all respects properly qualified and of good character;

(3) A corporation, the president, chair of the executive committee, senior officer responsible for the corporation's business and chief financial officer or any other person who performs similar functions as determined by the superintendent, each director, each trustee and each shareholder owning 10% or more of each class of the securities of the corporation is in all respects properly qualified and of good character; or

(4) A limited liability company or association, each member is in all respects properly qualified and of good character;

D. No person on behalf of the applicant knowingly has made an incorrect statement of a material fact in the application or in any report or statement made pursuant to this Article; and

E. The applicant has met any other requirements as determined by the superintendent.

**4. License expiration.** A license issued pursuant to this Article expires at the close of business on September 30th of the odd-numbered year following its issuance, unless renewed or earlier surrendered, suspended or revoked pursuant to this Article. No later than 15 days after a licensee ceases to engage in the business of student education loan servicing in this State for any reason, including a business decision to terminate operations in this State, license revocation, bankruptcy or voluntary dissolution, the licensee shall provide written notice of surrender to the superintendent and shall surrender to the superintendent its license for each location in which the licensee has ceased to engage in such business. The written notice of surrender must identify the location where the records of the licensee will be stored and the name, ad-

dress and telephone number of an individual authorized to provide access to the records. The surrender of a license does not reduce or eliminate the licensee's civil or criminal liability arising from acts or omissions occurring prior to the surrender of the license, including any administrative actions undertaken by the superintendent to revoke or suspend a license, assess a civil penalty, order restitution or exercise any other authority provided to the superintendent. If the superintendent permits or requires licensing through the nationwide mortgage licensing system and registry pursuant to subsection 2, the superintendent may amend the license term and license expiration date to comply with the parameters of the system. License and investigation fees must be apportioned so the average of such fees does not increase on an annualized basis.

**5. License renewal.** A license issued pursuant to this Article may be renewed for the ensuing 24-month period upon the filing of an application containing all required documents and fees as provided in this section. A renewal application must be filed on or before September 1st of the year in which the license expires. A renewal application filed with the superintendent after September 1st that is accompanied by a \$100 late fee is deemed to be timely and sufficient. If an application for a renewal license has been filed with the superintendent on or before the date the license expires, the license sought to be renewed continues in effect until the issuance by the superintendent of the renewal license applied for or until the superintendent has notified the licensee in writing of the superintendent's refusal to issue the renewal license together with the grounds upon which the refusal is based. The superintendent may refuse to issue a renewal license on any ground on which the superintendent might refuse to issue an initial license.

**6. Dishonored check.** If a check filed with the superintendent to pay a license, investigation or renewal fee under this section is dishonored, the superintendent shall automatically suspend the license or the renewal license that has been issued but is not yet effective. The superintendent shall give the licensee notice of the automatic suspension pending proceedings for revocation or refusal to renew and an opportunity for a hearing on such actions in accordance with Article 6.

**7. Update application information.** An applicant or licensee under this Article shall notify the superintendent, in writing, of any change in the information provided in its initial application for a license or its most recent renewal application for a license, as applicable, not later than 10 business days after the occurrence of the event that results in the change.

**8. Incomplete application.** The superintendent may consider an application for a license under this Article abandoned if the applicant fails to respond to

any request for information required under this Article or any rules adopted pursuant to this Article, as long as the superintendent notifies the applicant, in writing, that the application will be considered abandoned if the applicant fails to submit the information within 60 days after the date on which the request for information was made. An application filing fee paid prior to the date an application is abandoned pursuant to this subsection may not be refunded. Abandonment of an application pursuant to this subsection does not preclude the applicant from submitting a new application for a license under this Article.

**9. Automatic licensure.** The superintendent shall issue automatically a limited, irrevocable license to a person servicing a student loan under contract with the United States Department of Education as follows.

A. A person seeking to act within this State as a student loan servicer is exempt from the procedures described in subsection 2, except for subsection 2, paragraphs C and D, upon a determination by the superintendent that student loan servicing performed in this State is solely conducted pursuant to a contract or contracts awarded by the United States Secretary of Education under 20 United States Code, Section 1087f. The procedure to document eligibility for such an exemption must be prescribed by the superintendent.

B. The superintendent shall issue automatically a license to a person determined exempt by the superintendent pursuant to paragraph A; that person is deemed to have met all of the requirements of subsection 3.

C. A person issued a license pursuant to this subsection is exempt from subsections 4 to 8.

D. A person issued a license pursuant to this subsection shall provide the superintendent with written notice within 7 days following the notification of the expiration, revocation or termination of any contract awarded by the United States Secretary of Education under 20 United States Code, Section 1087f; that person has 30 days to satisfy the requirements of this Article in order to continue to act as a student loan servicer within this State. Upon the expiration of the 30-day period, if the person seeking to act as a student loan servicer within this State has not satisfied all requirements established under this Article, the superintendent shall immediately suspend any license issued under this subsection.

E. With respect to student loan servicing not conducted pursuant to a contract awarded by the United States Secretary of Education under 20 United States Code, Section 1087f, this subsection does not prevent the superintendent from issuing an order to temporarily or permanently prohibit or

bar a person from acting as a student loan servicer.

F. With respect to student loan servicing conducted pursuant to a contract awarded by the United States Secretary of Education under 20 United States Code, Section 1087f, this subsection does not prevent the superintendent from issuing a cease and desist order or injunction against a student loan servicer to cease activities in violation of this Article or the Maine Unfair Trade Practices Act.

**10. Branch office license; change of license notification.** A licensee under this Article may not act within this State as a student loan servicer under any name or at any place of business other than those named in the license. Any change of location of a place of business of a licensee requires prior written notice to the superintendent. Not more than one place of business may be maintained under the same license, but the superintendent may issue more than one license to a licensee that complies with the provisions of this Article as to each license. If a licensee desires to carry on business in more than one location, the licensee shall procure a branch office license for each additional location where the business is to be conducted. A license is not transferable or assignable.

**11. Records retention; records request.** A student loan servicer shall maintain adequate records of each student education loan transaction for not less than 2 years following the final payment on the student education loan or the assignment of the student education loan, whichever occurs first, or except as otherwise required by federal law, a federal student loan education agreement or a contract between the Federal Government and a licensee under this Article.

Upon request by the superintendent, a student loan servicer shall make such records available or shall send such records to the superintendent by registered or certified mail, return receipt requested, or by any express delivery carrier that provides a dated delivery receipt, not later than 5 business days after requested by the superintendent to do so. The superintendent may grant a licensee additional time to make such records available or to send the records to the superintendent.

**12. License suspension and revocation; refusal to renew.** The superintendent may suspend, revoke or refuse to renew a license issued pursuant to this section or take any other action in accordance with Article 6 if the superintendent finds one of the following:

A. The licensee has violated any provision of this Article or any rule or order lawfully adopted or made pursuant to and within the authority of this Article; or

B. Any fact or condition exists that, if it had existed at the time of the original application for the

license, clearly would have warranted a denial of the license.

An abatement of the license fee may not be made if the license is surrendered, revoked or suspended.

### **§14-108. Student loan servicers**

**1. Definition.** As used in this section, "nonconforming payment" means a payment on a student education loan of a student loan borrower that is different than the required payment.

**2. Requirements.** Except as otherwise provided in federal law, a federal student education loan agreement or a contract between the Federal Government and a student loan servicer, a student loan servicer shall comply with the requirements of this subsection.

A. Upon receipt of a written inquiry from a student loan borrower or the representative of a student loan borrower, a student loan servicer shall respond by:

(1) Acknowledging receipt of the written inquiry within 10 days; and

(2) Providing, within 30 days after receiving the inquiry, information relating to the inquiry and, if applicable, the action the student loan servicer will take to correct the student loan borrower's account or an explanation of the student loan servicer's position that the borrower's account is correct.

B. A student loan servicer shall inquire of a student loan borrower how to apply an overpayment or prepayment to a student loan. A student loan borrower's direction on how to apply an overpayment or prepayment to a student loan must stay in effect for any future overpayments or prepayments during the term of a student loan until the borrower provides different directions. For purposes of this paragraph, "overpayment" or "prepayment" means a payment on a student loan in excess of the monthly amount due from a borrower on a student loan.

C. A student loan servicer shall apply a partial payment or underpayment in a manner that minimizes late fees and negative credit reporting. When loans on a student loan borrower's account have an equal stage of delinquency, a student loan servicer shall apply a partial payment or underpayment to satisfy as many individual loan payments as possible on a borrower's account. For purposes of this paragraph, "partial payment" or "underpayment" means a payment on a student loan account that contains multiple individual loans in an amount less than the amount necessary to satisfy the outstanding payment due on all loans in the student loan account.

D. In the event of the sale, assignment or other transfer of the servicing of a student education loan that results in a change in the identity of the person to whom a student loan borrower is required to send payments or direct any communication concerning the student education loan:

(1) As a condition of the sale, assignment or transfer, the student loan servicer shall require the new student loan servicer to honor all benefits originally represented as available to the student loan borrower during the repayment of the student education loan and preserve the availability of such benefits, including any benefits for which the student loan borrower has not yet qualified;

(2) Within 45 days after the sale, assignment or transfer, the student loan servicer shall transfer to the new student loan servicer all information regarding the student loan borrower, the account of the student loan borrower and the student education loan of the student loan borrower, including the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower; and

(3) The sale, assignment or transfer of the servicing of the student education loan must be completed at least 7 days before the next payment on the loan is due.

E. A student loan servicer that obtains the right to service a student education loan shall adopt policies and procedures to verify that the student loan servicer has received all information regarding the student loan borrower, the account of the student loan borrower and the student education loan of the student loan borrower, including, but not limited to, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower.

F. A student loan servicer shall evaluate a student loan borrower for a repayment program based on income prior to placing the borrower in forbearance or default, if a repayment program based on income is available to the borrower.

**3. Prohibited acts.** A student loan servicer may not:

A. Directly or indirectly employ a scheme, device or artifice to defraud or mislead student loan borrowers;

B. Engage in an unfair or deceptive practice toward any person or misrepresent or omit any material information in connection with the servicing of a student education loan, including, but not limited to, misrepresenting the amount, nature or terms of any fee or payment due or claimed to be

due on a student education loan, the terms and conditions of the loan agreement or the borrower's obligations under the loan;

C. Obtain property by fraud or misrepresentation;

D. Misapply student education loan payments to the outstanding balance of a student education loan;

E. Provide inaccurate information to a credit bureau, thereby harming the determination of a student loan borrower's creditworthiness;

F. Fail to report both the favorable and unfavorable payment history of a student loan borrower to a nationally recognized consumer credit bureau at least annually if the student loan servicer regularly reports information to such a credit bureau;

G. Refuse to communicate with an authorized representative of a student loan borrower who provides a written authorization signed by the student loan borrower, except that the student loan servicer may adopt procedures reasonably related to verifying that the representative is in fact authorized to act on behalf of the student loan borrower;

H. Make any false statement or omit a material fact in connection with information or reports filed with a governmental agency or in connection with an investigation conducted by the superintendent or another governmental agency;

I. Fail to respond within 15 days to communication from the student loan ombudsman, or within a shorter reasonable time as the student loan ombudsman may request in the communication; or

J. Fail to respond within 15 days to a student loan borrower complaint submitted to the servicer by the student loan ombudsman. If necessary, a student loan servicer may request additional time, up to 45 days, as long as the request is accompanied by an explanation of why additional time is reasonable and necessary.

**4. Penalties.** A violation of this section is an unfair trade practice under the Maine Unfair Trade Practices Act and is subject to the enforcement and penalty provisions contained in that Act.

A. A student loan servicer that fails to comply with any requirement imposed under this section with respect to a student loan borrower is liable in an amount equal to the sum of:

(1) Any actual damages sustained by the borrower as result of the failure;

(2) A monetary award equal to 3 times the total amount the student loan servicer collected from the borrower;

(3) Punitive damages as the court may allow; and

(4) In the case of any successful action by the borrower to enforce the liability set out in this subsection, the costs of the action, together with reasonable attorney's fees as determined by the court.

B. The remedies provided in this subsection are not intended to be the exclusive remedies available to a student loan borrower, nor must the borrower exhaust any administrative remedies provided under this subsection or any other applicable law before proceeding under this subsection.

#### **§14-109. Superintendent powers and duties**

**1. Investigations and examinations.** The superintendent has the authority to conduct investigations and examinations as follows.

A. For purposes of initial licensing, license renewal, license suspension, license revocation or termination or general or specific inquiry or investigation to determine compliance with this Article, the superintendent may access, receive and use any books, accounts, records, files, documents, information or evidence belonging to a licensee or person under examination, including, but not limited to, criminal, civil and administrative history information; personal history and experience information, including independent credit reports obtained from a consumer reporting agency described in Section 603(p) of the federal Fair Credit Reporting Act, 15 United States Code, Section 1681a; and any other documents, information or evidence the superintendent considers relevant to the inquiry or investigation regardless of the location, possession, control or custody of such documents, information or evidence.

B. For the purposes of investigating violations or complaints arising under this Article or for the purposes of examination, the superintendent may review, investigate or examine any licensee or person subject to this Article as often as necessary in order to carry out the purposes of this Article. The superintendent may direct, subpoena or order the attendance of and examine under oath any person whose testimony may be required about the student education loan or the business or subject matter of any such examination or investigation and may direct, subpoena or order the person to produce books, accounts, records, files and any other documents the superintendent considers relevant to the inquiry.

C. In making an examination or investigation authorized by this section, the superintendent may control access to any documents and records of the licensee or person under examination or investigation. The superintendent may take possession

of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, a person may not remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the superintendent. Unless the superintendent has reasonable grounds to believe the documents or records of the licensee or person have been, or are at risk of being, altered or destroyed for purposes of concealing a violation of this Article, the licensee or owner of the documents and records may have access to the documents or records as necessary to conduct its ordinary business affairs.

D. In order to carry out the purposes of this section, the superintendent may:

(1) Retain attorneys, accountants or other professionals and specialists as examiners, auditors or investigators to conduct or assist in the conduct of examinations or investigations;

(2) Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures and documents, records, information or evidence obtained under this section;

(3) Use, hire, contract for or employ public or privately available analytical systems, methods or software to examine or investigate the licensee or person subject to this Article;

(4) Accept and rely on examination or investigation reports made by other government officials, within or without this State; and

(5) Accept audit reports made by an independent certified public accountant for the licensee or person subject to this Article in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in a report of examination, report of investigation or other writing of the superintendent.

E. A licensee or person subject to investigation or examination under this section may not knowingly withhold, abstract, remove, mutilate or destroy any books, physical records, computer records or other information relating to information regulated under this Article.

F. Whenever it appears to the superintendent that a person has violated, is violating or is about to violate a provision of this Article or a rule adopted

pursuant to this Article or that a licensee or an owner, director, officer, member, partner, shareholder, trustee, employee or agent of the licensee has committed fraud, engaged in dishonest activities or made a misrepresentation, the superintendent may take action against the person or licensee in accordance with Article 6.

G. The costs of an investigation conducted by the superintendent must be paid by the licensee or person being investigated.

H. The superintendent shall adopt rules to implement this Article. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**§14-110. Compliance with federal law**

A student loan servicer shall comply with all applicable federal laws and regulations relating to student education loan servicing, including, but not limited to, the federal Truth in Lending Act, 15 United States Code, Sections 1601 to 1667f (2010), as amended, and the regulations adopted pursuant to that Act. In addition to any other remedies provided by law, a violation of that Act or regulations adopted pursuant to that Act is a violation of this section and a basis upon which the superintendent may take enforcement action pursuant to this Article.

**§14-111. Funding**

The superintendent shall internally track any license, examination and investigation fees collected pursuant to this Article and any funds received from any public or private source. The superintendent shall use these funds to cover the costs of carrying out the duties of this Article, and funds received may not be used for any other purpose.

**Sec. 3. Appropriations and allocations.**

The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Bureau of Consumer Credit Protection 0091**

Initiative: Provides allocation for expenses associated with the licensing, examination and investigation of student loan servicers, including travel, training, supplies and general operating expenses.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$9,300	\$18,600
OTHER SPECIAL REVENUE FUNDS TOTAL	\$9,300	\$18,600

**Sec. 4. Effective date.** This Act takes effect January 1, 2020.

Effective January 1, 2020.

**CHAPTER 432**

**H.P. 760 - L.D. 1030**

**An Act To Amend the Laws  
Governing the Substance Use  
Disorder Services Commission**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §20065**, as amended by PL 2017, c. 407, Pt. A, §§41 to 43, is further amended to read:

**§20065. Membership**

**1. Members; appointment.** The Substance Use Disorder Services Commission, as established by section 12004-G, subsection 13-C, consists of ~~24~~ 18 members.

**2. Qualifications.** To be qualified to serve, members must have education, training, experience, knowledge, expertise and interest in substance use disorder in the areas of intervention, prevention, treatment and training recovery. ~~Members must reflect experiential diversity and concern for substance use disorder prevention and treatment in the State. Members must have an unselfish and dedicated personal interest demonstrated by active participation in substance use disorder programs such as prevention, treatment, rehabilitation, training or research in substance use disorder from across the State and must have demonstrated active participation in issues related to substance use disorder.~~

**3. Members; representation.** The commission consists of the following members:

A. ~~One member~~ Two members of the Senate, appointed by the President of the Senate, and ~~5~~ 2 members of the Legislature ~~who may be members of either the Senate or the House of Representatives, appointed by the President of the Senate if Senators or the Speaker of the House if members of the House of Representatives and 2 of these 5 at large members of the Legislature.~~ Of the 2 members of the House of Representatives, one must be a member of the joint standing committee of the Legislature having jurisdiction over health and human services matters and one must be a member of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters;

B. One physician or health care provider experienced in the treatment of substance use disorder, appointed by the Governor;

C. One public school ~~superintendent~~ administrator who has experience with school-based substance use disorder intervention, prevention and education programs, appointed by the Governor;

D. One elementary school educator, appointed by the Governor;

E. One representative from nominations by a statewide ~~alliance for addiction~~ community-based recovery coalition, appointed by the Governor;

F. One ~~attorney~~ representative from the criminal justice system who represents ~~clients~~ or is involved with the substance use disorder criminal justice system, appointed by the Governor;

G. One educator involved in postsecondary substance use disorder intervention, prevention, treatment and recovery education, appointed by the Governor;

H. One substance use disorder intervention practitioner, one substance use disorder prevention practitioner, one substance use disorder education treatment practitioner and one substance use disorder treatment recovery practitioner, appointed by the Governor;

I. One private sector employer familiar with ~~substance use disorder~~ employee assistance programs, appointed by the Governor; and

J. ~~Five~~ Three members of the public, appointed by the Governor. In appointing these ~~5~~ 3 members, the Governor shall select members ~~from outstanding people in the following areas who are actively involved in the areas of:~~

- ~~(1) Substance use disorder prevention;~~
- ~~(2) Substance use disorder treatment;~~
- ~~(3) Education;~~
- ~~(4) Employers; and~~
- ~~(5) Persons in recovery from substance use disorder for a minimum of 3 years.~~
- (6) Co-occurring disorder services;
- (7) Employment; and
- (8) Substance use disorder recovery.

**4. Term; vacancies.** Terms of appointment begin and expire on June 1st. A vacancy in the commission does not affect the commission's powers, but must be filled in ~~the same manner as the original appointment~~ accordance with this subsection.

A member appointed to fill a vacancy occurring before the expiration of the term for which the member's pre-

decessor was appointed may be appointed only for the remainder of that term.

A. The terms of the ~~5~~ 3 public members appointed under subsection 3, paragraph J are ~~staggered. Of the initial appointees under that paragraph, 2 are appointed for terms of 3 years, 2 for terms of 2 years and one for a term of one year. Thereafter, all appointments are~~ for terms of 3 years, except that a member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term. Members hold office until the appointment and confirmation of their successors. A public member may not be appointed for more than 2 consecutive, 3-year terms.

B. Members who are members of the Legislature and appointed by the President of the Senate or the Speaker of the House of Representatives serve at the pleasure of the appointing authority.

**5. Reappointment; termination.** Members may be appointed for 2 consecutive terms only and may serve after the expiration of their terms until their successors have been appointed and qualified and have taken office. The appointing authority may terminate the appointment of a member for good and just cause and the appointing authority shall communicate the reason for the termination to the member terminated. The appointment of a member of the commission is terminated if a member is absent from 3 consecutive meetings without a good and just cause that is communicated to the chair of the commission.

**6. Officers.** The Governor shall designate one member to chair the commission. The commission may elect other officers from its members as it considers appropriate.

**7. Subcommittees.** The commission may appoint from its membership subcommittees relating to particular problem areas or other matters, provided that the commission functions as an integrated committee.

**8. Administrative and financial assistance.** The department shall provide the commission administrative or financial assistance that is available from department resources.

**Sec. 2. 5 MRS §20067, sub-§§3 and 4,** as amended by PL 2017, c. 407, Pt. A, §44, are further amended to read:

**3. Serve as advocate; review and evaluate; inform the public.** The commission shall serve as an advocate and resource for the State on substance use disorder intervention, prevention, promoting and assisting activities designed to meet the problems of substance use disorder at the national and state levels treatment and recovery. The commission shall promote and assess activities designed to meet and remediate challenges of substance use disorder in the State.

With the support of the department, the commission shall review and evaluate on a continuing basis state and federal policies and programs relating to substance use disorder ~~and other activities conducted or assisted by state departments or agencies that affect persons with substance use disorder or who use drugs.~~ In cooperation with the department, the commission shall keep the public informed by collecting and disseminating information, by conducting or commissioning studies and publishing the results of those studies, by issuing publications and reports and by providing public forums, including conferences and workshops. The commission, based on its activities pursuant to this subsection, shall make recommendations relating to substance use disorder to the department and the Governor.

**4. Report to the Legislature.** The commission shall report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on or before the last business day of each year. The report must include developments and needs related to substance use disorder intervention, prevention, and significant policy matters relating to substance use disorder treatment and recovery in the State.

**Sec. 3. Transition.** Notwithstanding the Maine Revised Statutes, Title 5, section 20065, subsection 3, paragraph J, public members of the Substance Use Disorder Services Commission serving on the effective date of this Act may continue to serve for the remainder of the terms for which they were appointed. When the term of a public member expires, that member's successor is appointed in accordance with this Act.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**STATEWIDE ACTIVITIES**

**Legislature 0081**

Initiative: Deappropriates funds as a result of reducing the number of legislative members on the Substance Use Disorder Services Commission from 6 to 4.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$550)	(\$550)
All Other	(\$1,680)	(\$1,680)
GENERAL FUND TOTAL	(\$2,230)	(\$2,230)

See title page for effective date.

CHAPTER 433  
H.P. 774 - L.D. 1044

An Act To Advance Children's  
Cancer Research in Maine

Be it enacted by the People of the State of  
Maine as follows:

Sec. 1. 22 MRSA §1409 is enacted to read:

**§1409. Maine Children's Cancer Research Fund**

**1. Fund established.** The Maine Children's Cancer Research Fund, referred to in this section as "the fund," is established as a nonlapsing fund to support children's cancer research by individuals and organizations determined to be eligible according to rules adopted by the department under subsection 3. Money in the fund must be expended as allocated by the Legislature for the purposes of the fund and may be invested as provided by law. Interest on investments must be credited to the fund.

**2. Use of fund.** Amounts available in the fund must be used to provide grants and other funding to support children's cancer research provided by research facilities in this State that operate children's cancer programs.

**3. Administration.** The department shall administer the fund and shall adopt rules as necessary to administer the fund and to determine the criteria for eligible recipients. When providing grants and other funding under subsection 2, the department shall consider the number of patients served by programs receiving support. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Income tax checkoff funding.** Revenue collected from the income tax checkoff pursuant to Title 36, section 5292 must be credited to the fund.

**5. Other funds.** The fund may receive money from any source, including grants, gifts, bequests and donations.

Sec. 2. 36 MRSA §5283-A, sub-§1, as repealed and replaced by PL 2017, c. 475, Pt. A, §62, is amended to read:

**1. Minimum threshold for total contributions.** The State Tax Assessor may not include on an individual income tax return form a designation for a taxpayer to make a contribution through a checkoff under section 5284, 5284-A, 5285, 5288-A, 5289 or 5291 or 5292 unless on returns filed in the prior calendar year the total contributions to the organization or fund to which the contributions are credited under the applicable section are at least:

- A. For calendar year 2012, \$10,000;
- B. For calendar year 2013, \$13,000;

- C. For calendar year 2014, \$16,000;
- D. For calendar year 2015, \$19,000;
- E. For calendar year 2016, \$22,000; and
- F. For calendar years beginning on or after January 1, 2017, \$25,000.

This subsection does not apply to a contribution checkoff that has been on the individual income tax form for less than one year.

Sec. 3. 36 MRSA §5292 is enacted to read:

**§5292. Maine Children's Cancer Research Fund; voluntary checkoff**

**1. Maine Children's Cancer Research Fund.** When filing a return, a taxpayer entitled to a refund under this Part may designate that a portion of that refund be paid into the Maine Children's Cancer Research Fund established in Title 22, section 1409. A taxpayer who is not entitled to a refund under this Part may contribute to the Maine Children's Cancer Research Fund by including with that taxpayer's return sufficient funds to make the contribution. The contribution may not be less than \$5. Each individual income tax return form must contain a designation in substantially the following form: "Maine Children's Cancer Research Fund: ( ) \$5, ( ) \$10, ( ) \$25 or ( ) Other \$..."

**2. Contributions credited to Maine Children's Cancer Research Fund.** The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the State Tax Assessor shall deduct the cost of administering the Maine Children's Cancer Research Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Maine Children's Cancer Research Fund.

Sec. 4. Application. This Act applies to tax years beginning on or after January 1, 2020.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL  
SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides one-time funding for programming costs to add a new voluntary checkoff to the individual income tax return.

GENERAL FUND	2019-20	2020-21
All Other	\$11,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$11,000</b>	<b>\$0</b>

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$11,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$11,000	\$0

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Maine Children's Cancer Research Fund N321

Initiative: Provides initial allocation for any revenue received from the income tax checkoff.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
DEPARTMENT TOTAL - ALL FUNDS	\$500	\$500

SECTION TOTALS	2019-20	2020-21
GENERAL FUND	\$11,000	\$0
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
SECTION TOTAL - ALL FUNDS	\$11,500	\$500

See title page for effective date.

CHAPTER 434  
S.P. 378 - L.D. 1216

An Act To Support Community Schools

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §9923, as enacted by PL 2015, c. 267, Pt. GGG, §1, is amended to read:

§9923. Designation of community schools

The department is authorized to designate 3 community schools established in accordance with this chapter as part of a 5-year pilot project beginning in the 2016-2017 school year. For the 2020-2021 school year, the department is authorized to designate 5 community schools established in accordance with this chapter. Beginning in the 2021-2022 school year, the department may biannually designate 10 additional community schools established in accordance with this chapter. The department shall annually inform school administrative units of the application process and deadlines and make that information and appropriate forms available on its publicly accessible website. The commissioner shall provide state funding to the school administrative units in which the designated community schools are located and may employ a state community school coordinator to implement this pilot project designation program. Annual state allocations for this pilot project may not exceed \$150,000.

This section is repealed July 1, 2021.

Sec. 2. 20-A MRSA §15689-A, sub-§25, as amended by PL 2017, c. 284, Pt. C, §54, is further amended to read:

25. Community schools. The commissioner may expend and disburse funds for the establishment of community schools in accordance with the provisions of chapter 333 and shall apply for available federal funds in support of community school implementation and expansion.

This subsection is repealed July 1, 2021.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF  
Community Schools Program N317

Initiative: Provides base allocations for federal funding to support the implementation and expansion of community schools.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$500	\$500

FEDERAL EXPENDITURES	\$500	\$500
FUND TOTAL		

See title page for effective date.

**CHAPTER 435**

**H.P. 879 - L.D. 1219**

**An Act To Establish an Independent Panel To Review the Use of Deadly Force by Law Enforcement Officers**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §200-K is enacted to read:

**§200-K. Deadly Force Review Panel**

There is created, within the Office of the Attorney General, the Deadly Force Review Panel, referred to in this section as "the panel." The panel must, to the extent practicable, include members that reflect the diversity of Maine's racial, gender, indigenous and tribal demographics.

**1. Composition.** The panel is composed of 15 members as follows:

- A. The Commissioner of Public Safety, ex officio;
- B. The director of investigations for the Office of the Attorney General, ex officio;
- C. The Director of the Maine Criminal Justice Academy, ex officio;
- D. The Chief Medical Examiner, ex officio;
- E. An attorney who represents plaintiffs in actions under 42 United States Code, Section 1983 appointed by the Attorney General;
- F. A municipal police chief appointed by the Attorney General;
- G. A county sheriff appointed by the Attorney General;
- H. A mental health professional appointed by the Attorney General;
- I. A representative of a statewide collective bargaining organization for law enforcement employees appointed by the Attorney General;
- J. A representative of a statewide civil rights organization whose primary mission is related to racial justice appointed by the Attorney General;

K. An attorney who represents defendants in actions under 42 United States Code, Section 1983 appointed by the Attorney General;

L. A criminal prosecutor appointed by the Attorney General; and

M. Three citizens, each of whom is not and has never been a sworn law enforcement officer, appointed by the Attorney General.

**2. Designees; terms of office.** An ex officio member of the panel may appoint a designee to represent the ex officio member on the panel for one or more meetings. A designee, once appointed, qualifies as a full voting member of the panel and may hold office and enjoy all the other rights and privileges of full membership on the panel. The appointed members of the panel serve for a term of 3 years. Any vacancy on the panel must be filled in the same manner as the original appointment for the unexpired term.

**3. Meetings; officers.** The Attorney General shall call the first meeting before January 1, 2020. The panel shall organize initially and annually thereafter by electing a chair and a vice-chair from among its members. The vice-chair shall also serve as secretary. The panel shall meet at such time or times as may be reasonably necessary to carry out its duties, but it shall meet at least once in each calendar quarter at such place and time as the panel determines and it shall meet at the call of the chair.

**4. Powers and duties.** The panel shall examine deaths or serious injuries resulting from the use of deadly force by a law enforcement officer after the Attorney General has completed the investigation of the use of deadly force under section 200-A. The purpose of such examinations is to identify whether there was compliance with accepted and best practices under the particular circumstances and whether the practices were sufficient for the particular circumstances or whether the practices require adjustment or improvement. The panel shall recommend methods of improving standards, including changes to statutes, rules, training, policies and procedures designed to ensure incorporation of best practices that demonstrate increased public safety and officer safety.

**5. Access to information and records.** In any case subject to review by the panel, unless prohibited by federal law and notwithstanding any provision of law to the contrary, upon oral or written request of the panel, any person who possesses information or records that are necessary and relevant to a panel review shall as soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this subsection. The panel in its discretion may consult with content experts or other professionals and

discuss necessary information or records within the scope of such consultations.

**6. Confidentiality.** The proceedings of the panel are not public proceedings and the records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The Legislature may inspect and review records covered by this subsection under conditions that protect the information from further disclosure. The Office of the Attorney General shall disclose conclusions of the panel but may not disclose information, records or data that are otherwise classified as confidential.

**7. Incident examination and annual reports.** Within 30 days of the conclusion of the examination of the use of deadly force by a law enforcement officer under subsection 4, the panel shall submit a report on the panel's activities, conclusions and recommendations with regard to the incident to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The panel shall submit a report by January 30, 2021, and annually thereafter, that summarizes the panel's meetings and the incidents of the use of deadly force by law enforcement officers that resulted in deaths or serious injuries that the panel examined in the preceding year.

**Sec. 2. 5 MRSA §12004-I, sub-§74-J** is enacted to read:

**74-J.**

<u>Public</u>	<u>Deadly</u>	<u>Not Author-</u>	<u>5 MRSA</u>
<u>Safety</u>	<u>Force Re-</u>	<u>ized</u>	<u>§200-K</u>
	<u>view Panel</u>		

See title page for effective date.

**CHAPTER 436**

**H.P. 880 - L.D. 1220**

**An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §17859**, as amended by PL 2015, c. 321, §1, is further amended to read:

**§17859. Retiring and returning to work**

**1. Restoration to service.** Any state employee or teacher who has reached normal retirement age and who retires after September 1, 2011 may be restored to service for up to 5 years. The decision to hire a retired state employee or retired teacher under this section is

at the discretion of the appointing authority. The retired state employee or retired teacher must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

**1-A. Restoration to work as classroom-based employees or administrators.** ~~Effective August 1, 2014, a classroom based employee who has reached normal retirement age and who retires after September 1, 2014~~ Any retired state employee, retired teacher or retired school administrator may be restored to service as a classroom-based employee or school administrator in a school in the unorganized territory or with a school administrative unit as defined in Title 20-A, section 1, subsection 26:

~~A. In one-year contracts, which may be nonconsecutive. The maximum time that a classroom-based employee may be restored to service with an individual school administrative unit pursuant to this paragraph is 5 years;~~

~~B. Subject to the 5 year restriction specified in subsection 1 and the 75% compensation limitation for retired state employees and retired teachers specified in subsection 2, paragraph A; or~~

~~C. In any combination of paragraphs A and B, as long as the total time the classroom based employee is restored to service does not exceed 10 years with an individual school administrative unit.~~

The retired classroom-based employee must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

For purposes of this section, "classroom-based employee" means a teacher whose principal function is to introduce new learning to students in the classroom or to provide support in the classroom during the introduction of new learning to students.

~~**2. Compensation and benefits.** The compensation and benefits of the retired state employee or retired teacher who returns to service after retirement as set out in subsection 1 is governed by this subsection.~~

~~A. The compensation of the retired state employee or retired teacher who returns to service must be set at 75% of the compensation established for the position to be filled, at a step determined by the appointing authority. The compensation of the retired classroom based employee who returns to service as a classroom based employee pursuant~~

~~to subsection 1-A, paragraph A must be set at 100% of the compensation established for the position to be filled, at a step determined by the school administrative unit, for up to the maximum 5-year period that a classroom-based employee may contract with an individual school administrative unit.~~

~~B. The retired state employee or retired teacher who returns to service under this section is not a member and therefore may not accrue additional creditable service or change the retired state employee's or retired teacher's earnable compensation for benefit calculation purposes.~~

~~C. During the period of reemployment, the retired state employee or retired teacher is not entitled to health insurance, dental insurance or life insurance benefits. The retired state employee or retired teacher is entitled to all other benefits for the reemployment position under collective bargaining agreements or civil service laws and rules. Health insurance benefits must be provided under the provisions of section 285, subsection 1-A for retired state employees or Title 20-A, section 13451 for retired teachers and life insurance benefits must be provided under the provisions of section 18055.~~

2-A. Compensation. The compensation rate of the retired state employee, retired teacher or retired school administrator returning to service under subsection 1 or 1-A is the same as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator. The compensation rate is determined on the basis of the position under any applicable collective bargaining agreement or determined through normal salary negotiations when the position is not part of a collective bargaining unit.

2-B. Benefits. The benefits of the retired state employee, retired teacher or retired school administrator who returns to service after retirement as set out in subsection 1 or 1-A are governed by this subsection.

A. During the period of reemployment, a retired teacher or retired school administrator continues to receive any retirement benefits that the teacher or administrator is entitled to under Title 20-A, section 13451.

B. During the period of reemployment, a retired state employee continues to receive any retirement benefits that the employee is entitled to under sections 285 and 18055.

C. During the period of reemployment, a retired state employee, retired teacher or retired school administrator who is not receiving any retirement benefits as described in paragraphs A and B is eligible for such benefits as per the local collective bargaining agreement or established through nor-

mal negotiations if the position is not part of a collective bargaining unit.

D. During the period of reemployment, a retiree as described in paragraphs A and B may receive additional compensation toward such benefits in an amount not to exceed that of the local collective bargaining agreement if applicable.

~~**3. Contributions to the Maine Public Employees Retirement System and state group health plan.** The portion of the employer contribution that goes to pay the retirement system for the unfunded liability and the state group health plan for retiree health care must be continued and based on the retired state employee's or retired teacher's compensation as provided under subsection 2 during the reemployment period.~~

**3-A. Contributions to the Maine Public Employees Retirement System.** For a reemployed retired state employee, retired teacher or retired school administrator, the portion of the employer contribution that goes to pay the retirement system for the unfunded liability must be continued at the same contribution rate of the employer as described in section 17253 as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator. A retired state employee, retired teacher or retired school administrator who returns to service under this section is not a member and therefore may not accrue additional creditable service during the reemployment period or change the retired state employee's, retired teacher's or retired school administrator's earnable compensation for benefit calculation purposes.

**3-B. Contributions to the state group health plan.** For a reemployed retired state employee, retired teacher or retired school administrator, the portion of the employer and employee contribution that goes to pay the state group health plan for health care must be continued at the same contribution rate of the employer and employee as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator.

**4. Notification requirements.** Employers under this section are required to identify and report to the retirement system, in the manner specified by the retirement system, each individual who is a retiree who becomes an employee of the employer under the an option provided in this section. Departments shall also report each retiree who becomes an employee to the Bureau of the Budget in a manner specified by the bureau. The employer shall report each such employee whenever and so long as the employee is the employer's employee.

~~**5. Exclusion.** A retired state employee or retired teacher who is hired as a substitute teacher is not subject to the restoration to service 5-year limitation in~~

~~subsection 1 or the compensation limitation in subsection 2, paragraph A.~~

See title page for effective date.

## CHAPTER 437

### H.P. 891 - L.D. 1230

#### An Act To Update the Civil Animal Welfare Laws

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 7 MRSA §3922, sub-§4**, as amended by PL 2007, c. 664, §11, is further amended to read:

**4. Service dogs.** If a service dog has not been previously registered or licensed by the municipal clerk to whom the application is being made, the clerk may not register the dog nor issue to its owner or keeper a license ~~and tag that identifies the dog as a service dog~~ unless the applicant presents written evidence to the municipal clerk that the dog meets the definition of "service dog." For the purpose of this subsection, "written evidence" means a service dog certification form approved by the department in consultation with the Maine Human Rights Commission.

**Sec. 2. 7 MRSA §3947, first ¶**, as amended by PL 2017, c. 404, §9, is further amended to read:

Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911, 3912, 3916, 3921, 3924, 3948, 3950, 3950-A, 3952-A ~~and~~ 4041 ~~and~~ 4042 and Title 17, section 1023, responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties to control animals as the municipality may require. A municipality may appoint an employee of an animal shelter as an animal control officer as long as the person meets the qualifications and training requirements of this section.

**Sec. 3. 7 MRSA §§3950-B and 3950-C** are enacted to read:

#### **§3950-B. Euthanasia for severely sick or severely injured livestock**

**1. Written authorization.** A humane agent, animal control officer or animal shelter may authorize in writing the euthanasia of severely sick or severely injured livestock under the following conditions:

A. The clerk or animal control officer of the municipality in which the livestock was found has been notified of the livestock's presence and a reasonable attempt to contact the owner of the livestock has been made; and

B. A veterinarian states in writing that given reasonable time and reasonable care the livestock's recovery from the livestock's sickness or injury is doubtful.

**2. Immediate euthanasia.** Notwithstanding subsection 1, paragraphs A and B, a veterinarian may authorize immediate euthanasia if, in the veterinarian's judgment, there is no possibility of recovery for severely sick or severely injured livestock.

#### **§3950-C. Immunity from civil liability**

A municipality, veterinarian, humane agent, animal control officer or animal shelter is not civilly liable to any party for authorization made in accordance with section 3950-B nor is any person performing euthanasia under that authorization civilly liable.

**Sec. 4. 7 MRSA §4011, sub-§1, ¶D**, as amended by PL 1997, c. 456, §4, is further amended to read:

D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal;

**Sec. 5. 7 MRSA §4016, sub-§1, ¶A**, as enacted by PL 2001, c. 425, §4, is amended to read:

A. The court shall adjudge a civil fine of not less than \$500 nor more than ~~\$2,500~~ \$5,000 for the first violation, none of which may be suspended, and a civil fine of not less than \$1,000 nor more than ~~\$5,000~~ \$10,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended.

**Sec. 6. 7 MRSA §4042** is enacted to read:

#### **§4042. Stray livestock**

**1. Ownership of livestock unknown.** If the ownership of any stray livestock cannot be established, the livestock must be handled as a stray and an animal control officer shall seize, impound or restrain the livestock and:

A. Deliver the livestock to an animal shelter, farm or holding facility that is capable of safely containing the number, type and size of the livestock; or

B. Arrange for the safe confinement of the livestock at a location designated by the municipality in which the livestock was found.

**2. Municipal procedure for stray livestock.** A municipality shall retain custody of stray livestock

under subsection 1 for a period of 10 days. The municipality is responsible for ensuring the proper care of the livestock while confined, including providing proper sustenance, shelter and necessary medical care. If ownership of the stray livestock is not claimed by any person, after 10 days, ownership of the livestock vests with the municipality or an animal shelter designated by the municipality, and the municipality or designated animal shelter may sell, adopt, give away or humanely euthanize the stray livestock. A municipality may reimburse a farm, holding facility or animal shelter for the care and housing of stray livestock pursuant to this section at the same rates as in section 3919-C. For purposes of this section, "municipality" includes a county under Title 30-A, section 7501 if the stray livestock has been found in the unorganized territory of that county.

For purposes of this section, "livestock" does not include feral swine or domesticated cervids.

**Sec. 7. 33 MRSA §1052** is repealed.

**Sec. 8. 33 MRSA §1053**, as amended by PL 1995, c. 227, §2, is further amended to read:

**§1053. Appraisal if value \$10 or more**

Every A finder of lost goods or stray beasts of the value of \$10 or more shall, within 2 months after finding and before using them the lost goods to their the disadvantage of the owner, procure a warrant from the town clerk or a notary public, directed to 2 persons appointed by said the clerk or notary, not interested except as inhabitants of the town, returnable at said the clerk's office within 7 days from its the date of the warrant, to appraise said the goods under oath.

**Sec. 9. 33 MRSA §1054**, as amended by PL 1995, c. 227, §3, is further amended to read:

**§1054. Restitution to appearing owner; money or goods**

If the owner of such lost money or goods appears within 6 months, and if the owner of such stray beasts appears within 2 months after said notice to the town clerk under section 1051 is made by the finder and gives reasonable evidence of ownership to the finder, the owner shall must have restitution of them or the value of the lost money or goods, paying all necessary charges and reasonable compensation to the finder for keeping, to be adjudged by the district court; if the owner and finder cannot agree.

**Sec. 10. 33 MRSA §1055** is repealed.

**Sec. 11. 33 MRSA §1057** is repealed.

**Sec. 12. 33 MRSA §1058** is amended to read:

**§1058. Failure to give notice; penalty**

If the finder of lost money or goods of the value of \$3 or more or if the person taking up such stray beast neglects to give notice to the town clerk and to

cause them the lost money or goods to be advertised as provided under section 1051, he the finder forfeits to the owner the full value thereof of the lost money or goods unless he the finder delivers or accounts therefor for the lost money or goods to the owner, in which case he shall the finder must forfeit not more than \$20, 1/2 to the town and 1/2 to the prosecutor.

**Sec. 13. 33 MRSA §§1059 and 1060** are repealed.

**Sec. 14. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 33, chapter 21, in the chapter headnote, the words "lost goods and stray beasts" are amended to read "lost goods" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 438**

**H.P. 996 - L.D. 1375**

**An Act To Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and To Amend the Law on Obstructing Criminal Prosecution**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §253, sub-§2, ¶L**, as amended by PL 2017, c. 300, §1, is further amended to read:

L. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare. Violation of this paragraph is a Class C crime; or

**Sec. 2. 17-A MRSA §253, sub-§2, ¶M**, as enacted by PL 2017, c. 300, §2, is further amended to read:

M. The other person has not expressly or impliedly acquiesced to the sexual act. Violation of this paragraph is a Class C crime; or

**Sec. 3. 17-A MRSA §253, sub-§2, ¶N** is enacted to read:

N. The actor is a law enforcement officer acting in performance of official duties and the other person, not the actor's spouse, is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime. For the purposes of this paragraph, "law enforcement officer" has the same meaning as in Title 25, section 2801-A, subsection 5. Violation of this paragraph is a Class B crime.

**Sec. 4. 17-A MRSA §754, sub-§1**, as amended by PL 2001, c. 383, §89 and affected by §156, is further amended to read:

1. A person is guilty of obstructing criminal prosecution if:

A. The person uses force, violence or intimidation, or the person promises, offers or gives any pecuniary benefit or anything of benefit to another, with the intent to induce the other:

- (1) To refrain from initiating a criminal prosecution or juvenile proceeding; or
- (2) To refrain from continuing with a criminal prosecution or juvenile proceeding that the other person has initiated; or

B. The person solicits, accepts or agrees to accept any pecuniary benefit or anything of benefit to another in consideration of doing any of the things specified in this subsection.

**Sec. 5. 25 MRSA §2806-A, sub-§5, ¶¶J and K**, as enacted by PL 2013, c. 147, §39, are amended to read:

J. Engaging in conduct that violates the standards established by the board and that when viewed in light of the nature and purpose of the person's conduct and circumstances known to the person, involves a gross deviation from the standard of conduct that a reasonable and prudent certificate holder would observe in the same or similar situation; ~~and~~

K. Engaging in a sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C, or in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual act or sexual contact:

- (1) The officer was engaged in an investigation or purported investigation involving an allegation of abuse, as defined in former Title 19, section 762, subsection 1 and in Title 19-A, section 4002, subsection 1;
- (2) The other person was the alleged victim of that abuse;

(3) The parties did not have a preexisting and ongoing sexual relationship that included engaging in any sexual act or sexual contact; and

(4) Less than 60 days had elapsed since the officer initially became involved in the investigation or purported investigation; and

**Sec. 6. 25 MRSA §2806-A, sub-§5, ¶L** is enacted to read:

L. Engaging in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual contact the applicant or certificate holder is acting in performance of official duties and the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, except that it is not grounds for discipline that a certificate holder properly performs a search of a person for legitimate law enforcement purposes consistent with training standards approved by the board.

See title page for effective date.

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**CHAPTER 439**

**H.P. 1007 - L.D. 1393**

**An Act To Change the Requirements for Recording Plans at the County Registries of Deeds**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 33 MRSA §652**, as amended by PL 2003, c. 55, §2, is further amended to read:

**§652. Recording plans**

The county commissioners shall provide, at the expense of the several counties, suitable storage for plans with a minimum size of ~~12 by 18~~ 11 by 17 and a maximum of 24 by 36 inches in dimension, for the preservation of such plans.

~~No~~ A plan may not be accepted for recording unless all of the following criteria are met. The plan must:

- 1. **Materials.** ~~Be~~ For a plan dated before January 1, 2020, be drawn upon strong linen cloth or polyester film with archival photographic image or white 20-pound paper. For a plan dated on or after January 1, 2020, the plan must be submitted on white paper with a minimum weight of 20 pounds;

2. **Seals.** Be embossed, sealed or both, with the seal of an architect, professional engineer or ~~registered professional~~ land surveyor;

3. **Signature.** Contain the signature and address of the person who prepared the plan;

4. **Recording information.** Provide a ~~space reg-~~ ister's block no smaller than 3 by 3 inches for recording the county, date, time, plan book and page or file number and register's attest; and

5. **Title.** Provide a title block containing the name of the plan, the record owner's name and address, the location by street and town and the date of the plan.

~~Original plans must be recorded with a paper copy. Paper plans submitted for recording must be rolled and not folded. The register may return plans that are not legible for recording and archival purposes and the processing of which may damage county equipment or resources. The register shall permanently file the original, create a digital image of the plan at a minimum of 300 dots per inch or 300 pixels per inch and maintain a copy for public inspection in at least one of the following media: paper, microfilm, microfiche or digital image stored on magnetic or optical media form. Suitable arrangements must be made for the preserving of original plans while affording the public reasonable opportunity to examine either the original or a reproduction. No additional fee is required for recording the copy. Each plan must be microfilmed for archival purposes. Each register shall maintain an index of all plans on records record in the register's office.~~

The several registers shall establish, and thereafter adhere to, reasonable standards for the implementation of reproducing copies of original plans as recorded. Reproduction must be on a scale of one to one and must be accomplished with the least possible error and distortion. Methods of reproduction must be to standards in keeping with accepted engineering and survey practices.

See title page for effective date.

**CHAPTER 440**

**H.P. 1040 - L.D. 1430**

**An Act To Create Tax Equity  
among Renewable Energy  
Investments**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 36 MRSA §655, sub-§1, ¶S,** as amended by PL 2005, c. 652, §1 and affected by §3, is further amended to read:

S. Mining property as provided in section 2854; ~~and~~

**Sec. 2. 36 MRSA §655, sub-§1, ¶T,** as enacted by PL 2005, c. 652, §1 and affected by §3, is amended to read:

T. Trail-grooming equipment registered under Title 12, section 13113-; ~~and~~

**Sec. 3. 36 MRSA §655, sub-§1, ¶U** is enacted to read:

Solar and wind energy equipment that generates heat or electricity if all of the energy is:

(1) Used on the site where the property is located; or

(2) Transmitted through the facilities of a transmission and distribution utility, and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A.

On or before April 1st of the first property tax year for which a taxpayer claims an exemption under this paragraph, the taxpayer claiming the exemption shall file a report with the assessor. The report must identify the property for which the exemption is claimed and must be made on a form prescribed by the State Tax Assessor or substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and make the forms available to taxpayers.

The bureau may audit the records of a municipality to ensure compliance with this paragraph. The bureau may independently review the records of a municipality to determine if exemptions have been properly approved. If the bureau determines that an exemption was improperly approved, the bureau shall ensure, either by setoff against other payments due the municipality or otherwise, that the municipality is not reimbursed for the exemption. A municipality that is aggrieved by a determination of the bureau under this paragraph may appeal pursuant to section 151.

**Sec. 4. 36 MRSA §656, sub-§1, ¶K** is enacted to read:

Solar and wind energy equipment that generates heat or electricity if all of the energy is:

(1) Used on the site where the property is located; or

(2) Transmitted through the facilities of a transmission and distribution utility, and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A.

On or before April 1st of the first property tax year for which a taxpayer claims an exemption under this paragraph, the taxpayer claiming the exemption shall file a report with the assessor. The report must identify the property for which the exemption is claimed and must be made on a form prescribed by the State Tax Assessor or substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and make the forms available to taxpayers.

The bureau may audit the records of a municipality to ensure compliance with this paragraph. The bureau may independently review the records of a municipality to determine if exemptions have been properly approved. If the bureau determines that an exemption was improperly approved, the bureau shall ensure, either by setoff against other payments due the municipality or otherwise, that the municipality is not reimbursed for the exemption. A municipality that is aggrieved by a determination of the bureau under this paragraph may appeal pursuant to section 151.

**Sec. 5. Report regarding valuation of renewable energy facilities.** The Department of Administrative and Financial Services, Maine Revenue Services, within existing resources, shall work with a stakeholder group and prepare a report by December 1, 2019 that includes guidance for determining the valuation and assessment of renewable energy facilities that qualify for a property tax exemption. The department shall make this report available on its publicly accessible website.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides funding for one Principal Property Tax Appraiser and related costs to review, process and audit property tax exemptions for certain renewable energy facilities in the form of personal property and real property.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$102,024
All Other	\$0	\$5,858
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$107,882</b>

See title page for effective date.

**CHAPTER 441  
H.P. 1064 - L.D. 1452**

**An Act Regarding the  
Collection of the Sales and Use  
Tax by Marketplace  
Facilitators**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 36 MRSA §1752, sub-§6-E, 6-F and 6-G** are enacted to read:

**6-E. Marketplace.** "Marketplace" means a physical or electronic location, including, but not limited to, a store, a booth, an Internet website, a catalog or a dedicated sales software application, where tangible personal property or taxable services are offered for sale, regardless of whether the marketplace, marketplace facilitator, marketplace seller or tangible personal property is physically present in this State.

**6-F. Marketplace facilitator.** "Marketplace facilitator" means any person that facilitates a retail sale by providing a marketplace that lists, advertises, stores, or processes orders for tangible personal property or taxable services for sale by marketplace sellers and directly, or indirectly through one or more agents, contractors or affiliated persons, does any of the following:

- A. Transmits or otherwise communicates an offer by the marketplace seller or an acceptance between the customer and marketplace seller;
- B. Collects payment from the customer and transmits that payment to the marketplace seller; or
- C. Engages in any of the following activities with respect to the marketplace seller's products or taxable services:
  - (1) Fulfillment or storage services;
  - (2) Customer service; or
  - (3) Accepting or assisting with returns or exchanges.

For the purposes of this subsection, "affiliated person" means a person that, with respect to another person, has a direct or indirect ownership interest of more than 5% in the other person or is related to the other person because a 3rd person, or group of 3rd persons who are affiliated persons, holds a direct or indirect ownership interest of more than 5% in the related person.

A marketplace facilitator does not include a public utility as defined in Title 35-A, section 102.

**6-G. Marketplace seller.** "Marketplace seller" means any person that makes retail sales through a marketplace operated by a marketplace facilitator.

**Sec. 2. 36 MRSA §1754-B, sub-§1,** as amended by PL 2017, c. 375, Pt. A, §§4 and 5, is repealed.

**Sec. 3. 36 MRSA §1754-B, sub-§1-A,** as amended by PL 2013, c. 546, §10, is further amended to read:

**1-A. Persons presumptively required to register.** This subsection defines the basis for and obligations associated with the rebuttable presumption created by this subsection that a seller not registered under subsection ~~1-B~~ is engaged in the business of selling tangible personal property or taxable services for use in this State and is required to register as a retailer with the assessor.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Affiliated person" means a person that is a member of the same controlled group of corporations as the seller or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations. For purposes of this subparagraph, "controlled group of corporations" has the same meaning as in the Code, Section 1563(a).

(2) "Person" means an individual or entity that qualifies as a person under the Code, Section 7701(a)(1).

(3) "Seller" means a person that sells, other than in a casual sale, tangible personal property or taxable services.

B. A seller is presumed to be engaged in the business of selling tangible personal property or taxable services for use in this State if an affiliated person has a substantial physical presence in this State or if any person, other than a person acting in its capacity as a common carrier, that has a substantial physical presence in this State:

(1) Sells a similar line of products as the seller and does so under a business name that is the same as or similar to that of the seller;

(2) Maintains an office, distribution facility, warehouse or storage place or similar place of business in the State to facilitate the delivery of property or services sold by the seller to the seller's customers;

(3) Uses trademarks, service marks or trade names in the State that are the same as or substantially similar to those used by the seller;

(4) Delivers, installs, assembles or performs maintenance services for the seller's customers within the State;

(5) Facilitates the seller's delivery of property to customers in the State by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage place or similar place of business maintained by the person in the State; or

(6) Conducts any activities in the State that are significantly associated with the seller's ability to establish and maintain a market in the State for the seller's sales.

A seller who meets the requirements of this paragraph shall register with the assessor and collect and remit taxes in accordance with the provisions of this Part. A seller may rebut the presumption created in this paragraph by demonstrating that the person's activities in the State are not significantly associated with the seller's ability to establish or maintain a market in this State for the seller's sales.

C. A seller that does not otherwise meet the requirements of paragraph B is presumed to be engaged in the business of selling tangible personal property or taxable services for use in this State if the seller enters into an agreement with a person under which the person, for a commission or other consideration, while within this State:

(1) Directly or indirectly refers potential customers, whether by a link on an Internet website, by telemarketing, by an in-person presentation or otherwise, to the seller; and

(2) The cumulative gross receipts from retail sales by the seller to customers in the State who are referred to the seller by all persons with this type of an agreement with the seller are in excess of \$10,000 during the preceding 12 months.

A seller who meets the requirements of this paragraph shall register with the assessor and collect and remit taxes in accordance with the provisions of this Part.

A seller may rebut the presumption created in this paragraph by submitting proof that the person with whom the seller has an agreement did not engage in any activity within the State that was significantly associated with the seller's ability to establish or maintain the seller's market in the State during the preceding 12 months. Such proof may consist of sworn, written statements from all of the persons within this State with whom the seller has an agreement stating that they did not engage in any solicitation in the State on behalf of

the seller during the preceding 12 months; these statements must be provided and obtained in good faith.

A person who enters into an agreement with a seller under this paragraph to refer customers by a link on an Internet website is not required to register or collect taxes under this Part solely because of the existence of the agreement.

**Sec. 4. 36 MRSA §1754-B, sub-§§1-B and 1-C** are enacted to read:

**1-B. Persons required to register.** Except as otherwise provided in this section and section 1951-C, the following persons, other than casual sellers, shall register with the assessor and collect and remit taxes in accordance with the provisions of this Part:

A. Every person that has a substantial physical presence in this State and that makes sales of tangible personal property or taxable services in this State, including, but not limited to:

(1) Every person that makes sales of tangible personal property or taxable services, whether or not at retail, that maintains in this State any office, manufacturing facility, distribution facility, warehouse or storage facility, sales or sample room or other place of business;

(2) Every person that makes sales of tangible personal property or taxable services that does not maintain a place of business in this State but makes retail sales in this State or solicits orders, by means of one or more salespeople within this State, for retail sales within this State; and

(3) Every lessor engaged in the leasing of tangible personal property located in this State that does not maintain a place of business in this State but makes retail sales to purchasers from this State;

B. Every person that makes sales of tangible personal property or taxable services for delivery into this State if:

(1) The person's gross sales from delivery of tangible personal property or taxable services into this State in the previous calendar year or current calendar year exceeds \$100,000; or

(2) The person sold tangible personal property or taxable services for delivery into this State in at least 200 separate transactions in the previous calendar year or the current calendar year;

C. Every person that has a substantial physical presence in this State and that makes retail sales in this State of tangible personal property or taxable services on behalf of a principal that is outside of

this State if the principal is not the holder of a valid registration certificate;

D. Every agent, representative, salesperson, solicitor or distributor that has a substantial physical presence in this State and that receives compensation by reason of sales of tangible personal property or taxable services made outside this State by a principal for use, storage or other consumption in this State;

E. Every person that manages or operates in the regular course of business or on a casual basis a hotel, rooming house or tourist or trailer camp in this State or that collects or receives rents on behalf of a hotel, rooming house or tourist or trailer camp in this State;

F. Every person that operates a transient rental platform and reserves, arranges for, offers, furnishes or collects or receives consideration for the rental of living quarters in this State;

G. Every room remarketer;

H. Every person that makes retail sales in this State of tangible personal property or taxable services on behalf of the owner of that property or the provider of those services;

I. Every person not otherwise required to be registered that sells tangible personal property to the State and is required to register as a condition of doing business with the State pursuant to Title 5, section 1825-B;

J. Every person that holds a wine direct shipper license under Title 28-A, section 1403-A; and

K. A marketplace facilitator if:

(1) The marketplace facilitator's gross sales from delivery of tangible personal property or taxable services into this State in the previous calendar year or current calendar year exceeds \$100,000; or

(2) The marketplace facilitator sold or facilitated sales of tangible personal property or taxable services for delivery into this State in at least 200 separate transactions in the previous calendar year or the current calendar year.

For the purposes of this paragraph, the marketplace facilitator's gross sales and total number of transactions include sales facilitated on behalf of marketplace sellers and any sales of tangible personal property or taxable services made directly by the marketplace facilitator.

**1-C. Certain activities.** For purposes of subsection 1-B, the following activities do not constitute substantial physical presence in this State:

A. Solicitation of business in this State through catalogs, flyers, telephone or electronic media when delivery of ordered goods is effected by the United States mail or by an interstate 3rd-party common carrier;

B. Attending trade shows, seminars or conventions in this State;

C. Holding a meeting of a corporate board of directors or shareholders or holding a company retreat or recreational event in this State;

D. Maintaining a bank account or banking relationship in this State; or

E. Using a vendor in this State for printing.

**Sec. 5. 36 MRSA §1759**, as amended by PL 2017, c. 375, Pt. H, §1, is further amended to read:

**§1759. Bonds**

Either as a condition for issuance or subsequent to the issuance of a registration certificate under section 1754-B; ~~or 1756 or 1951-B~~, the State Tax Assessor may require from a taxpayer a bond written by a surety company qualified to do business in this State, in an amount and upon conditions to be determined by the assessor. In lieu of a bond the assessor may accept a deposit of money or securities in an amount and of a kind acceptable to the assessor. The deposit must be delivered to the Treasurer of State, who shall safely keep it subject to the instructions of the assessor.

**Sec. 6. 36 MRSA §1861-A**, as amended by PL 2007, c. 240, Pt. W, §1 and affected by §2, is further amended to read:

**§1861-A. Reporting use tax on individual income tax returns**

The assessor shall provide that individuals report use tax on items with a sale price of \$5,000 or less on their Maine individual income tax returns. Taxpayers are required to attest to the amount of their use tax liability for the period of the tax return. Alternatively, they may elect to report an amount that is ~~08%~~ .04% of their Maine adjusted gross income. A taxpayer electing to satisfy a use tax liability by estimating it shall calculate the liability in accordance with the use tax table. The estimated liability is applicable only to purchases of any individual items each having a sale price no greater than \$1,000. For each taxable item with a sale price greater than \$1,000 but no more than \$5,000, the actual use tax liability for each purchase must be added to the amount of the estimated liability derived from the use tax table. Upon subsequent review, if use tax liability for the period of the return exceeds the amount of use tax paid with the return, a credit of that amount paid relative to the item or items being supplementarily assessed is allowed. Use tax on any item with a sale price of more than \$5,000 must be reported in accordance with section 1951-A.

**Sec. 7. 36 MRSA §1951-B**, as enacted by PL 2017, c. 245, §1 and affected by §2, is repealed.

**Sec. 8. 36 MRSA §1951-C** is enacted to read:

**§1951-C. Collection of tax by marketplace facilitators and marketplace sellers**

This section governs the collection, reporting and remittance of sales and use tax by marketplace facilitators and marketplace sellers.

**1. Responsibilities of marketplace facilitator.** A marketplace facilitator is considered a retailer for each sale of tangible personal property or taxable services for delivery in this State that the marketplace facilitator facilitates on or through its marketplace.

**2. Written statement between marketplace facilitators and marketplace sellers.** A marketplace facilitator shall provide to a marketplace seller that sells tangible personal property or taxable services through the marketplace operated by the marketplace facilitator a written statement in which the marketplace facilitator explicitly provides that the marketplace facilitator will collect and remit the taxes imposed pursuant to this Part on all taxable sales the marketplace facilitator facilitates for the marketplace seller.

**3. Responsibilities of marketplace seller.** For sales facilitated by a marketplace facilitator, when the marketplace seller has received a written statement from the marketplace facilitator that satisfies the requirements of subsection 2:

A. The marketplace seller shall exclude sales under this section for the purposes of determining the registration requirements of the marketplace seller under section 1754-B, subsection 1-B, paragraph B;

B. A marketplace seller required to register under section 1754-B, subsection 1-B, paragraph A may not include the receipts from sales under this section in its total of taxable sales for purposes of its return filed pursuant to section 1951-A; and

C. A marketplace seller that holds a registration certificate with the State, when the marketplace seller is not required to register under section 1754-B, subsection 1-B, paragraph A, may not report sales under this section for purposes of its return filed pursuant to section 1951-A.

**4. Room remarketers and transient rental platforms.** Subsections 1 to 3 do not apply to the rental of living quarters by a room remarketer or through a transient rental platform.

**Sec. 9. Application date.** This Act applies to sales occurring on or after October 1, 2019, except that the section of this Act that amends the Maine Revised Statutes, Title 36, section 1861-A applies to tax years beginning on or after January 1, 2019.

See title page for effective date.

**CHAPTER 442**

**H.P. 1087 - L.D. 1485**

**An Act To Create a Contact Person Program in the Department of Public Safety**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 25 MRSA §2917** is enacted to read:

**§2917. Contact person program**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Contact person program" or "program" means the program developed and operated pursuant to this section.

B. "Law enforcement officer" has the same meaning as in section 3701, subsection 3.

C. "Participating person" means a person:

(1) Who voluntarily provides to a law enforcement agency contact information for a person or persons to assist with communications; or

(2) Who has a legal guardian under Title 18-C, section 5-301 or 5-701 and for whom the legal guardian provides to a law enforcement agency contact information to assist with communications.

**2. Contact person program.** The Department of Public Safety shall develop and implement a contact person program to assist a law enforcement officer with communications with a participating person during an encounter between the participating person and the law enforcement officer. The program must provide the law enforcement officer with access to contact information for a person that is voluntarily submitted by a participating person or the legal guardian of a participating person. The program must interface with the State's telecommunications and radio message switching system.

**3. Standards of procedure.** The program must include standards of procedure for law enforcement agencies consistent with policies adopted by the Department of Public Safety. The standards must address processing the application of a participating person or that person's legal guardian, determining the validity of identity and legal guardianship information, entering contact information into the State's telecommunications and radio message switching system, procedures for a participating person or that person's legal

guardian to withdraw from the program and procedures for a law enforcement officer to access contact information.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF State Police 0291**

Initiative: Provides one-time funding for computer programming to create a database to identify participating persons who are part of the contact person program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$26,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$26,000</b>	<b>\$0</b>
<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$14,000	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$14,000</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 443**

**H.P. 1090 - L.D. 1488**

**An Act To Allow Holders of Gold Star Family Registration Plates To Be Issued Complimentary Licenses To Hunt, Trap and Fish**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §10853, sub-§18** is enacted to read:

**18. Gold star family registration plate holder.** A complimentary license to hunt, trap and fish, including permits, stamps and other permissions needed to hunt, may be issued, upon application, to a resident who is the holder of a registration certificate and a set of gold star family registration plates pursuant to Title 29-A, section 524-B. A permit or license issued to a person under this subsection remains valid for the life of the person, as long as the person continues to remain a resident of this State and the permit or license issued under this subsection is not revoked or suspended.

See title page for effective date.

**CHAPTER 444**

**S.P. 475 - L.D. 1526**

**An Act To Increase the Availability of Foster Homes**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §8103, sub-§1-A**, as enacted by PL 2003, c. 411, §1, is amended to read:

**1-A. Inspection required.** Except as provided in subsection ~~2~~ 2-A, the department may not issue a license to operate to a children's home until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated under Title 25, section 2360, 2391 or 2392 to make fire safety inspections. This statement must indicate that the children's home has complied with applicable fire safety provisions referred to in Title 25, section 2452.

**Sec. 2. 22 MRSA §8103, sub-§2**, as amended by PL 2003, c. 411, §1, is repealed.

**Sec. 3. 22 MRSA §8103, sub-§2-A** is enacted to read:

**2-A. Family foster homes.** Family foster homes are exempt from the inspection requirement in subsection 1-A. The department shall inspect a family foster home prior to placing a foster child in the home. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing the fire and safety inspection of family foster homes.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**IV-E Foster Care/Adoption Assistance 0137**

Initiative: Reduces appropriations and allocations due to the elimination of the costs paid for fire marshal inspections.

GENERAL FUND	2019-20	2020-21
All Other	(\$129,034)	(\$129,034)
<b>GENERAL FUND TOTAL</b>	<b>(\$129,034)</b>	<b>(\$129,034)</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$52,704)	(\$52,704)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$52,704)	(\$52,704)
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**Office of Child and Family Services - Central 0307**

Initiative: Provides one-time appropriations and allocations for technology upgrades.

GENERAL FUND	2019-20	2020-21
All Other	\$2,974	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$2,974</b>	<b>\$0</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,156	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,156	\$0
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**State-funded Foster Care/Adoption Assistance 0139**

Initiative: Provides one-time appropriations and allocations for technology upgrades.

GENERAL FUND	2019-20	2020-21
All Other	\$2,891	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$2,891</b>	<b>\$0</b>

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,239	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,239	\$0
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**State-funded Foster Care/Adoption Assistance 0139**

Initiative: Reduces allocations due to a reduction of physical plant updates to meet current compliance.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	(\$122,432)	(\$122,432)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$122,432)</b>	<b>(\$122,432)</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	(\$123,169)	(\$129,034)
FEDERAL EXPENDITURES FUND	(\$122,432)	(\$122,432)
OTHER SPECIAL REVENUE FUNDS	(\$50,309)	(\$52,704)
DEPARTMENT TOTAL - ALL FUNDS	(\$295,910)	(\$304,170)

See title page for effective date.

**CHAPTER 445  
S.P. 523 - L.D. 1626**

**An Act To Implement a  
Presidential Primary System in  
Maine**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 21-A MRSA §335, sub-§5, ¶B-3** is enacted to read:

B-3. For a candidate for the office of President of the United States, at least 2,000 and not more than 3,000 voters.

**Sec. 2. 21-A MRSA §335, sub-§6**, as amended by PL 2015, c. 474, §2, is further amended to read:

**6. When signed.** Except as provided in subchapter 7 8, a petition may not be signed before January 1st of the election year in which it is to be used.

**Sec. 3. 21-A MRSA §335, sub-§8**, as amended by PL 2015, c. 474, §3, is further amended to read:

**8. When filed.** Except as provided in subchapter 7 8, a primary petition must be filed in the office of the Secretary of State before 5 p.m. on March 15th of the election year in which it is to be used.

**Sec. 4. 21-A MRSA c. 5, sub-c. 8** is enacted to read:

**SUBCHAPTER 8**

**PRESIDENTIAL PRIMARY ELECTIONS**

**§441. Determination and date of primary; voter eligibility**

**1. Determination of primary.** No later than November 1st of the year prior to a presidential election year, the state committee of each party shall certify whether there is a contest among candidates for nomination as the presidential candidate. Upon receiving the certification from one or more parties, the

Secretary of State shall announce the parties that will have a presidential primary election, which must be held on the first Tuesday after the first Monday in March of the presidential election year.

**2. Eligible voter.** No later than December 1st of the year prior to a presidential election year, the state committee of each party shall notify the Secretary of State of the enrollment qualifications, subject to the restrictions in section 144, for voters eligible to vote in that party's presidential primary election. If no notice is received by that date, only voters enrolled in a political party may vote in that party's presidential primary election.

**§442. Petitions**

On or before November 1st of the year prior to a presidential election year, the Secretary of State shall prepare and make available petitions for circulation by a person desiring to be a candidate in the state presidential primary election of any party. This petition must be completed and filed no later than 5:00 p.m. on December 21st of the year prior to a presidential election year in the manner provided in sections 335 and 336.

**§443. Ballot preparation**

The Secretary of State shall prepare ballots for a presidential primary election. A ballot must include the name of a person who files a petition with the Secretary of State in accordance with section 442. The Secretary of State shall determine if a petition meets the requirements of sections 335, 336 and 442, subject to challenge and appeal under section 337.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF  
Bureau of Administrative Services and Corporations 0692**

Initiative: Provides funding for printing and delivering presidential primary ballots to municipalities.

GENERAL FUND	2019-20	2020-21
All Other	\$122,000	\$0
GENERAL FUND TOTAL	\$122,000	\$0

See title page for effective date.

**CHAPTER 446**  
**S.P. 545 - L.D. 1674**

**An Act To Amend the Laws  
Concerning the Retired County  
and Municipal Law  
Enforcement Officers and  
Municipal Firefighters Health  
Insurance Program**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §286-M, sub-§3**, as enacted by PL 2005, c. 636, Pt. A, §3 and amended by PL 2007, c. 58, §3, is further amended to read:

**3. Eligibility for program coverage.** A person must make contributions pursuant to subsection 5, paragraph D and subsection 8 for 60 months ~~or the payment required pursuant to subsection 9~~ in order to be eligible for coverage under the program. In addition, a person must satisfy the eligibility criteria specified in this subsection as follows:

A. The person must:

- (1) Be at least 50 years of age;
- (2) Be a retired county or municipal law enforcement officer or a retired municipal firefighter;
- (3) Have, while actively employed as a county or municipal law enforcement officer or municipal firefighter, participated in the person's employer's health insurance plan or other fully-insured health insurance plan; and
- (4) Receive or be eligible to receive:
  - (a) If retired from at least 25 years of service in a position as a county or municipal law enforcement officer or a municipal firefighter, a retirement benefit from the Maine Public Employees Retirement System or a defined contribution retirement plan other than the United States Social Security Act; or
  - (b) If retired from less than 25 years of service in a position as a county or municipal law enforcement officer or a municipal firefighter, a retirement benefit from the Maine Public Employees Retirement System or a defined contribution retirement plan other than the United States Social Security Act, as long as the benefit provided is at least 50% of average final compensation, with no reduction for early retirement and with or without a cost-of-living adjustment; or

B. The person must be a dependent of a person meeting the criteria of paragraph A.

**Sec. 2. 5 MRSA §286-M, sub-§§5 and 6**, as enacted by PL 2005, c. 636, Pt. A, §3, are amended to read:

**5. Enrollment.** A county or municipal law enforcement officer, a municipal firefighter or a person retired from such a position is eligible to enroll in the program. An eligible person who fails to enroll in the program pursuant to this subsection is not otherwise eligible to enroll in the program and is not eligible for the premium subsidy provided pursuant to this section for enrollment in any other health plan. A county or municipality that employs a county or municipal law enforcement officer or municipal firefighter shall notify such an employee of the program in writing no later than 60 days following the effective date of hire of that employee. Such an employee shall choose in writing whether to enroll in the program. A copy of the form on which an employee chooses to enroll in the program or to not enroll in the program must be retained by the county or municipality. Notwithstanding the date of enrollment, insurance coverage is not effective until the date of retirement or July 1, 2007, whichever occurs later. Eligible persons may enroll themselves, their spouses and their dependents in the program during the following time periods:

A. When the effective date of hire of the eligible person is on or before November 1, 2006, the eligible person must enroll in the program before January 1, 2007, subject to the enrollment and eligibility requirements of the applicable group health plan;

B. When the effective date of hire of the eligible person is after November 1, 2006 and before October 1, 2019, the eligible person must enroll in the program no later than 60 days following the effective date of hire, subject to the enrollment and eligibility requirements of the applicable group health plan; ~~or~~

C. Notwithstanding paragraphs A and B, when the eligible person, the eligible person's spouse or the eligible person's dependent experiences an involuntary loss of other health insurance coverage carried as of January 1, 2007 or 60 days following the date of the eligible person's hire, whichever is later, the eligible person may elect to enroll in the program no later than 60 days after the effective date of the loss of that coverage, subject to the enrollment and eligibility requirements of the applicable group health plan. Involuntary loss of coverage does not include a loss of coverage arising as a result of nonpayment of premiums; or

D. When the effective date of hire of the eligible person is on or after October 1, 2019, the eligible person must enroll in the program no later than 5

years following the effective date of hire, subject to the enrollment and eligibility requirements of the applicable group health plan. If the eligible person enrolls in the program no later than 60 days following the effective date of hire, the eligible person contributes to the fund at the rate specified in subsection 8, paragraph A. If the eligible person enrolls in the program more than 60 days following the effective date of hire, the eligible person shall contribute to the fund 2% of the eligible person's gross wages since the eligible person's effective date of hire to that person's date of enrollment in the program and shall contribute to the fund at the rate specified in subsection 8, paragraph A after the eligible person's date of enrollment.

**6. Premiums; subsidy.** Premiums for the program and the premium subsidy are subject to the provisions of this subsection. Premium subsidies are not provided for supplemental health insurance coverage.

A. An enrollee participating in the majority multiple-employer welfare arrangement is responsible for the premium payment associated with the cost of the majority multiple-employer welfare arrangement benefit option in which the enrollee is participating, to the extent such premium obligations exist following the application of any premium subsidy authorized by law. An enrollee who fails to remit the premium payments as established and required by the majority multiple-employer welfare arrangement must be disenrolled from the program. Beginning July 1, 2007, the State shall provide a premium subsidy for enrollees in the form of a direct payment to the majority multiple-employer welfare arrangement for each enrollee. ~~The~~ Prior to July 1, 2021, the level of the subsidy must equal 45% of the individual premium cost for the enrollee and varies among enrollees depending upon the terms of the majority multiple-employer welfare arrangement coverage plan in which each enrollee is participating. Beginning July 1, 2021, the level of the subsidy must equal 55% of the individual premium cost for the enrollee and varies among enrollees depending upon the terms of the majority multiple-employer welfare arrangement coverage plan in which each enrollee is participating. Enrollees are responsible for the balance of the applicable individual premium, as well as the total cost of the premium for any applicable dependent coverage, and shall make payments directly to the majority multiple-employer welfare arrangement.

B. Enrollees retiring from counties or municipalities that do not participate in the majority multiple-employer welfare arrangement but who are eligible and elect to participate in that county's or municipality's fully insured health benefits plan are responsible for the premium payment associ-

ated with the cost of that plan, to the extent such premium obligations exist following the application of any premium subsidy authorized by law. An enrollee who fails to remit the premium payments as established and required by the fully insured plan must be disenrolled from the program. Beginning July 1, 2007, the State shall provide a premium subsidy for enrollees participating in fully insured health benefits plans pursuant to this subsection. ~~This~~ Prior to July 1, 2021, this subsidy must be made in the form of a direct payment to the enrollee's health benefits plan and must equal 45% of the individual premium cost for the enrollee or a dollar amount equivalent to the highest premium subsidy provided in accordance with paragraph A, whichever is less. Beginning July 1, 2021, this subsidy must be made in the form of a direct payment to the enrollee's health benefits plan and must equal 55% of the individual premium cost for the enrollee or a dollar amount equivalent to the highest premium subsidy provided in accordance with paragraph A, whichever is less. A retiree electing to enroll a spouse or a dependent in the program is responsible for payment of 100% of such coverage in addition to that portion of the retiree's individual premium cost not contributed by the State.

C. Enrollees retiring from counties or municipalities that do not participate in the majority multiple-employer welfare arrangement and do not provide health insurance coverage for retirees may enroll in the group health plan available to state employees and other eligible persons under section 285 and are responsible for the premium payment associated with the cost of that plan, to the extent such premium obligations exist following the application of any premium subsidy authorized by law. An enrollee who fails to remit the premium payments as established and required by the group health plan available to state employees and other eligible persons must be disenrolled from the program. The State shall provide a premium subsidy for enrollees participating in the group health plan available to state employees and other eligible persons pursuant to this paragraph. Prior to July 1, 2021, this subsidy must be made in the form of a direct payment to the group health plan available to state employees and other eligible persons and must equal 45% of the individual premium cost for the enrollee or a dollar amount equivalent to the highest premium subsidy provided in accordance with paragraph A, whichever is less. Beginning July 1, 2021, this subsidy must be made in the form of a direct payment to the group health plan available to state employees and other eligible persons and must equal 55% of the individual premium cost for the enrollee or a dollar amount equivalent to the highest premium subsidy provided in accordance with paragraph A.

whichever is less. A retiree electing to enroll a spouse or a dependent in the program is responsible for payment of 100% of such coverage in addition to that portion of the retiree's individual premium cost not contributed by the State.

D. An enrollee may participate in the group health insurance plan in which the enrollee's spouse participates if that plan is offered in this State or in another group health insurance plan that is offered in this State. An enrollee is responsible for the premium payment associated with the cost of the group health insurance plan in which the enrollee is participating, to the extent such premium obligations exist following the application of any premium subsidy authorized by law. An enrollee who fails to remit the premium payments as established and required by the group health insurance plan in which the enrollee is participating must be disenrolled from the program. The State shall provide a premium subsidy for each enrollee in the form of a direct payment to the group health insurance plan in which the enrollee is participating. Prior to July 1, 2021, the level of the premium subsidy must equal 45% of the individual premium cost for the enrollee or a dollar amount equivalent to the highest premium subsidy provided in accordance with paragraph A, whichever is less. Beginning July 1, 2021, the level of the premium subsidy must equal 55% of the individual premium cost for the enrollee or a dollar amount equivalent to the highest premium subsidy provided in accordance with paragraph A, whichever is less. Enrollees are responsible for the balance of the applicable individual premium, as well as the total cost of the premium for any applicable dependent coverage, and shall make payments directly to the group health insurance plan in which the enrollee is participating.

**Sec. 3. 5 MRSA §286-M, sub-§8, ¶¶C to E** are enacted to read:

C. An enrollee who is not receiving wages from a county or municipal employer on account of an absence from work due to an injury compensable under the Maine Workers' Compensation Act of 1992, a disability for which the enrollee is receiving a disability retirement benefit from the Maine Public Employees Retirement System or a leave of absence must contribute to the fund for the period of time of the absence from work based on the enrollee's gross wages immediately before the absence from work in order for the enrollee to be eligible for coverage under the program.

D. An enrollee who retires and is subsequently hired as a county or municipal law enforcement officer or municipal firefighter must contribute to the fund while employed as a county or municipal law enforcement officer or municipal firefighter in

order for the enrollee to be eligible for coverage under the program.

E. An enrollee who is not receiving wages from a county or municipal employer because the enrollee is a member of the United States Armed Forces or state military forces on active duty and deployed is not required to contribute to the fund while deployed.

**Sec. 4. 5 MRSA §286-M, sub-§9**, as enacted by PL 2005, c. 636, Pt. A, §3, is repealed.

**Sec. 5. 5 MRSA §286-N** is enacted to read:

**§286-N. Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program Advisory Committee**

**1. Composition; designation.** The Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program Advisory Committee, referred to in this section as "the advisory committee," is composed of the following 8 members:

A. Six voting members who are members of the organizations listed in subparagraphs (1) to (4), duly designated by their respective organizations as follows:

(1) One member duly designated by a statewide association of fire chiefs;

(2) One member duly designated by a statewide association of police chiefs;

(3) Two members duly designated by a statewide association of professional firefighters; and

(4) Two members duly designated by a statewide association of police; and

B. Two ex officio nonvoting members as follows:

(1) The executive director of the office of employee health and benefits within the Department of Administrative and Financial Services, Bureau of Human Resources or the executive director's designee; and

(2) The employee of the Department of Administrative and Financial Services, Bureau of Human Resources, office of employee health and benefits assigned to the program.

**2. Compensation of members.** The members of the advisory committee are not entitled to receive compensation for their participation in the advisory committee's activities.

**3. Chair.** The executive director of the office of employee health and benefits within the Department of Administrative and Financial Services, Bureau of Hu-

man Resources, or the executive director's designee, shall serve as chair.

**4. Term.** The terms of the members are as follows.

- A. Each member serves a term of 5 years.
- B. A member shall continue to serve after the expiration of that member's term until a qualified successor is designated. The member's continuation as a member does not change the expiration of that member's term.
- C. The term of a member designated to succeed a member whose term has expired expires 5 years after the expiration date of the term of the previous member, regardless of the effective date of the new designation. There is no limit to the number of terms to which a member may be designated.
- D. The designating authority shall designate a person to fill a vacancy caused by death, resignation or ineligibility within 60 days. This designation is for the unexpired portion of the term and must be made from a designation provided by the organization the former member represented, as provided in subsection 1. With the agreement of the member being replaced and of the designating authority, the member being replaced serves until a replacement is designated. Otherwise, a vacancy exists until a replacement is designated.
- E. A member is considered to have resigned if:
  - (1) The member severs the affiliation with the organization that designated the member in accordance with subsection 1; or
  - (2) The member is absent from 3 consecutive meetings of the advisory committee without good cause as determined by the advisory committee.

**5. Transaction of business.** The transaction of business by the advisory committee is governed as follows.

- A. Four voting members constitute a quorum for the transaction of any business.
- B. Each member is entitled to one vote.
- C. Affirmative votes of a simple majority of the quorum or, if greater, of the voting members present are necessary for the passage of any resolution or any other action by the advisory committee.

**6. Rules.** Rules authorized by section 286-M, subsection 4, paragraph C must be submitted to the advisory committee for the advisory committee's review and recommendations before those rules may be adopted.

**Sec. 6. 5 MRSA §12004-I, sub-§74-J** is enacted to read:

**74-J.**

<u>Public Safety</u>	<u>Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program Advisory Committee</u>	<u>Not Authorized</u>	<u>5 MRSA §286-N</u>
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**Sec. 7. Open enrollment.** Notwithstanding the Maine Revised Statutes, Title 5, section 286-M, subsection 5, a county or municipal law enforcement officer or a municipal firefighter, as defined in Title 5, section 286-M, subsection 2, paragraphs A and H, respectively, who is employed as a county or municipal law enforcement officer or a municipal firefighter at any time beginning October 1, 2019 and ending December 31, 2021 may enroll in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program established in Title 5, section 286-M, subsection 1 at any time during that period while employed as a county or municipal law enforcement officer or a municipal firefighter. Such a person who enrolls in the program and is not otherwise eligible to enroll in the program under Title 5, section 286-M, subsection 5 shall contribute to the Firefighters and Law Enforcement Officers Health Insurance Program Fund established in Title 5, section 286-M, subsection 7 a percentage of that person's gross wages since that person's effective date of hire as a county or municipal law enforcement officer or a municipal firefighter to that person's date of enrollment in the program equal to 1.5% for the first 5 years and 3% for additional years.

See title page for effective date.

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**CHAPTER 447  
H.P. 1209 - L.D. 1685**

**An Act To Facilitate Entry of Immigrants into the Workforce**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 10 MRSA c. 110, sub-c. 13** is enacted to read:

**SUBCHAPTER 13****FOREIGN CREDENTIALING AND SKILLS  
RECOGNITION REVOLVING LOAN  
PROGRAM****§1100-AA. Foreign Credentialing and Skills  
Recognition Revolving Loan Program**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

**A. "Eligible costs"** means the following costs incurred by an immigrant prior to the immigrant's obtaining a work permit and incurred for the purpose of improving the immigrant's work-readiness once the immigrant obtains a work permit:

- (1) Costs of translating into English any diplomas, transcripts or other documents establishing courses studied or the completion of secondary school or of higher education at either the undergraduate or graduate level;**
- (2) Fees related to education evaluations establishing the equivalency level of education or experience attained abroad;**
- (3) Costs of translation into English of documents related to professional licenses or registrations obtained abroad;**
- (4) Costs of translation into English of letters of reference or recommendations related to education or experience obtained abroad;**
- (5) Fees related to test preparation courses or registration fees for a standard test of English as a foreign language or other standardized test recognized worldwide that measures English language proficiency, when necessary for an immigrant's work;**
- (6) Expenses for employment or professional applications, certifications, licensing fees and related requirements for seeking employment, including but not limited to fingerprinting and required tests;**
- (7) Fees related to obtaining a Maine driver's license, including but not limited to driver's education course fees, learner's permit application fees and driver's license fees; and**
- (8) Costs to travel to the nearest location of any exam or test needed to establish the applicant's skills or credentials or English language proficiency if there is no location within 60 miles of the Maine town in which the immigrant resides.**

**B. "Fund"** means the Foreign Credentialing and Skills Recognition Revolving Loan Program Fund, established in subsection 3.

**C. "Immigrant"** means a person who:

- (1) Is not a United States citizen;**
- (2) Has filed applications or petitions with the United States Citizenship and Immigration Services or with the immigration courts of the United States Department of Justice, Executive Office for Immigration Review or with any successor federal immigration authority entitling the person to request a work permit while the person's applications or petitions are pending; and**
- (3) Has received education, work experience or work training, or any combination, in a foreign country.**

**D. "Program"** means the Foreign Credentialing and Skills Recognition Revolving Loan Program, established in subsection 2.

**E. "Work permit"** means a federal authorization of a person who is not a United States citizen to work in the United States.

**2. Program established.** The Foreign Credentialing and Skills Recognition Revolving Loan Program is established to provide financial assistance to immigrants who need assistance in paying for eligible costs.

**3. Fund established.** The Foreign Credentialing and Skills Recognition Revolving Loan Program Fund is established as a nonlapsing revolving fund to be administered by the authority. All amounts appropriated to the program must be deposited into the fund as well as all amounts repaid to the program by persons receiving loans under the program. Amounts in the fund must be used by the authority for purposes authorized in this section.

**4. Eligible applicants.** To be eligible to receive assistance from the fund an immigrant:

**A. Shall apply to the authority to participate in the program. The application may be filed directly by the immigrant or, at the request of and on behalf of the immigrant, by an adult education program of a school administrative unit that provides English as a second language, job skills or other instruction or assistance to improve the work readiness of the immigrant;**

**B. Must have filed an application or petition with federal immigration authorities that entitles the immigrant to request a work permit in any of the categories set forth in 8 Code of Federal Regulations, Section 274a.12(c)(2019). The immigrant shall provide electronic or paper evidence establishing that the application or petition was filed with federal immigration authorities and shall state which section of 8 Code of Federal Regulations, Section 274a.12(c)(2019) allows the immi-**

grant to request a work permit. An immigrant is not eligible if the immigrant has been denied a work permit at the time of making the application. In the case of asylum seekers, an immigrant is eligible if the immigrant's request for asylum has been pending for fewer than 150 days since the date of its filing and the immigrant has not yet been able to apply for a work permit pursuant to 8 Code of Federal Regulations, Section 274a.12(c)(8)(2019) or, if more than 150 days have elapsed since the asylum application was filed, the immigrant has a pending application for a work permit at the time of making the application to the program; and

C. Shall submit evidence of incurring or needing to incur eligible costs.

**5. Disbursement from the fund.** Upon approval of an immigrant, the authority shall determine the amount to be disbursed from the fund to the immigrant. Funds must be disbursed directly to and used by the immigrant pursuant to a contract entered into between the immigrant and the authority in accordance with subsection 7. Funds must be disbursed by the authority in one lump sum in the form of an interest-free loan. An immigrant may not receive more than the maximum amount established by the authority, regardless of whether the immigrant submits one or multiple applications to the fund.

**6. Treatment of loans.** Amounts loaned to an individual under the program are not income for purposes of any municipal general assistance program as defined by Title 22, section 4301, subsection 7.

**7. Contract.** An individual who has been approved for participation in the program shall enter into a contract with the authority. The contract governs the administration of the program and the use of funds. The contract must include the following terms and conditions:

A. Agreement by the individual that the individual will use the funds only to pay for eligible costs;

B. Agreement by the individual to repay the loan in compliance with the terms and conditions established by the authority;

C. Agreement by the individual to retain copies of receipts for expenditures on eligible costs incurred and provide these to the authority upon request for auditing or reporting purposes;

D. A provision that, if the individual breaches the contract with the authority, the authority may require immediate repayment of the loan to the authority; and

E. Any other terms and conditions the authority determines appropriate.

**8. Administrative costs.** The authority may charge the fund reasonable administrative fees, not to exceed 5%, for its administration of the fund.

**9. Financing terms and conditions.** Loans under the program must conform to the following requirements.

A. A loan to any individual for eligible costs may not exceed \$700, but this limit may be adjusted upward at least biannually by the authority to reflect inflation or cost of living or other necessary adjustments;

B. Loans are not subject to interest;

C. Loans must be repaid in full by an individual within 18 months of disbursement by the authority, together with any reasonable administrative fee established by the authority not to exceed 5% of the total of the loan funds disbursed to the individual, except that:

(1) In any case of demonstrable hardship, the authority may allow extensions of time for repayment or other flexibility in repayment terms; and

(2) Repayment of a loan may not be required until at least 60 days after the recipient of the loan has obtained a work permit, except that, if the recipient of the loan has obtained a work permit but has not obtained employment, repayment may not be required until at least 30 days after the recipient has obtained employment as long as the recipient is in compliance with the provisions of Title 22, section 4316-A.

**10. Rules.** The authority shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**FINANCE AUTHORITY OF MAINE**

**Foreign Credentialing and Skills Recognition Revolving Loan Program Fund**

Initiative: Provides ongoing appropriations to the Foreign Credentialing and Skills Recognition Revolving Loan Program.

GENERAL FUND	2019-20	2020-21
All Other	\$75,000	\$75,000
GENERAL FUND TOTAL	\$75,000	\$75,000

See title page for effective date.

**CHAPTER 448  
H.P. 1223 - L.D. 1713**

**An Act To Return Funds to  
Maine Property Tax Payers**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 5 MRS A §1518-A**, as amended by PL 2015, c. 390, §1, is further amended to read:

**§1518-A. Property Tax Relief Fund for Maine  
Residents**

**1. Property Tax Relief Fund for Maine Residents.** There is created the Property Tax Relief Fund for Maine Residents, referred to in this section as "the fund," which must be used to provide property tax relief to residents of the State. The fund consists of all resources transferred to the fund under subsection 4 and section 1536 and other resources made available to the fund. The fund must be used to reduce the individual income tax rates to 4% pursuant to subsection 1-A provide relief payments to property tax payers pursuant to subsection 1-B and pay the costs of the Treasurer of State for administering relief payments under this section.

**1-A. Implementation.** ~~By September 1, 2016~~ By November 1, 2019 and annually thereafter, the State Controller shall inform the ~~State Tax Assessor~~ Treasurer of State of the amount available in the fund for the purposes of subsection 1.

~~A. By November 1st annually, the State Tax Assessor shall calculate the amount by which the income tax rates under Title 36, section 5111, subsections 1 F, 2 F and 3 F may be reduced during the subsequent tax year using the amount available from the fund. Bracket rate reductions must be a minimum of 0.2 percentage points in the first year in which reductions are made and a minimum of 0.1 percentage points in subsequent years. If sufficient funds are not available to pay for the minimum reduction, a rate reduction may not be made until the amount in the fund is sufficient to pay for the reduction. When the amount is sufficient to pay for the reduction, the reduction must first be applied equally to each bracket under Title 36, section 5111, subsections 1 F, 2 F and 3 F until the lower bracket reaches 4%. Funds available from the fund in subsequent years must be applied to reduce the higher bracket rates until there is a single bracket with a rate of 4%, after which future tax relief may be identified.~~

~~B. The State Tax Assessor shall provide public notice of new bracket rates calculated under this subsection by November 15th annually.~~

~~C. New bracket rates calculated under this subsection apply beginning with tax years that begin~~

~~on or after January 1st of the calendar year following the determinations made under this subsection.~~

**1-B. Process.** The process for providing relief payments to property tax payers is established pursuant to this subsection.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

- (1) "Homestead" means any residential property, including cooperative property, that receives a homestead property tax exemption.
- (2) "Homestead property tax exemption" means the exemption established in Title 36, chapter 105, subchapter 4-B.
- (3) "Property tax payer" means an individual who owns a homestead.
- (4) "Relief payment" means the funds, as determined pursuant to paragraph C, provided to the owner of a homestead pursuant to paragraph D to offset property tax payments made by that owner.

B. By November 15, 2019 and annually thereafter, the Treasurer of State shall determine whether the amount available in the fund is sufficient to make a relief payment of at least \$100 to the property tax payer for each homestead in the State, to pay for the Treasurer of State's costs in administering relief payments and to make state payments to municipalities for costs related to relief payments pursuant to a mandate under the Constitution of Maine, Article IX, Section 21. If the amount available in the fund is sufficient to make a relief payment of at least \$100 to the property tax payer for each homestead in the State, to pay for the Treasurer of State's costs in administering relief payments and to make state payments to municipalities for costs related to relief payments pursuant to a mandate under the Constitution of Maine, Article IX, Section 21, the Treasurer of State shall direct the assessor for each municipality and the State Tax Assessor for the unorganized territory to report to the Treasurer of State by the following January 1st the name and address of the property tax payer for each homestead within the assessor's jurisdiction.

C. Using the data provided pursuant to paragraph B, the Treasurer of State shall determine the amount of relief payment each property tax payer is entitled to by dividing the amount of the funds available in the fund, after subtraction of the Treasurer of State's costs in administering relief payments and making state payments to municipalities for mandate costs, by the total number of homesteads in the State.

D. By March 1st in any year in which the Treasurer of State determines under paragraph C that the relief payment to each property tax payer for a homestead equals or exceeds \$100, the Treasurer of State shall make the relief payment determined under paragraph C by mail to the property tax payer at the address provided to the Treasurer of State under paragraph B or by any other effective means. Funds for the relief payments must come from the fund. The Treasurer of State shall certify annually to the State Controller the total cost of relief payments made under this section, the total costs to the Treasurer of State in administering this section and the total costs to make state payments to municipalities for costs related to relief payments pursuant to a mandate under the Constitution of Maine, Article IX, Section 21. The State Controller shall transfer those amounts from the fund to the Property Tax Relief Program, an Other Special Revenue Funds account in the Office of the Treasurer of State, to cover the cost of relief payments, the costs of the Treasurer of State in administering this section and the cost to make state payments to municipalities for costs related to relief payments pursuant to mandates under the Constitution of Maine, Article IX, Section 21.

**2. Nonlapsing fund.** Any unexpended balance in the Property Tax Relief Fund for Maine Residents may not lapse but must be carried forward to be used pursuant to subsection 1-A 1-B.

~~**3. Transfer for income tax reduction.** In the fiscal years immediately following the calculation of the income tax rate reduction under subsection 1-A, paragraph A, the State Tax Assessor shall certify to the State Controller the amount of the reduction in General Fund revenue by fiscal year, and the State Controller shall transfer from the fund the amount certified for the reduction in revenue attributable to adjustments made under subsection 1-A to the General Fund unappropriated surplus.~~

**4. Transfer from General Fund revenue growth.** Beginning with fiscal year 2013-14 and before any other transfers from the General Fund, the State Controller shall transfer to the fund at the close of each fiscal year 40% of the amount by which General Fund budgeted revenue for that fiscal year exceeds the General Fund appropriation limitation calculated for that fiscal year under section 1534.

**5. Report.** Beginning March 10, 2020 and annually thereafter, the Treasurer of State shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs the amount of funds in the fund, the amount of the property tax relief payment calculated pursuant to subsection 1-B, paragraph C and the number and amount of property tax

relief payments distributed, if any, pursuant to subsection 1-B, paragraph D.

**Sec. 2. 5 MRSA §1536, sub-§1, ¶F,** as enacted by PL 2011, c. 692, §2 and affected by §3, is amended to read:

F. Twenty percent to the Property Tax Relief Fund for Maine Residents established in section 1518-A.

**Sec. 3. 5 MRSA §1536, sub-§3,** as amended by PL 2015, c. 267, Pt. L, §8, is further amended to read:

**3. Exceptions; stabilization fund at limit.** If the stabilization fund is at its limit of 18% of General Fund revenue of the immediately preceding year, then amounts that would otherwise have been transferred to the stabilization fund pursuant to subsections 1 and 2 must be transferred to the Property Tax Relief Fund for Maine Residents established in section 1518-A.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**TREASURER OF STATE, OFFICE OF Property Tax Relief Fund for Maine Residents N334**

Initiative: Allocates funds for printing and postage costs to mail property tax relief payments.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$186,000	\$186,000
		\$186,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$186,000</b>	<b>\$186,000</b>

**Property Tax Relief Fund for Maine Residents N334**

Initiative: Allocates funds to reimburse municipalities for the mandated cost of making property tax relief payments.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$20,000	\$20,000
		\$20,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$20,000</b>	<b>\$20,000</b>

**Property Tax Relief Fund for Maine Residents N334**

Initiative: Provides funding for a base allocation for the distribution of property tax relief payments.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500
<b>TREASURER OF STATE, OFFICE OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
OTHER SPECIAL REVENUE FUNDS	\$206,500	\$206,500
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$206,500	\$206,500

See title page for effective date.

**CHAPTER 449  
H.P. 1233 - L.D. 1731**

**An Act Regarding  
Representation of the  
Department of Marine  
Resources in Libel Proceedings**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 4 MRSA §807, sub-§3, ¶R,** as corrected by RR 2013, c. 1, §6, is amended to read:

R. A person who is not an attorney but who is a public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer under Title 36, section 151-A, subsection 2 and is representing a party in any hearing, action or proceeding before the Maine Board of Tax Appeals in accordance with Title 36, section 151-D; ~~or~~

**Sec. 2. 4 MRSA §807, sub-§3, ¶S,** as amended by PL 2017, c. 402, Pt. C, §6 and affected by Pt. F, §1, is further amended to read:

S. An individual who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple, registered domestic partners or an individual and that individual's issue as defined in Title 18-C, section 1-201, subsection 27 who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709; ~~or~~

**Sec. 3. 4 MRSA §807, sub-§3, ¶T** is enacted to read:

T. A marine patrol officer who is not an attorney but is representing the Department of Marine Resources in a libel proceeding before a District Court under Title 12, section 6207.

See title page for effective date.

**CHAPTER 450  
S.P. 602 - L.D. 1778**

**An Act To Amend the Laws  
Concerning the Children's  
Cabinet and Its Advisory  
Councils**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §12004-I, sub-§35-B,** as enacted by PL 1993, c. 158, §1, is repealed.

**Sec. 2. 5 MRSA §12004-J, sub-§16,** as enacted by PL 2007, c. 683, Pt. A, §1, is repealed.

**Sec. 3. 5 MRSA §12004-J, sub-§18** is enacted to read:

**18.**

<u>Children</u>	<u>Maine Children's Cabinet Early Childhood Advisory Council</u>	<u>Legislative Per Diem and Ex- penses for Legislators</u>	<u>5 MRSA §24051</u>
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**Sec. 4. 5 MRSA §19131, sub-§1,** as enacted by PL 1999, c. 785, §3, is amended to read:

**1. Establishment.** The Children's Cabinet, referred to in this chapter as the "cabinet," is established to promote and support active, vigorous and frequent interdepartmental collaboration on children's children and youth policy development and program implementation and to support supporting the provision of services for Maine families and, children and youth that are planned, managed and delivered in a ~~holistic and~~ an integrated manner to improve their support and enhance educational opportunities, self-sufficiency, safety, economic stability, health and ~~quality of life well-being.~~

**Sec. 5. 5 MRSA §19131, sub-§3,** as enacted by PL 1999, c. 785, §3, is amended to read:

**3. Chair.** The Governor shall appoint one of the members serving pursuant to subsection 2, paragraphs

A to F to serve as chair of the cabinet. The term of the chair is ~~2 years~~ one year.

**Sec. 6. 5 MRSA §19131, sub-§4** is enacted to read:

**4. Meetings.** The cabinet shall meet at least 4 times per year.

**Sec. 7. 5 MRSA §19132**, as enacted by PL 1999, c. 785, §3, is amended to read:

**§19132. Duties of the cabinet**

The cabinet shall collaborate to create, manage and promote coordinated policies, ~~finances~~, programs and service delivery systems ~~that to~~ support children, youth and families and communities consistent with the purposes of this chapter. To accomplish these purposes, the cabinet shall carry out the following duties:

**1. Regional children's cabinets.** Appoint regional children's cabinets to ensure that the purposes of this chapter are implemented at the regional and local levels;

~~**2. Subcommittees.** Appoint subcommittees, which may include members from any public or private agency, advisory committee or any citizen, who has appropriate interest and expertise, as may be necessary to carry out the work of the cabinet;~~

**3. Coordinated funding; collaboration.** Coordinate funding, grants and budgets among the departments of the cabinet related to child, youth and family services in order to carry out the purpose of this chapter, collaborate to share resources, remove barriers and support innovative initiatives, prevention and best practices that ~~prevent~~ address health and behavioral problems in children and youth;

**4. Data collection, planning and policy development.** ~~Conduct~~ Determine effective data sources to allow analysis leading to integrated and innovative approaches to identified priority areas of need of the cabinet and conduct long-range planning and policy development leading to a more effective public and private service delivery system;

~~**5. Coordinated service delivery.** Coordinate the delivery of residential and community based children's services among the departments;~~

~~**6. Assessment.** Assess resource capacity and allocations;~~

**7. Policy and program review.** ~~Improve~~ Update policies, statutes, rules and programs ~~through the review of specific case examples to ensure consistency across all departments in addressing the cabinet's priority areas; and~~

**8. Communication.** Broadly and transparently communicate the work of the cabinet: through a variety of mechanisms;

**9. Program implementation and oversight.** Initiate, implement and oversee programs, policies and services consistent with the purposes of this chapter; and

**10. Maine Children's Cabinet Early Childhood Advisory Council.** Oversee the Maine Children's Cabinet Early Childhood Advisory Council, established under section 24051, and direct a representative of the cabinet to meet at least once yearly with the Maine Children's Cabinet Early Childhood Advisory Council and consult with one or more state-designated groups representing youth issues regarding goals selected by the Maine Children's Cabinet Early Childhood Advisory Council.

**Sec. 8. 5 MRSA §19133**, as enacted by PL 1999, c. 785, §3, is amended to read:

**§19133. Program implementation and oversight**

The cabinet shall initiate, implement and oversee programs, policies and services consistent with the purposes of this chapter, ~~which may include but are not limited to:~~

~~**1. Communities for Children.** Supporting a collaborative effort between communities and State Government, known as Communities for Children, to effectively address problems facing the State's children and families by mobilizing the resources of State Government with resources and leadership at the community level;~~

~~**2. Effectiveness indicators.** Identifying indicators to measure child well-being to be used by Maine policy makers;~~

~~**3. Safe homes.** Working to ensure that all children have a safe and permanent home;~~

~~**4. Civil and caring school environments.** Providing civil and caring school environments in which violence is eliminated and the health needs of students are provided for;~~

~~**5. Supportive communities.** Focusing community members and resources to support goal-setting, counseling and mentoring for every child;~~

~~**6. Reducing suicide.** Reducing the incidence of suicide among Maine youth and improving access to appropriate prevention and intervention services;~~

~~**7. Access to information and referral.** Ensuring easy access to information and referral services regarding child and family services;~~

~~**8. Service coordination.** Coordinating social services to children and their families as an integrated whole and facilitating access to all services needed by family members;~~

~~**9. Ensuring services.** Ensuring coordination of services to parents of children birth to 5 years of age; and~~

~~10. Local case review and resolution; pooled funds.~~ Providing services to children with multiple needs within the child's community by supporting case review and resolution at the local level using appropriate funds pooled from each department of the cabinet.

**Sec. 9. 5 MRSA §19134**, as enacted by PL 1999, c. 785, §3, is amended to read:

**§19134. Funds**

The cabinet is authorized to ~~solicit~~ request, receive and pool funds from the Federal Government, any department, office or political subdivision of the State or any individual, foundation or corporation and may expend those funds for purposes that are consistent with this chapter.

**Sec. 10. 5 MRSA c. 621**, as amended, is repealed.

**Sec. 11. 5 MRSA c. 623** is enacted to read:

**CHAPTER 623**

**MAINE CHILDREN'S CABINET EARLY CHILDHOOD ADVISORY COUNCIL**

**§24051. Maine Children's Cabinet Early Childhood Advisory Council**

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Cabinet" means the Children's Cabinet established in section 19131.

B. "Council" means the Maine Children's Cabinet Early Childhood Advisory Council established in subsection 2.

C. "Young children" means children from birth until they complete grade 3.

**2. Establishment.** The Maine Children's Cabinet Early Childhood Advisory Council, as established in section 12004-J, subsection 18, is created to develop, maintain and evaluate under the direction of the cabinet a plan for sustainable social and financial investment in healthy development of the State's young children and their families.

**3. Membership.** The council consists of the members listed in this subsection, who must have a strong interest in early childhood and early care and education and must be influential in their communities:

A. Two members of the Senate, one from each of the 2 political parties having the greatest number of members in the Senate, appointed by the President of the Senate;

B. Two members of the House of Representatives, one from each of the 2 political parties hav-

ing the greatest number of members in the House, appointed by the Speaker of the House;

C. The Governor or the Governor's designee;

D. One person who is the parent of a young child, appointed by the Speaker of the House;

E. Two persons with experience in public funding and philanthropy, appointed by the Governor;

F. One person representing child abuse and neglect prevention, appointed by the President of the Senate;

G. One person representing postsecondary education, appointed by the Governor;

H. Three persons representing statewide, membership or constituent organizations that advance the well-being of young children and their families, including early care and education programs, child care centers, Head Start programs, resource development centers, programs for school-age children, child development services, physicians and child advocates, nominated by their organizations and appointed by the cabinet;

I. Two persons representing statewide, membership or constituent organizations for public and private family child care providers, nominated by their organizations and appointed by the cabinet;

J. One person representing a business roundtable on early childhood investment, appointed by the Governor;

K. One person with expertise in children's health or public health, appointed by the Governor;

L. Two ex officio nonvoting members who are employees of the Department of Education and direct or work in programming that affects young children, appointed by the Commissioner of Education; and

M. Two ex officio nonvoting members who are employees of the Department of Health and Human Services and direct or work in programming that affects young children, appointed by the Commissioner of Health and Human Services.

**4. Terms of appointment.** Except for ex officio members, members of the council are appointed for terms of 3 years. Members who are Legislators are appointed for the duration of the legislative terms in which they were appointed. Members who are not Legislators may serve beyond their designated terms until their successors are appointed.

**5. Chair.** The Governor shall appoint a chair for the council.

**6. Staffing; funding.** The council may hire staff as necessary for its work and as resources permit. The council may accept grant funding and other funding as

may be available for the work of the council from the Federal Government, any department, office or political subdivision of the State or any individual, foundation or corporation.

**§24052. Duties**

**1. Duties.** The duties of the council include, but are not limited to:

A. Reviewing and addressing recommendations of the cabinet regarding young children in the following areas:

(1) Early childhood policy implementation to ensure an effective public and private service delivery system and reporting recommendations based upon the review to the cabinet; and

(2) The delivery of early childhood services by the departments of the cabinet and recommending improvements to increase efficiencies in the delivery of services;

B. Advising the Department of Health and Human Services regarding:

(1) The coordination of child care services in the State; and

(2) The preparation of any application, amendment, waiver request, plan or other document submitted by the department to the Federal Government regarding child care funding or other early childhood services grants;

C. Reviewing and commenting on initiatives and plans of the cabinet related to early childhood;

D. Submitting annually to the cabinet and the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters recommendations for changes to laws and rules to reduce barriers to collaboration and coordination among federally funded and state-funded programs and services for young children and the children's families and to improve the quality of programs and services for young children statewide. Recommendations must include, but are not limited to, methods to:

(1) Promote the availability of services and programs for young children and the children's families across the State;

(2) Promote innovative programs for young children and the children's families including funding models for early childhood and education programs and services; and

(3) Enhance and improve quality and outcomes of early childhood and education programs and services, including child develop-

ment services, home visitation, child care, education services, supervision services, health services and social services; and

E. Developing and periodically updating a process for evaluating the council's effectiveness in performing the council's duties, including advising the cabinet.

**Sec. 12. 20-A MRSA §10, sub-§2, ¶G,** as amended by PL 2009, c. 540, §2, is further amended to read:

G. The Maine Municipal Association; and

**Sec. 13. 20-A MRSA §10, sub-§2, ¶H,** as amended by PL 2009, c. 540, §3, is further amended to read:

H. The Maine Principals Association; ~~and~~

**Sec. 14. 20-A MRSA §10, sub-§2, ¶I,** as enacted by PL 2009, c. 540, §4, is amended to read:

I. The Maine Children's ~~Growth~~ Cabinet Early Childhood Advisory Council.

**Sec. 15. 22 MRSA §3731, sub-§2,** as enacted by PL 1993, c. 158, §2, is amended to read:

**2. Council.** "Council" means the ~~Child Care~~ Maine Children's Cabinet Early Childhood Advisory Council established pursuant to Title 5, section ~~12004-I~~ 12004-J, subsection ~~35-B~~ 18.

**Sec. 16. 22 MRSA §3739,** as amended by PL 2017, c. 407, Pt. A, §79, is repealed.

**Sec. 17. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Legislature 0081**

Initiative: Deappropriates funds for the Child Care Advisory Council.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$660)	(\$660)
All Other	(\$600)	(\$600)
<b>GENERAL FUND TOTAL</b>	<b>(\$1,260)</b>	<b>(\$1,260)</b>

**Legislature 0081**

Initiative: Appropriates funds for the Maine Children's Cabinet Early Childhood Advisory Council.

GENERAL FUND	2019-20	2020-21
Personal Services	\$880	\$880
All Other	\$1,120	\$1,120
<b>GENERAL FUND TOTAL</b>	<b>\$2,000</b>	<b>\$2,000</b>

**Legislature 0081**

Initiative: Deappropriates funds for the Maine Children's Growth Council.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$1,980)	(\$1,980)
All Other	(\$1,800)	(\$1,800)
<b>GENERAL FUND TOTAL</b>	<b>(\$3,780)</b>	<b>(\$3,780)</b>
<b>LEGISLATURE</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	(\$3,040)	(\$3,040)
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$3,040)</b>	<b>(\$3,040)</b>

DEPARTMENT TOTAL - ALL FUNDS	2019-20	2020-21
<b>SECTION TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	(\$3,040)	(\$3,040)
FEDERAL EXPENDITURES FUND	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
<b>SECTION TOTAL - ALL FUNDS</b>	<b>(\$2,040)</b>	<b>(\$2,040)</b>

See title page for effective date.

**MAINE CHILDREN'S CABINET EARLY CHILDHOOD ADVISORY COUNCIL**

**Maine Children's Cabinet Early Childhood Advisory Council N335**

Initiative: Establishes allocation in the Federal Expenditures Fund and Other Special Revenue Funds.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$500	\$500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$500</b>	<b>\$500</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>
<b>MAINE CHILDREN'S CABINET EARLY CHILDHOOD ADVISORY COUNCIL</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
FEDERAL EXPENDITURES FUND	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	\$500	\$500

**CHAPTER 451**

**H.P. 1272 - L.D. 1790**

**An Act To Amend the Law To Protect the Confidentiality of State and Local Government Employees' Private Information**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §7070, sub-§2, ¶D-1**, as amended by PL 2007, c. 597, §6, is repealed and the following enacted in its place:

D-1. Personal information, including that which pertains to the employee's:

- (1) Age;
- (2) Ancestry, ethnicity, genetic information, national origin, race or skin color;
- (3) Marital status;
- (4) Mental or physical disabilities;
- (5) Personal contact information, as described in Title 1, section 402, subsection 3, paragraph O;
- (6) Personal employment choices pertaining to elected payroll deductions, deferred compensation, savings plans, pension plans, health insurance and life insurance;
- (7) Religion;
- (8) Sex, gender identity or sexual orientation as defined in section 4553, subsection 9-C; or
- (9) Social security number.

Such personal information may be disclosed publicly in aggregate form, unless there is a reasonable possibility that the information would be able to be used, directly or indirectly, to identify any specific employee.

When there is a work requirement for public access to personal information under this paragraph that is not otherwise protected by law, that information may be made public. The Director of the Bureau of Human Resources, upon the request of the employing agency, shall make the determination that the release of certain personal information not otherwise protected by law is allowed; and

**Sec. 2. 30-A MRSA §503, sub-§1, ¶B,** as amended by PL 1997, c. 770, §2, is further amended to read:

B. County records containing the following:

- (1) Medical information of any kind, including information pertaining to the diagnosis or treatment of mental or emotional disorders;
- (2) Performance evaluations and personal references submitted in confidence;
- (3) Information pertaining to the creditworthiness of a named employee;
- (4) Information pertaining to the personal history, general character or conduct of members of an employee's immediate family; ~~and~~
- (5) Complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action is no longer confidential after the decision is completed if it imposes or upholds discipline. If an arbitrator completely overturns or removes disciplinary action from an employee personnel file, the final written decision is public except that the employee's name must be deleted from the final written decision and kept confidential. If the employee whose name was deleted from the final written decision discloses that the employee is the person who is the subject of the final written decision, the entire final written report, with regard to that employee, is public.

For purposes of this subparagraph, "final written decision" means:

- (a) The final written administrative decision that is not appealed pursuant to a grievance arbitration procedure; or

- (b) If the final written administrative decision is appealed to arbitration, the final written decision of a neutral arbitrator.

A final written administrative decision that is appealed to arbitration is no longer confidential 120 days after a written request for the decision is made to the employer if the final written decision of the neutral arbitrator is not issued and released before the expiration of the 120 days; and

(6) Personal information, including that which pertains to the employee's:

(a) Age;

(b) Ancestry, ethnicity, genetic information, national origin, race or skin color;

(c) Marital status;

(d) Mental or physical disabilities;

(e) Personal contact information, as described in Title 1, section 402, subsection 3, paragraph O;

(f) Personal employment choices pertaining to elected payroll deductions, deferred compensation, savings plans, pension plans, health insurance and life insurance;

(g) Religion;

(h) Sex, gender identity or sexual orientation as defined in Title 5, section 4553, subsection 9-C; or

(i) Social security number.

Such personal information may be disclosed publicly in aggregate form, unless there is a reasonable possibility that the information would be able to be used, directly or indirectly, to identify any specific employee; and

**Sec. 3. 30-A MRSA §2702, sub-§1,** as amended by PL 1997, c. 770, §3, is further amended to read:

**1. Confidential records.** The following records are confidential and not open to public inspection. They are not "public records" as defined in Title 1, section 402, subsection 3. These records include:

A. Except as provided in this paragraph, applications, resumes, letters and notes of reference, working papers, research materials, records, examinations and any other documents or records and the information they contain, solicited or prepared either by the applicant or the municipality for use in the examination or evaluation of applicants for positions as municipal employees.

(1) Notwithstanding any confidentiality provision other than this paragraph, applications, resumes and letters and notes of reference, other than those letters and notes of reference expressly submitted in confidence, pertaining to the applicant hired are public records after the applicant is hired.

(2) Telephone numbers are not public records if they are designated as "unlisted" or "unpublished" in an application, resume or letter or note of reference.

(3) This paragraph does not preclude union representatives from access to personnel records ~~which that~~ may be necessary for the bargaining agent to carry out its collective bargaining responsibilities. Any records available to union representatives ~~which that~~ are otherwise covered by this subsection ~~shall~~ must remain confidential and are not open to public inspection;

B. Municipal records pertaining to an identifiable employee and containing the following:

(1) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(2) Performance evaluations and personal references submitted in confidence;

(3) Information pertaining to the creditworthiness of a named employee;

(4) Information pertaining to the personal history, general character or conduct of members of an employee's immediate family; ~~and~~

(5) Complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action is no longer confidential after the decision is completed if it imposes or upholds discipline. The decision must state the conduct or other facts on the basis of which disciplinary action is being imposed and the conclusions of the acting authority as to the reasons for that action. If an arbitrator completely overturns or removes disciplinary action from an employee personnel file, the final written decision is public except that the employee's name must be deleted from the final written decision and kept confidential. If the employee whose name was deleted from the final written decision discloses that the employee is the person who is the subject of the final written decision, the entire final

written report, with regard to that employee, is public.

For purposes of this subparagraph, "final written decision" means:

(a) The final written administrative decision that is not appealed pursuant to a grievance arbitration procedure; or

(b) If the final written administrative decision is appealed to arbitration, the final written decision of a neutral arbitrator.

A final written administrative decision that is appealed to arbitration is no longer confidential 120 days after a written request for the decision is made to the employer if the final written decision of the neutral arbitrator is not issued and released before the expiration of the 120 days; and

(6) Personal information, including that which pertains to the employee's:

(a) Age;

(b) Ancestry, ethnicity, genetic information, national origin, race or skin color;

(c) Marital status;

(d) Mental or physical disabilities;

(e) Personal contact information, as described in Title 1, section 402, subsection 3, paragraph O;

(f) Personal employment choices pertaining to elected payroll deductions, deferred compensation, savings plans, pension plans, health insurance and life insurance;

(g) Religion;

(h) Sex, gender identity or sexual orientation as defined in Title 5, section 4553, subsection 9-C; or

(i) Social security number.

Such personal information may be disclosed publicly in aggregate form, unless there is a reasonable possibility that the information would be able to be used, directly or indirectly, to identify any specific employee; and

C. Other information to which access by the general public is prohibited by law.

See title page for effective date.

**CHAPTER 452**  
**S.P. 614 - L.D. 1824**

**An Act To Make Certain  
Snowmobile and Watercraft  
Laws Consistent with  
All-terrain Vehicle Laws**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §10651, sub-§1, ¶E**, as affected by PL 2003, c. 614, §9 and amended by c. 695, Pt. B, §6 and affected by Pt. C, §1, is further amended to read:

E. Attempt to elude a law enforcement officer by:

- (1) Operating or attempting to operate an all-terrain vehicle or snowmobile past a clearly identifiable police roadblock; or
- (2) After being requested or signaled to stop by a law enforcement officer in uniform, operating or attempting to operate an all-terrain vehicle, snowmobile or watercraft at a reckless rate of speed.

**Sec. 2. 12 MRSA §10703, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**1. Blood or breath test.** If the law enforcement officer has probable cause to believe a person hunted wild animals or wild birds or operated or attempted to operate a watercraft, snowmobile or ATV while under the influence of intoxicating liquor, then the officer shall inform the person that a breath test will be administered, unless, in the determination of the officer, it is unreasonable for a breath test to be administered, in which case a blood test must be administered. ~~When a blood test is required, the test may be administered by a physician of the accused's choice, at the request of the accused and if reasonably available.~~ The law enforcement officer may determine which type of breath test, as described in subsection 5, will be administered.

**Sec. 3. 12 MRSA §10703, sub-§2**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §77 and affected by §422, is further amended to read:

**2. Prerequisites to tests.** ~~Before any test is given, the~~ The law enforcement officer shall inform the person to be tested of the consequences of refusing to comply with the test. If the person fails to comply with the duty to submit to and complete the requested chemical tests at the direction of the law enforcement officer, that person is committing a civil violation for which the person may be required to pay a fine of up to \$500. The officer shall also inform the person that the failure to comply with the duty to submit to a chemical test is admissible in evidence against that

person at any trial for hunting or operating under the influence of intoxicating liquor or drugs or a combination of liquor and drugs.

Test results may not be excluded as evidence in any proceeding before any administrative officer or court of this State as a result of the failure of the law enforcement officer to comply with these prerequisites. The only effects of the failure of the officer to comply with the prerequisites are as provided in subsection 7.

**Sec. 4. 12 MRSA §10703, sub-§4, ¶B**, as amended by PL 2009, c. 447, §11, is further amended to read:

B. If, at the time alleged, a defendant who was 21 years of age or older at the time of the arrest had an alcohol level in excess of 0.05 grams of alcohol ~~or more~~ but less than 0.08 grams of alcohol per 100 milliliters of blood or 210 liters of breath, it is relevant evidence, but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor within the meaning of this section, but that fact may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor.

**Sec. 5. 12 MRSA §10703, sub-§5, ¶A**, as amended by PL 2009, c. 447, §12, is further amended to read:

A. ~~Only a duly licensed physician, registered physician's assistant, registered nurse or a person certified by the Department of Health and Human Services under certification standards set by that department, acting at the request of a law enforcement officer, may draw a specimen of blood to determine an alcohol level or drug concentration of a person who is complying with the duty to submit to a chemical test. Only a physician, registered physician's assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite.~~ This limitation does not apply to the taking of breath or urine specimens. When a person draws a specimen of blood at the request of a law enforcement officer, that person may issue a certificate that states that the person is in fact a duly licensed or certified person as required by this subsection and that the person followed the proper procedure for drawing a specimen of blood to determine an alcohol level or drug concentration. That certificate, when duly signed and sworn to by the person, is admissible as evidence in any court of the State. It is prima facie evidence that the person was duly licensed or certified and that the person followed the proper procedure for drawing a specimen of blood for chemical testing, unless, with 10 days' written notice to

the prosecution, the defendant requests that the person testify as to licensure or certification, or the procedure for drawing the specimen of blood.

**Sec. 6. 12 MRSA §10703, sub-§6**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9 and amended by c. 689, Pt. B, §6, is further amended to read:

**6. Liability.** ~~A physician, physician's assistant, registered nurse, person certified by the Department of Health and Human Services or hospital~~ Only a physician, registered physician's assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples or other health care provider in the exercise of due care is not liable in damages or otherwise for any act done or omitted in performing the act of collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this section.

**Sec. 7. 12 MRSA §10757**, as amended by PL 2015, c. 281, Pt. A, §2, is further amended to read:

**§10757. Fraudulently obtaining or possessing license, permit or registration**

A person may not obtain or possess a paper or electronic license ~~or~~ permit or registration authorized in this Part through fraud, misstatement or misrepresentation. A person who violates this section commits a Class E crime.

**Sec. 8. 12 MRSA §10902, sub-§10**, as amended by PL 2011, c. 253, §17, is further amended to read:

**10. Mandatory suspension for certain ATV, snowmobile and watercraft violations.** The commissioner shall suspend for at least one year all licenses, permits and registrations issued by the department pursuant to this Part to any person convicted or adjudicated of:

- A. Abuse of another person's property as prohibited under section 13157-A, subsection 22;
- B. Operating an ATV, snowmobile or watercraft under the influence as prohibited under section 10701, subsection 1-A, paragraph D;
- C. Operating an ATV to endanger, as prohibited under section 13157-A, subsection 11, operating a snowmobile to endanger, as prohibited under section 13106-A, subsection 10, or operating a watercraft to endanger, as prohibited under section 13068-A, subsection 5;
- D. Reckless operation of an ATV, as prohibited under section 13157-A, subsection 10, reckless operation of a snowmobile, as prohibited under section 13106-A, subsection 9, or reckless operation of a watercraft, as prohibited under section 13068-A, subsection 6; or

E. Failure or refusal to stop an ATV or attempting to elude an officer, as prohibited under section 10651, subsection 1, paragraphs D and E, failure or refusal to stop a snowmobile or attempting to elude an officer, as prohibited under section 10651, subsection 1-E, or failure or refusal to stop a watercraft or attempting to elude an officer, as prohibited under section 10651, subsection 1-E.

The commissioner shall reinstate licenses, permits and registrations that have been suspended pursuant to this subsection after the period of suspension has lapsed and after that person has successfully completed an ~~ATV safety and ethics course as provided in subsection 9~~ ethics course as required by the department and has successfully completed a safety course as required by the department that relates to the specific violation for which the person was convicted or adjudicated.

**Sec. 9. 12 MRSA §13001, sub-§25**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**25. Snowmobile.** "Snowmobile" means a vehicle propelled by mechanical power that is primarily designed to travel over ice or snow and is supported in part by skis, belts or cleats. "Snowmobile" does not include a motor vehicle as defined in Title 29-A, section 101.

**Sec. 10. 12 MRSA §13056, sub-§8**, as amended by PL 2009, c. 213, Pt. OO, §§14 and 15, is further amended to read:

**8. Fees.** The fees for each original or renewal certificate of number with 2 validation stickers are set out in this subsection.

A. For a watercraft requiring or whose owner requests a certificate of number and that is equipped with a motor having a manufacturer's horsepower rating of:

- (1) Ten horsepower or less, the fee is \$25 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State;
- (2) Greater than 10, but not more than 50 horsepower, the fee is \$30 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State; and
- (3) Greater than 50 horsepower but not more than 115 horsepower, the fee is \$36 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State.

B. For a personal watercraft requiring or whose owner requests a certificate of number and watercraft equipped with a motor having a manufacturer's horsepower rating of 115 horsepower or greater, the fee is \$44 for operating on inland wa-

ters of the State and \$34 for operating only on tidal waters of the State.

C. For a duplicate certificate of number, the fee is \$1.

D. For a duplicate validation sticker (per set), the fee is \$1.

E. For a certificate of number issued with transfer of ownership authorized in subsection 10, the fee is \$2.

Validation stickers are nontransferable.

A motorboat that is used for governmental purposes and is owned and operated in the State by the Federal Government, the State or a political subdivision of the State is exempt from registration fees.

**Sec. 11. 12 MRSA §13104, sub-§13**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §390 and affected by §422, is repealed.

**Sec. 12. 12 MRSA §13106-A, sub-§10, ¶B**, as enacted by PL 2003, c. 655, Pt. B, §394 and affected by §422, is amended to read:

B. Operating the snowmobile in a manner that fails to control its speed at all times as necessary to avoid colliding with any person, vehicle, snowmobile or other object ~~on or adjacent to the snowmobile trail.~~

**Sec. 13. 12 MRSA §13113, sub-§6**, as enacted by PL 2005, c. 93, §3, is repealed.

**Sec. 14. 36 MRSA §2903-D, sub-§2, ¶A**, as amended by PL 2003, c. 414, Pt. B, §66 and affected by c. 614, §9, is further amended to read:

A. The Commissioner of Inland Fisheries and Wildlife receives 14.93% of that amount, to be used by the commissioner for the purposes set forth in Title 12, section 1893, subsection 3, section 10206, subsection 2, section 13104, subsections 2 to ~~13~~ 12 and section 13105, subsection 1; and

See title page for effective date.

**CHAPTER 453**

**H.P. 1314 - L.D. 1843**

**An Act To Provide Funding for Two Positions in the Department of Agriculture, Conservation and Forestry**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Land Management and Planning 0239**

Initiative: Establishes one Chief Planner position and one Planning and Research Associate II position in the Bureau of Land Management and Planning.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$169,110	\$177,230
OTHER SPECIAL REVENUE FUNDS TOTAL	\$169,110	\$177,230

See title page for effective date.

**CHAPTER 454**

**H.P. 38 - L.D. 37**

**An Act To Allow for the Sale of Nonprescription Drugs through Vending Machines**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 32 MRSA §13751, sub-§2**, as amended by PL 2007, c. 402, Pt. DD, §22, is further amended to read:

**2. Classifications.** Pharmacies must be licensed in classifications set out in this subsection.

Each pharmacy must apply for a license in one of the following classifications:

- A. Retail pharmacy;
- B. Mail order prescription pharmacy;
- C. Wholesale pharmacy;
- D. Rural health center; ~~or~~
- E. Free clinic; or
- F. Vending machine outlet.

**Sec. 2. 32 MRSA §13792**, as enacted by PL 1987, c. 710, §5, is repealed and the following enacted in its place:

**§13792. Sale by certain methods prohibited**

**1. Methods of sale prohibited.** A person may not sell, distribute, vend or otherwise dispose of any

drug, medicine or pharmaceutical or medical preparation by means of any public exhibition, entertainment, performance, carnival or by vending machines, except as described in subsection 2.

**2. Sale of nonprescription drugs by vending machines.** The Maine Board of Pharmacy shall adopt rules to allow a pharmacy licensed as a vending machine outlet in accordance with section 13751 to sell or distribute nonprescription drugs by vending machines. The rules must include, but are not limited to, the following:

A. A requirement that only nonprescription drugs may be dispensed by a vending machine;

B. A requirement that nonprescription drugs dispensed by a vending machine must be stored in accordance with manufacturer recommendations, including those that require a stable temperature;

C. A requirement that nonprescription drugs dispensed by a vending machine must be sold only in the manufacturer's clearly labeled, original, unbroken, tamper-proof and expiration-dated packaging;

D. A requirement that nonprescription drugs dispensed by a vending machine may not be older than the manufacturer's expiration date;

E. A limitation that no more than 12 different nonprescription drugs may be dispensed by any single vending machine;

F. A requirement that a vending machine through which nonprescription drugs are dispensed must have an obvious and legible statement on the machine that identifies the owner of the machine, a toll-free telephone number at which the consumer may contact the owner of the machine, a statement advising the consumer to check the expiration date of the product before using the product and the telephone number of the board;

G. Identification of any nonprescription drugs that may not be dispensed by a vending machine; and

H. Identification of locations at which a vending machine dispensing nonprescription drugs may not be located, including the following:

(1) Private schools as defined in Title 20-A, section 1, subsection 22;

(2) Public preschool programs as defined in Title 20-A, section 1, subsection 23-A;

(3) Public schools as defined in Title 20-A, section 1, subsection 24; and

(4) Child care facilities as defined in Title 22, section 8301-A, subsection 1-A, paragraph B.

See title page for effective date.

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## CHAPTER 455

H.P. 277 - L.D. 351

### An Act To Ensure Accuracy in the Labeling of Maine Meat and Poultry

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §2157, sub-§15** is enacted to read:

**15. Mislabeling poultry and meat.** If it is poultry, a poultry product, meat or a meat product offered for sale, sold or distributed within the State and labeled or advertised as "Maine-raised" or by a similar designation unless the poultry or animal was raised in Maine. A determination that poultry, a poultry product, meat or a meat product is misbranded may be waived by the commissioner upon application if the commissioner finds a waiver warranted due to economic factors, including, but not limited to, the proximity of processing facilities to the in-state poultry producer or meat producer and the availability of poultry processing facilities or meat processing facilities in the State. For purposes of this subsection, "raised in Maine" means:

A. For poultry and poultry products, that the poultry was raised solely in the State from no later than the 7th day after hatching and processed solely in the State; and

B. For meat and meat products, that the animal was born, raised and processed solely in the State.

As used in this subsection, "poultry," "poultry product," "meat" and "meat product" have the same meanings as in section 2511.

See title page for effective date.

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## CHAPTER 456

S.P. 164 - L.D. 499

### An Act To Collect Data Regarding How Payment Is Made for Collection of Signatures for Direct Initiatives and People's Veto Referendums

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 21-A MRSA §903-A, sub-§§4 and 5** are enacted to read:

**4. Circulator affidavit.** A person who circulates a petition shall execute an affidavit that must include:

A. The circulator's printed name, the physical address at which the circulator resides and the date the circulator signed the affidavit;

B. That the circulator read the information provided by the Secretary of State pursuant to subsection 3 and understands the laws governing the circulation of petitions in the State;

C. That the circulator was a resident of the State and a registered voter in the State at the time of circulating the petition; and

D. That the circulator understands that the circulator can be prosecuted under section 904 for violating the laws governing the circulation of petitions, including the requirement that the circulator truthfully executed the affidavit.

The circulator shall file the affidavit with the Secretary of State at the time the petition is filed.

**5. Circulator payment.** A person or organization that pays individuals to circulate petitions, other than by reimbursing travel expenses, shall provide a list of those individuals to the Secretary of State along with information indicating the method by which the individuals are being compensated when the petitions are filed pursuant to the Constitution of Maine, Article IV, Part Third, Section 17 or 18.

**Sec. 2. 21-A MRSA §903-C, sub-§1, ¶D,** as enacted by PL 2015, c. 99, §2, is amended to read:

D. A list containing the names of all individuals hired by the petition organization to assist in circulating petitions or in organizing, supervising or managing the circulation. The list must include a statement indicating the method by which the individuals hired to assist in circulating petitions are being compensated. The list must be updated and resubmitted to the Secretary of State when the petitions are filed pursuant to the Constitution of Maine, Article IV, Part Third, Section 17 or 18.

**Sec. 3. 21-A MRSA §904, sub-§4,** as repealed and replaced by PL 2007, c. 455, §53, is amended to read:

**4. Duplicate signature.** Knowingly signs the person's name more than once on initiative or referendum petitions for the same measure; or

**Sec. 4. 21-A MRSA §904, sub-§5,** as enacted by PL 2007, c. 455, §53, is amended to read:

**5. False swearing; signature made in circulator's presence.** Circulates an initiative or referendum petition and willfully swears that a signature to the petition was made in the circulator's presence when it was not; or

**Sec. 5. 21-A MRSA §904, sub-§6** is enacted to read:

**6. Failure to truthfully execute and file circulator affidavit.** Knowingly fails to truthfully execute and timely file a circulator affidavit under section 903-A, subsection 4.

See title page for effective date.

**CHAPTER 457**

**H.P. 582 - L.D. 777**

**An Act To Establish the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §12004-I, sub-§74-J** is enacted to read:

**74-J.**

Racial, Indigenous and Maine Tribal Populations	Permanent Commission on the Sta- tus of Ra- cial, Indige- nous and Maine Trib- al Popula- tions	Not Au- thorized	5 MRSA §25001
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**Sec. 2. 5 MRSA Pt. 31** is enacted to read:

**PART 31**

**RACIAL, INDIGENOUS AND MAINE TRIBAL POPULATIONS**

**CHAPTER 631**

**PERMANENT COMMISSION ON THE STATUS OF RACIAL, INDIGENOUS AND MAINE TRIBAL POPULATIONS**

**§25001. Commission established**

The Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations, established by section 12004-I, subsection 74-J and referred to in this chapter as "the commission," is an independent commission. The commission shall promote, implement and coordinate programs that create and improve opportunities and incorporate the goal of eliminating disparities for historically disadvantaged racial, indigenous and tribal populations in the State.

**§25002. Membership**

**1. Membership.** To the extent possible, the commission must consist of members who represent the diverse racial, indigenous and tribal populations in the State. In making appointments, the Governor, the President of the Senate and the Speaker of the House shall consider and appoint residents of the State who have a knowledge of problems facing racial, indigenous and tribal populations in the State, who have experience in advocacy relating to racial, indigenous and tribal populations' issues and who provide leadership in programs or activities that create and improve opportunities for racial, indigenous and tribal populations. The commission consists of the following members:

**A. Members appointed by the President of the Senate:**

(1) A representative of a statewide organization promoting civil rights that has racial justice or racial equity as its primary mission;

(2) A representative of an economic policy organization or other data-focused organization;

(3) A representative of an organization with expertise in legal and policy matters related to public benefit programs that assists individuals with low incomes;

(4) A faculty member of a college or university in this State specializing in the history, the culture or the civil and human rights of historically disadvantaged racial, indigenous and tribal populations; and

(5) A representative of organized labor with expertise in labor rights and working conditions;

**B. Members appointed by the Speaker of the House:**

(1) A representative of an immigrant or refugee rights organization;

(2) A representative from a housing or homelessness advocacy organization;

(3) A representative of a community development financial institution; and

(4) A representative of a historically disadvantaged racial population of the State;

**C. Members appointed by the Governor:**

(1) A member of the public representing the faith-based community; and

(2) A member of the public representing youth; and

**D. Other members:**

(1) A representative from each of the federally recognized Indian tribes in the State.

**§25003. Term of office**

Members of the commission are appointed for 2-year terms. A member may serve multiple terms.

Members of the commission may serve after the expiration of their terms until their successors have taken office. The Governor, the President of the Senate and the Speaker of the House may terminate the membership of their respective appointees for good cause. The reason for the termination must be communicated in writing to a member whose membership is terminated. The membership of any member of the commission must be terminated if the member is absent from 3 consecutive meetings without communicating good cause to a chair of the commission.

**§25004. Vacancies**

A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed serves only for the remainder of that term and must be appointed by the same appointing authority. Any vacancy on the commission does not affect its powers.

**§25005. Chair**

The commission shall select 3 chairs from among the members of the commission. The chairs are authorized to appoint subcommittees.

**§25006. Department input**

The commission shall seek input from the Department of Labor, the Department of Health and Human Services, the Department of Economic and Community Development and the Department of Education, as well as any other experts, in carrying out its duties.

**§25007. Duties and powers****1. Commission duties.** The commission shall:

A. Carry out research necessary to determine the status of historically disadvantaged racial, indigenous and tribal populations, including the study of income levels of and opportunities available to historically disadvantaged racial, indigenous and tribal populations and the examination of quantitative and qualitative data associated with those populations regarding business ownership, household assets, debts and income, housing, employment, education, health care and access to wealth, capital and benefits;

B. Seek public input by conducting public hearings annually to obtain information about the needs of and solutions to the problems faced by historically disadvantaged racial, indigenous and tribal populations; and

C. Beginning January 1, 2020, and biennially thereafter, report to the Governor and the Legislature concerning the work and interests of the commission, including a summary of public comments obtained pursuant to paragraph B.

**2. Commission powers.** The commission may:

A. Promote and coordinate activities on state and local levels designed to meet the problems faced by historically disadvantaged racial, indigenous and tribal populations;

B. Inform the public about the presence or absence of opportunities for historically disadvantaged racial, indigenous and tribal populations;

C. Conduct additional public hearings, conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to the problems faced by historically disadvantaged racial, indigenous and tribal populations;

D. Submit to the Legislature, at the start of each regular session, such legislation as the commission determines appropriate for improving opportunities and eliminating disparities for historically disadvantaged racial, indigenous and tribal populations in the State;

E. Advise and consult with the Chief Justice of the Supreme Judicial Court and other officials of the State and the Federal Government with respect to state and federal policies, programs and other activities affecting or relating to historically disadvantaged racial, indigenous and tribal populations; and

F. Advise and consult with the Governor and the Legislature about, and assist them in improving, opportunities for historically disadvantaged racial, indigenous and tribal populations.

**§25008. Meetings**

The commission shall meet at the call of the chairs not less than 4 times each year.

**§25009. Administrative support**

The Commissioner of Labor shall provide administrative support to the commission as required.

**§25010. Federal and state funds**

The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, a foundation or a corporation and may expend funds for purposes that are consistent with this chapter. Funds received under this section must be deposited in a nonlapsing Other Special Revenue Funds account within the Department of Labor to support the work of the commission.

**Sec. 3. Initial members.** Notwithstanding the Maine Revised Statutes, Title 5, section 25003, of those public members first appointed to the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations, one appointed by the Governor, one appointed by the President of the Senate and one appointed by the Speaker of the House must be appointed for one-year terms. The term of office of each member must be designated at the time of appointment.

**Sec. 4. Initial report.** No later than January 1, 2020, the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-J shall submit a report that includes the commission's findings and recommendations on the commission's research and consideration of policy proposals pursuant to Title 5, section 25007, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF  
Racial, Indigenous and Maine Tribal Populations  
N329**

Initiative: Allocates funds to allow expenditure of any revenues received.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

**CHAPTER 458**

**S.P. 425 - L.D. 1370**

**An Act To Address Dangerous Behavior in the Classroom**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §6555** is enacted to read:  
**§6555. Dangerous behavior prevention and intervention**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Administrator" has the same meaning as in section 13001-A, subsection 1.

B. "Assigned public school employee" means a public school employee chosen by the local president of the applicable bargaining unit to review a reported incident of dangerous behavior.

C. "Dangerous behavior" means behavior of a student that presents a risk of injury or harm to a student or others.

**2. Report of incident of dangerous behavior.** Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

A. Minimizing suspension and expulsion of the student;

B. Prioritizing counseling and guidance services for the student and educators;

C. Providing positive behavioral interventions and supports and supports designed to address the consequences of trauma in the individual and training for the student and educators;

D. Restorative practices;

E. Training for public school employees who interact with the student; and

F. Provision of adequate staffing and professional development necessary to implement the plan.

Nothing in this subsection may be construed as limiting any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities.

Notwithstanding any provision of this subsection to the contrary, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification,

evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law.

**Sec. 2. 20-A MRSA §13601, sub-§5** is enacted to read:

**5. Injuries caused by dangerous behavior.** A school administrative unit may not count time away from work against a public school employee's accrued sick leave if the time away from work is due to an injury caused by dangerous behavior and a physician has determined that the public school employee is unable to work as a result of the injury sustained. For the purposes of this subsection, "dangerous behavior" has the same meaning as in section 6555, subsection 1, paragraph C.

See title page for effective date.

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**CHAPTER 459**

**H.P. 1015 - L.D. 1400**

**An Act To Improve  
 Recruitment and Retention in  
 State Law Enforcement by  
 Offering Retirement Service  
 Credit**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §17767** is enacted to read:

**§17767. Law enforcement service**

Service credit for service in law enforcement is governed as follows.

**1. Service before becoming member.** A member who served as a full-time law enforcement officer with a federal, state, county or local law enforcement agency before becoming a member is entitled under this subsection to purchase service credit for the period of time that the member served as a law enforcement officer if the member has at least 15 years of creditable service at the time of retirement by complying with the terms and conditions of this subsection and the applicable provisions of subsection 2. Service credit purchased under this section is limited to 4 years. Notwithstanding anything to the contrary, a member for which service credit under this section is to be granted must provide a certified statement from the appropriate retirement system that the service credit to be granted has not been and will not be used to obtain other retirement benefits.

**2. Members qualified for credit at actuarial cost.** A member qualified under subsection 1 to purchase service credit at the cost set forth in this subsection is entitled to service credit if the member pays an

amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service.

A. Payment must be made before any retirement benefit becomes effective for that member.

B. Payment may be made to the retirement system by a single direct payment or by annual direct payments in accordance with section 17701, subsection 4.

**Sec. 2. 5 MRSA §17851-A, sub-§3, ¶B,** as enacted by PL 1997, c. 769, §11, is amended to read:

B. For the purpose of meeting the qualification requirement of subsection 2, paragraph B:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included if the time to which the refund relates was served in any one or a combination of the capacities specified in subsection 1, regardless of whether the time was served before or after the establishment of the 1998 Special Plan; and

(2) Service credit purchased other than as provided under subparagraph (1) is not included, except that service credit purchased for military service or for law enforcement service pursuant to section 17767 is included.

**Sec. 3. 5 MRSA §18363** is enacted to read:

**§18363. Law enforcement service**

Service credit for service in law enforcement is governed as follows.

**1. Service before becoming member.** A member who served as a full-time law enforcement officer with a federal, state, county or local law enforcement agency before becoming a member is entitled under this subsection to purchase service credit for the period of time that the member served as a law enforcement officer if the member has at least 15 years of creditable service at the time of retirement by complying with the terms and conditions of this subsection and the applicable provisions of subsection 2. Service credit purchased under this section is limited to 4 years. Notwithstanding anything to the contrary, a member for which service credit under this section is to be granted must provide a certified statement from the appropriate retirement system that the service credit to be granted has not been and will not be used to obtain other retirement benefits.

**2. Members qualified for credit at actuarial cost.** A member qualified under subsection 1 to purchase service credit at the cost set forth in this subsection is entitled to service credit if the member pays an

amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service.

A. Payment must be made before any retirement benefit becomes effective for that member.

B. Payment may be made to the retirement system by a single direct payment or by annual direct payments in accordance with section 17701, subsection 4.

See title page for effective date.

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**CHAPTER 460**

**H.P. 1025 - L.D. 1412**

**An Act To Amend the Laws  
Governing the Collective  
Bargaining Rights of  
Employees of School  
Management and Leadership  
Centers**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §17001, sub-§42,** as amended by PL 2007, c. 491, §§66 and 67, is further amended to read:

**42. Teacher.** "Teacher" means:

A. Any employee of a public school or a school management and leadership center established pursuant to Title 20-A, chapter 123 who fills any position that the Department of Education requires be filled by a person who holds the appropriate certification or license required for that position and:

(1) Holds appropriate certification from the Department of Education, including an employee whose duties include, in addition to those for which certification is required, either the setup, maintenance or upgrading of a school computer system the use of which is to assist in the introduction of new learning to students or providing school faculty orientation and training related to use of the computer system for educational purposes; or

(2) Holds an appropriate license issued to a professional employee by a licensing agency of the State;

B. Any employee of a public school or a school management and leadership center established pursuant to Title 20-A, chapter 123 who fills any position not included in paragraph A, the principal

function of which is to introduce new learning to students, except that a coach who is employed by a public school and who is not otherwise covered by the definition of teacher as defined in this subsection or an employee who is employed in adult education as defined in Title 20-A, section 8601-A, subsection 1 and who is not otherwise covered by the definition of teacher defined in this subsection may not be considered a teacher for purposes of this Part;

C. Any employee of a public school on June 30, 1989, in a position not included in paragraph A or B which was included in the definition of teacher in effect on June 30, 1989, as long as:

- (1) The employee does not terminate employment; or
- (2) The employee terminates employment and returns to employment in a position in the same classification within 2 years of the date of termination.

Regardless of any subsequent employment history, any employee of a public school in a position which was included in the definition of teacher in effect on June 30, 1989, is entitled to creditable service as a teacher for all service in that position on or before that date;

D. Any employee of a public school or a school management and leadership center established pursuant to Title 20-A, chapter 123 in a position not included in paragraph A, B or C who was a member of the State Employee and Teacher Retirement Program of the retirement system as a teacher on August 1, 1988, as long as:

- (1) The employee does not terminate employment; or
- (2) The employee terminates employment and returns to employment in a position in the same classification within 2 years of the date of termination;

E. Any former employee of a public school or a school management and leadership center established pursuant to Title 20-A, chapter 123 in a position not included in paragraph A, B or C who was a member of the State Employee and Teacher Retirement Program of the retirement system as a teacher before August 1, 1988, as long as the former employee returns to employment in a position in the same classification before July 1, 1991; or

F. For service before July 1, 1989, any employee of a public school in a position which was included in the definition of teacher before July 1, 1989.

"Teacher" includes a person who is on a one-year leave of absence from a position as a teacher and is participating in the education of prospective teachers

by teaching and supervising students enrolled in college-level teacher preparation programs in this State.

"Teacher" also includes a person who is on a leave of absence from a position as a teacher and is duly elected as President of the Maine Education Association.

"Teacher" also includes a person who, subsequent to July 1, 1981, has served as president of a recognized or certified bargaining agent representing teachers for which released time from teaching duties for performance of the functions of president has been negotiated in a collective bargaining agreement between the collective bargaining agent and the teacher's school administrative unit and for whom contributions related to the portion of the person's salary attributable to the released time have been paid as part of the regular payroll of the school administrative unit.

**Sec. 2. 5 MRSA §17154, sub-§6, ¶J** is enacted to read:

J. Notwithstanding this section, the employer retirement costs and administrative operating expenses related to the retirement programs applicable to those teachers employed by a school management and leadership center, as defined in Title 20-A, section 3801, subsection 1, paragraph B, whose funding is provided from local and state funds must be paid by that school management and leadership center.

**Sec. 3. 20-A MRSA §3808** is enacted to read:

**§3808. Collective bargaining in school management and leadership centers**

**1. Assumption of obligations, duties, liabilities and rights.** On and after the operational date of a school management and leadership center, teachers and other employees whose positions are transferred from a school administrative unit to the school management and leadership center and were included in a bargaining unit represented by a bargaining agent, and for participating school administrative units, teachers and other employees who are subsequently employed by the school management and leadership center and were included in a bargaining unit and represented by a bargaining agent, continue to be included in the same bargaining unit and represented by the same bargaining agent pending completion of the bargaining agent and bargaining unit merger procedures and bargaining for initial school management and leadership center collective bargaining agreements covering school management and leadership center employees, as described in this section. After teachers and other employees become employees of the school management and leadership center, the school management and leadership center has the obligations, duties, liabilities and rights of a public employer pursuant to Title 26, chapter 9-A with respect to those teachers and other employees.

**2. Structure of bargaining units.** All bargaining units of school management and leadership center employees must be structured on a school management and leadership center-wide basis. Teachers and other employees who are employed by the school management and leadership center to provide consolidated services must be removed from the existing bargaining units of teachers and other employees who are employed by each member school unit and merged into units of school management and leadership center employees. Merger into school management and leadership center-wide bargaining units is not subject to approval or disapproval of employees. Formation of school management and leadership center-wide bargaining units must occur in accordance with this subsection.

A. In each school management and leadership center, there must be one bargaining unit of teachers, if any teachers are employed by the school management and leadership center, and, to the extent they are on the effective date of this paragraph included in bargaining units, other certified professional employees, excluding principals and other administrators.

B. Any additional bargaining units in a school management and leadership center must be structured as follows.

(1) In the initial establishment of such units, units must be structured primarily on the basis of the existing pattern of organization, maintaining the grouping of employee classifications into bargaining units that existed prior to the creation of the school management and leadership center and avoiding conflicts among different bargaining agents to the extent possible.

(2) In the event of a dispute regarding the classifications to be included within a school management and leadership center-wide bargaining unit, the current bargaining agent or agents or the school management and leadership center may petition the Maine Labor Relations Board to determine the appropriate unit in accordance with this section and Title 26, section 966.

C. When there is the same bargaining agent in all bargaining units that will be merged into a school management and leadership center-wide bargaining unit, the units must be separated and merged on the operational date or the date represented employees are transferred to the school management and leadership center, whichever is applicable, and the school management and leadership center shall recognize the bargaining agent as the representative of the merged unit.

D. When all bargaining units that will be separated and merged into a school management and leadership center-wide bargaining unit are represented by separate local affiliates of the same state labor organization, the units must be separated and merged on the operational date or the date represented employees are transferred to the school management and leadership center, whichever is applicable. The identity of a single affiliate that will be designated the bargaining agent for the merged unit must be selected by the existing bargaining agents and the state labor organization. Upon completion of the merger and designation of the bargaining agent and notification by the state labor organization to the school management and leadership center, the school management and leadership center shall recognize the designated bargaining agent as the representative of employees in the merged unit. If necessary, the parties shall then execute a written amendment to any collective bargaining agreement then in effect to change the name of the bargaining agent to reflect the merger.

E. When there are bargaining units that will be separated and merged into a school management and leadership center-wide bargaining unit in which there are employees who are not represented by any bargaining agent and other employees who are represented either by the same bargaining agent or separate local affiliates of the same state labor organization, the units must be separated and merged on the operational date or the date represented employees are transferred to the school management and leadership center, whichever is applicable, as long as a majority of employees who compose the merged unit were represented by the bargaining agent prior to the merger. The procedures for separation and merger of separate local affiliates of the same state labor organization described in paragraph D must be followed if applicable. If prior to the merger a bargaining agent did not represent a majority of employees who compose the merged unit, a bargaining agent election must be conducted by the Maine Labor Relations Board pursuant to paragraph F.

F. When bargaining units with different bargaining agents must be merged into a single school management and leadership center-wide bargaining unit pursuant to this section, the bargaining agent of the merged bargaining unit must be selected in accordance with Title 26, section 967 except as modified in this section.

(1) A petition for an election to determine the bargaining agent must be filed with the Maine Labor Relations Board by any of the current bargaining agents or the school management and leadership center.

(2) The petition must be filed not more than 90 days prior to the first August 31st occurring after either the 3rd anniversary date of the operational date of the school management and leadership center or the date on which positions are transferred from member school units to the school management and leadership center, whichever is later.

(3) The election ballot may contain only the names of the bargaining agents of bargaining units that will be merged into the school management and leadership center-wide bargaining unit and the choice of no representative, but no other choices. A showing of interest is not required from any such bargaining agent other than its current status as representative.

(4) The obligation to bargain with existing bargaining agents continues from the operational date of the school management and leadership center or the date on which positions are transferred from member school units to the school management and leadership center, whichever is later, until the determination of the bargaining agent of the school management and leadership center-wide bargaining unit under this section; but in no event may any collective bargaining agreement that is executed after the operational date extend beyond the first August 31st occurring after either the 3rd anniversary date of the operational date of the school management and leadership center or the date on which positions are transferred from member school units to the school management and leadership center, whichever is later.

(5) The Maine Labor Relations Board shall expedite to the extent practicable all petitions for determination of the bargaining agent in the school management and leadership center filed pursuant to this section.

(6) The bargaining units must be merged into a school management and leadership center-wide bargaining unit as of the date of certification of the results of the election by the Maine Labor Relations Board or the expiration of the collective bargaining agreements in the unit, whichever occurs later.

(7) Until the first August 31st occurring after either the 3rd anniversary date of the operational date of the school management and leadership center or the date on which positions are transferred from member school units to the school management and leadership center, whichever is later, existing bargaining agents shall continue to represent the

bargaining units that they represented on the day prior to the operational date of the school management and leadership center. If necessary, each bargaining agent and the school management and leadership center must negotiate interim collective bargaining agreements to expire the first August 31st occurring after either the 3rd anniversary date of the operational date of the school management and leadership center or the date on which positions are transferred from member school units to the school management and leadership center, whichever is later.

(8) When there are 2 or more bargaining units in which there are employees who are represented either by the same bargaining agent or by separate local affiliates of the same state labor organization that will be merged into a school management and leadership center-wide bargaining unit with one or more other bargaining units pursuant to the election procedures described in this paragraph, the bargaining units that are represented either by the same bargaining agent or by separate local affiliates of the same state labor organization must merge as of the operational date. The procedures for merger of separate local affiliates of the same state labor organization described in paragraph D must be followed if applicable.

### **3. Agent to engage in collective bargaining.**

After the merger of bargaining units in a school management and leadership center, the bargaining agent of a school management and leadership center-wide bargaining unit and the school management and leadership center shall engage in collective bargaining for a collective bargaining agreement for the school management and leadership center-wide bargaining unit. In the collective bargaining agreement for each school management and leadership center-wide bargaining unit, the employment relations, policies, practices, salary schedules, hours and working conditions throughout the school management and leadership center must be made uniform and consistent as soon as practicable. In the event that the parties are unable to agree upon an initial school management and leadership center-wide collective bargaining agreement, the parties shall use the dispute resolution procedures pursuant to Title 26, section 965 to resolve their differences.

**4. Application of collective bargaining agreements.** On and after the operational date of a school management and leadership center, but before the completion of negotiations for a single school management and leadership center-wide collective bargaining agreement for the school management and leadership center-wide bargaining unit, the wages, hours and working conditions of an employee of the

school management and leadership center who is in a bargaining unit and who is reassigned to a different position that is in a different bargaining unit but that upon the completion of the merger of bargaining units will be included in the same school management and leadership center-wide bargaining unit must be determined by the terms of the collective bargaining agreement that applies to the position to which the employee is reassigned, except as provided in this subsection.

A. If the application of the collective bargaining agreement that applies to the position to which the employee is reassigned would cause a reduction in the employee's wage or salary rate, the employee's wage or salary rate must be maintained at the rate the employee was paid immediately prior to the reassignment until the completion of negotiations for a single school management and leadership center-wide collective bargaining agreement for the school management and leadership center-wide bargaining unit or the applicable collective bargaining agreement requires a higher wage or salary rate for the employee, whichever occurs sooner.

B. If the application of the existing collective bargaining agreement that applies to the position to which the employee is reassigned would cause a reduction in the amount that is paid by the school management and leadership center for premiums for health insurance for the employee and the employee's dependents, the school management and leadership center's payment must be maintained at the amount that was paid immediately prior to the reassignment until the completion of negotiations for a single school management and leadership center-wide collective bargaining agreement for the school management and leadership center-wide bargaining unit or the applicable collective bargaining agreement requires a higher payment, whichever occurs sooner.

C. If the application of the existing collective bargaining agreement that applies to the position to which the employee is reassigned provides for coverage under a different health insurance plan, the employee may elect to retain coverage under the health insurance plan in which the employee was enrolled immediately prior to reassignment if the eligibility provisions of the plan permit until the completion of negotiations for a single school management and leadership center-wide collective bargaining agreement for the school management and leadership center-wide bargaining unit.

See title page for effective date.

## CHAPTER 461 S.P. 473 - L.D. 1524

### An Act To Prevent Wage Theft and Promote Employer Accountability

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §637 is enacted to read:

#### **§637. Wage theft remedies**

**1. Wage theft; defined.** For the purposes of this section, "wage theft" means a violation of section 621-A, 622, 623, 626, 629, 629-A or 664.

**2. Injunction.** In addition to other remedies allowed by this chapter, the Department of Labor or any person or persons injured by an unlawful wage payment practice or policy that causes direct harm to workers may bring an action for injunctive relief to enjoin further wage theft. If a party seeking an injunction prevails, the employer is liable to pay the cost of suit, including a reasonable attorney's fee.

**3. Issuance of a cease operations order.** The Commissioner of Labor or the commissioner's designee may order an employer to cease its business operations if the commissioner or the commissioner's designee determines that the employer has committed wage theft, the commissioner or the commissioner's designee has previously determined the employer's practice or policy resulted in wage theft on more than one occasion or within the last 12 months and:

A. The practice or policy resulting in the wage theft affects 10 or more employees; or

B. The wage theft is equal to or greater than twice an employee's average weekly wage.

The commissioner or the commissioner's designee shall provide the employer with notice and an opportunity to be heard 3 business days before the effective date of an order issued pursuant to this subsection. The issuance of a cease operations order constitutes final agency action. The commissioner or the commissioner's designee shall issue the cease operations order as narrowly as is determined necessary. Any person who is aggrieved by the imposition of a cease operations order has 10 days from the date of its service to make a request to the commissioner or the commissioner's designee for a hearing. The hearing must be held within 7 business days of the request. The hearing officer shall issue a decision within 5 business days of the hearing.

If an employer refuses to obey an order to cease operations, that order may be enforced in Superior Court.

**4. Stay of cease operations order.** The Commissioner of Labor or the commissioner's designee

shall stay the issuance of a cease operations order under subsection 3 if the employer provides evidence acceptable to the commissioner or the commissioner's designee that the employer has paid the employee or employees for the amount of unpaid wages and benefits owed and has implemented wage payment practices and policies that comply with this chapter.

**5. Rules.** The Commissioner of Labor shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 462

### H.P. 1175 - L.D. 1632

#### An Act Regarding Criminal Procedure with Respect to Allowable Defenses

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §38,** as enacted by PL 1981, c. 324, §14, is amended by adding at the end a new paragraph to read:

An actor does not suffer from an abnormal condition of the mind based solely on the discovery of knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the actor or in which the actor and victim dated or had a romantic or sexual relationship.

**Sec. 2. 17-A MRSA §108, sub-§3** is enacted to read:

**3. A person is not justified in using force against another based solely on the discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the person or in which the person and victim dated or had a romantic or sexual relationship.**

**Sec. 3. 17-A MRSA §201, sub-§4,** as amended by PL 2001, c. 383, §8 and affected by §156, is further amended to read:

**4.** For purposes of subsection 3, provocation is adequate if:

- A. It is not induced by the person; and
- B. It is reasonable for the person to react to the provocation with extreme anger or extreme fear,

provided that evidence demonstrating only that the person has a tendency towards extreme anger or extreme fear is not sufficient, in and of itself, to establish the reasonableness of the person's reaction.

For purposes of determining whether extreme anger or extreme fear was brought about by adequate provocation, the provocation was not adequate if it resulted solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the person or in which the person and victim dated or had a romantic or sexual relationship.

See title page for effective date.

## CHAPTER 463

### H.P. 1262 - L.D. 1775

#### An Act To Protect Sustenance Fishing

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §420, sub-§1-B, ¶A,** as enacted by PL 2001, c. 418, §3, is amended to read:

A. The ambient criteria for mercury are as follows:

(1) Ambient water quality criteria for aquatic life:

- (a) Freshwater acute: 1.7 micrograms per liter;
- (b) Freshwater chronic: 0.91 micrograms per liter;
- (c) Saltwater acute: 2.1 micrograms per liter; and
- (d) Saltwater chronic: 1.1 micrograms per liter; and

(2) Fish tissue residue criterion for human health: 0.2 milligrams per kilogram in the edible portion of fish for all waters, except for those water body segments subject to a sustenance fishing designated use pursuant to article 4-A, which must have a fish tissue residue criterion for human health of 0.03 milligrams per kilogram in the edible portion of fish.

**Sec. 2. 38 MRSA §465-A, sub-§1, ¶C,** as amended by PL 2013, c. 193, §4, is further amended to read:

C. There may be no new direct discharge of pollutants into Class GPA waters. The Notwithstanding paragraph D, section 466-A or any other provision of law to the contrary, the following are exempt from this provision:

- (1) Chemical discharges for the purpose of restoring water quality approved by the department;
- (2) Aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species;
- (3) Storm water discharges that are in compliance with state and local requirements;
- (4) Discharges of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of non-target species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website; and
- (5) Discharges of pesticides approved by the department that are:
  - (a) Unintended and an incidental result of the spraying of pesticides;
  - (b) Applied in compliance with federal labeling restrictions; and
  - (c) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

Discharges into these waters licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist. Materials may not be placed on or removed from the shores or banks of a Class GPA water body in such a manner that materials may fall or be washed into the water or that contaminated drainage may flow or leach into those waters, except as permitted pursuant to section 480-C. A change of land use in the watershed of a Class GPA water body may not, by itself or in combination with other activities, cause water quality degradation that impairs the characteristics and designated uses of downstream GPA waters or causes an increase in the trophic state of those GPA waters.

**Sec. 3. 38 MRSA §465-A, sub-§1, ¶D** is enacted to read:

D. The following waters are subject to a sustenance fishing designated use pursuant to section 466-A: Conroy Lake in Monticello; Grand Lake Matagamon in Trout Brook Township and T.6 R.8 W.E.L.S.; Mattamiscontis Lake in T.3 R.9 N.W.P. and T.2 R.9 N.W.P.; Grand Falls Flowage, Berry Brook Flowage, George Brook Flowage, Huntley Brook Flowage, Lewey Lake, The Basin, The Narrows, Long Lake and Big Lake, adjacent to Indian Township; and Sysladobsis Lake in T.5 N.D.

**Sec. 4. 38 MRSA §466, sub-§10-A** is enacted to read:

**10-A. Sustenance fishing designated use.** "Sustenance fishing designated use" is a subcategory of the applicable fishing designated use that protects human consumption of fish for nutritional and cultural purposes and applies only to those water body segments that are identified in this article as subject to a sustenance fishing designated use.

**Sec. 5. 38 MRSA §466-A** is enacted to read:

**§466-A. Sustenance fishing designated use**

**1. Water quality criteria.** To protect the sustenance fishing designated use designated under this article, the department shall calculate and establish water quality criteria for human health using a fish consumption rate of 200 grams per day and a cancer risk level of one in 1,000,000, except that the cancer risk level for inorganic arsenic is governed by section 420, subsection 2, paragraph J.

**2. Criteria deemed protective.** For all purposes, the sustenance fishing designated use established under this article is deemed protected through the water quality criteria for human health calculated and established by the department for the water body segments subject to a sustenance fishing designated use under this article.

**3. Limitation; construction.** Nothing in this section and nothing in the designation in this article of a sustenance fishing designated use may be construed to:

A. Create any other right or protection, including a right to any particular quantity or quality of fish;

B. Limit any right or protection otherwise existing in law; or

C. Alter or affect the regulation of mercury in discharges, which is governed exclusively by section 413, subsection 11 and section 420, subsection 1-B.

**Sec. 6. 38 MRSA §467, sub-§7, ¶A**, as amended by PL 2003, c. 317, §12, is further amended to read:

A. Penobscot River, main stem.

(1) From the confluence of the East Branch and the West Branch to the confluence of the Mattawamkeag River, including all impoundments - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(2) From the confluence of the Mattawamkeag River to the confluence of Cambolasse Stream - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(3) From the confluence of Cambolasse Stream to the West Enfield Dam - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(5) From the West Enfield Dam, ~~including the Stillwater Branch,~~ to the ~~Veazie Milford Dam,~~ including all impoundments, ~~and the Stillwater Branch~~ - Class B. That portion of this segment upstream of the Milford Dam and upstream of the Gilman Falls Dam at Route 43 is subject to a sustenance fishing designated use pursuant to section 466-A.

(6) From the ~~Veazie Milford Dam,~~ but not including the ~~Veazie Milford Dam,~~ to the Maine Central Railroad bridge in Bangor-Brewer - Class B. Further, the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained.

(7) From the Maine Central Railroad bridge in Bangor to a line extended in an east-west direction from a point 1.25 miles upstream of the confluence of Reeds Brook in Hampden - Class B. Further, the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained.

**Sec. 7. 38 MRSA §467, sub-§7, ¶B,** as repealed and replaced by PL 1989, c. 764, §7, is amended to read:

B. Penobscot River, East Branch Drainage.

(1) East Branch of the Penobscot River, main stem.

(a) Above its confluence with Grand Lake Mattagamon - Class A.

(b) From the dam at the outlet of Grand Lake Mattagamon to a point located 1,000 feet downstream from the dam - Class A. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(c) From a point located 1,000 feet downstream from the dam at the outlet of Grand Lake Mattagamon to its confluence with the ~~West Branch Mattaceunk impoundment~~ as it existed on July 14, 1990 - Class AA. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(d) From its confluence with the Mattaceunk impoundment as it existed on July 14, 1990 to its confluence with the West Branch - Class B. Further, there may be no new direct discharges to this segment after January 1, 2019. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(2) East Branch of the Penobscot River, tributaries - Class A unless otherwise specified.

(a) All tributaries, any portion of which is located within the boundaries of Baxter State Park - Class AA.

(b) Sawtelle Brook, from a point located 1,000 feet downstream from the dam at the outlet of Sawtelle Deadwater to its confluence with the Sebocis River - Class AA.

(c) Sebocis River, from the outlet of Snowshoe Lake to its confluence with the East Branch - Class AA.

(d) Wassataquoik Stream, from the boundary of Baxter State Park to its confluence with the East Branch - Class AA.

(e) Webster Brook, from a point located 1,000 feet downstream from the dam at the outlet of Telos Lake to its confluence with Webster Lake - Class AA.

**Sec. 8. 38 MRSA §467, sub-§7, ¶D,** as amended by PL 1999, c. 277, §11, is further amended to read:

D. Mattawamkeag River Drainage.

(1) Mattawamkeag River, main stem.

(a) From the confluence of the East Branch and the West Branch to the Kingman-Mattawamkeag boundary - Class A.

(b) From the Kingman-Mattawamkeag boundary to its confluence with the Penobscot River - Class AA.

(2) Mattawamkeag River, tributaries - Class A unless otherwise specified.

(a) East Branch Mattawamkeag River above Red Bridge - Class B.

~~(b) West Branch Mattawamkeag River from Interstate 95 to its confluence with Mattawamkeag Lake - Class B.~~

~~(c) Fish Stream - Class B.~~

(d) West Branch Mattawamkeag River from its source at Rockabema Lake to its confluence with Mattawamkeag Lake - Class A. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

**Sec. 9. 38 MRSA §467, sub-§13**, as amended by PL 2009, c. 163, §9, is further amended to read:

**13. St. Croix River Basin.**

A. St. Croix River, main stem.

(1) Except as otherwise provided, from the outlet of Chiputneticook Lakes to its confluence with the Woodland Lake impoundment, those waters lying within the State - Class A. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(2) Those waters impounded in the Grand Falls Flowage including those waters between Route 1 (Princeton and Indian Township) and Grand Falls Dam - Class GPA. These waters are subject to a sustenance fishing designated use pursuant to section 466-A.

(3) Woodland Lake impoundment - Class C.

(4) From the Woodland Dam to tidewater, those waters lying within the State, including all impoundments - Class C.

B. St. Croix River, tributaries, those waters lying within the State - Class B unless otherwise specified.

(1) All tributaries entering upstream from the dam at Calais, the drainage areas of which are wholly within the State - Class A unless otherwise classified.

(2) Tomah Stream - Class AA. This stream is subject to a sustenance fishing designated use pursuant to section 466-A.

(3) Monument Brook - Class A.

(4) Waters connecting the Chiputneticook Lakes, including The Thoroughfare, Forest City Stream and Mud Lake Stream - Class A.

(5) Berry Brook, George Brook, Huntley Brook, Musquash Stream, Flipper Creek, Patten Pond Stream and all segments of the West Branch of the St. Croix River between the West Grand Lake Dam and Route 1 - Class

A. These waters are subject to a sustenance fishing designated use pursuant to section 466-A.

**Sec. 10. 38 MRSA §467, sub-§15, ¶A**, as repealed and replaced by PL 1989, c. 764, §16, is amended to read:

A. St. John River, main stem.

(1) From the confluence of the Northwest Branch and the Southwest Branch to a point located one mile above the foot of Big Rapids in Allagash - Class AA. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(2) From a point located one mile above the foot of Big Rapids in Allagash to the international bridge in Fort Kent, those waters lying within the State, including all impoundments - Class A.

(3) From the international bridge in Fort Kent to the international bridge in Madawaska, those waters lying within the State, including all impoundments - Class B.

(4) From the international bridge in Madawaska to where the international boundary leaves the river in Hamlin, those waters lying within the State, including all impoundments - Class C.

**Sec. 11. 38 MRSA §467, sub-§15, ¶C**, as amended by PL 2017, c. 137, Pt. B, §9, is further amended to read:

C. Aroostook River Drainage.

(1) Aroostook River, main stem.

(a) From the confluence of Millinocket Stream and Munsungan Stream to the Route 11 bridge - Class AA. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(b) From the Route 11 bridge to the Sheridan Dam - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(c) From the Sheridan Dam to its confluence with Presque Isle Stream, including all impoundments - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(d) From its confluence with Presque Isle Stream to a point located 3.0 miles upstream of the intake of the Caribou water supply, including all impoundments - Class C. This segment is subject

to a sustenance fishing designated use pursuant to section 466-A.

(e) From a point located 3.0 miles upstream of the intake of the Caribou water supply to a point located 100 yards downstream of the intake of the Caribou water supply, including all impoundments - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(f) From a point located 100 yards downstream of the intake of the Caribou water supply to the international boundary, including all impoundments - Class C. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(2) Aroostook River, tributaries, those waters lying within the State - Class A unless otherwise specified.

(a) All tributaries of the Aroostook River entering below the confluence of the Machias River that are not otherwise classified - Class B.

(b) Little Machias River and its tributaries - Class A.

(c) Little Madawaska River and its tributaries, including Madawaska Lake tributaries above the Caribou-Connor Township line - Class A.

(d) Machias River, from the outlet of Big Machias Lake to the Aroostook River - Class AA. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(e) Millinocket Stream, from the outlet of Millinocket Lake to its confluence with Munsungan Stream - Class AA.

(f) Munsungan Stream, from the outlet of Little Munsungan Lake to its confluence with Millinocket Stream - Class AA.

(g) Presque Isle Stream and its tributaries above the Mapleton-Presque Isle town line - Class A.

(h) St. Croix Stream from its confluence with Hall Brook in T.9, R.5, W.E.L.S. to its confluence with the Aroostook River - Class AA.

(j) Scopan Stream from the outlet of Scopan Lake to its confluence with the Aroostook River - Class C.

(k) Limestone Stream from the Long Road bridge to the Canadian border - Class C.

(l) Beaver Brook and its tributaries (T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill) - Class A.

(m) Gardner Brook and its tributaries (T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Wade) - Class A.

**Sec. 12. 38 MRSA §467, sub-§15, ¶E**, as amended by PL 2015, c. 12, §1, is further amended to read:

E. Meduxnekeag River Drainage.

(1) Meduxnekeag River, main stem.

(a) From the outlet of Meduxnekeag Lake to the international boundary - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(2) Meduxnekeag River, tributaries - Class B unless otherwise specified.

(a) North Branch of the Meduxnekeag River and its tributaries above the Monticello - T.C, R.2, W.E.L.S. boundary - Class A.

(a-1) The North Branch of the Meduxnekeag River and its tributaries, including Dead Stream, from the source in T.8 R.3 W.E.L.S. to the international boundary are subject to a sustenance fishing designated use pursuant to 466-A.

(b) Moose Brook and its tributaries, upstream of the Ludlow Road in Ludlow - Class A.

(c) South Branch of the Meduxnekeag River and its tributaries, upstream of the Oliver Road in Cary - Class A.

(d) Captain Ambrose Bear Stream and tributaries upstream of the Burnt Brow Bridge in Hammond - Class A.

(e) All tributaries from the outlet of Meduxnekeag Lake to the international boundary are subject to a sustenance fishing designated use pursuant to 466-A.

**Sec. 13. 38 MRSA §467, sub-§15, ¶F**, as amended by PL 2017, c. 137, Pt. B, §10, is further amended to read:

F. St. John River, minor tributaries, those waters lying within the State - Class A unless otherwise specified.

(1) Except as otherwise classified, all minor tributaries of the St. John River entering below the international bridge in Fort Kent, those waters lying within the State - Class B.

(2) Baker Stream and Baker Branch of the St. John River, from the headwaters at the Upper First St. John Pond to their confluence with the Southwest Branch - Class AA.

(3) Big Black River, from the international boundary to its confluence with the St. John River - Class AA.

(4) Northwest Branch, from the outlet of Beaver Pond in T.12, R.17, W.E.L.S. to its confluence with the St. John River - Class AA.

(5) Prestile Stream from its source to Route 1A in Mars Hill - Class A. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(a) Prestile Stream from Route 1A in Mars Hill to the international boundary - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(6) Southwest Branch, from a point located 5 miles downstream of the international boundary to its confluence with the Baker Branch - Class AA.

(7) Violette Stream and its tributaries, from its source to the confluence with Caniba Brook - Class A.

**Sec. 14. 38 MRSA §468, sub-§8, ¶¶P and Q** are enacted to read:

P. Cherryfield.

(1) Tunk Stream and its tributaries - Class A.

Q. Perry.

(1) Boyden Stream - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

**Sec. 15. 38 MRSA §469, sub-§7, ¶H-1** is enacted to read:

H-1. Perry.

(1) Tidal waters south of a line running from Gleason Point easterly to the international boundary, thence southerly to the town line with Quoddy, thence westerly to the Old Eastport Road, including Boyden Stream and the Little River - Class SB. These waters are subject to a sustenance fishing designated use pursuant to section 466-A.

**Sec. 16. Rulemaking.** The Department of Environmental Protection shall adopt rules no later than March 1, 2020 that calculate and establish water quality criteria protective of human health for toxic pollutants and the sustenance fishing designated use as established pursuant to this Act. Rules adopted under this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 464

### H.P. 1216 - L.D. 1701

#### An Act To Clarify Various Provisions of the Maine Human Rights Act

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §4553**, as amended by PL 2015, c. 457, §§1 and 2, is further amended to read:

#### §4553. Definitions

As used in this Act, unless the context or subchapter otherwise indicates, the following words have the following meanings.

**1. Commission.** "Commission" means the Maine Human Rights Commission established by this Act.

**1-A. Commercial facilities.** "Commercial facilities" means facilities that are intended for nonresidential use.

**1-B. Covered entity.** For purposes of subchapter ~~III~~ 3, "covered entity" means an employer, employment agency, labor organization or joint labor-management committee. For purposes of subchapter ~~V~~ 5, "covered entity" means any applicable private entity or public entity.

**1-C. Direct threat.** For purposes of subchapter ~~III~~ 3, "direct threat" means a significant risk to the health or safety of others that can not be eliminated by reasonable accommodation.

**1-D. Aggrieved person.** "Aggrieved person" includes any person who claims to have been subject to unlawful discrimination on the basis of protected class status, including discrimination based on the person's known relationship or association with a member of a protected class and discrimination on the basis of perceived protected class status. "Aggrieved person" also includes any person who claims to have been injured by unlawful housing discrimination.

**1-E. Complainant.** "Complainant" means a person who files a complaint under section 4611 ~~or a civil action under section 4621.~~

**1-F. Conciliation.** "Conciliation" means the attempted resolution after a finding by the commission that unlawful discrimination has occurred of issues raised by a complaint filed under section 4611 or by an investigation of such a complaint through informal negotiations involving the complainant, the respondent and the commission.

**1-G. Conciliation agreement.** "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

**1-H. Assistance animal.** "Assistance animal" means, for the purposes of subchapter 4:

A. An animal that has been determined necessary for an individual with a physical or mental disability to mitigate the effects of a physical or mental disability by a physician, psychologist, physician assistant, nurse practitioner ~~or~~, licensed social worker, licensed professional counselor or other licensed health professional with knowledge of the disability-related need for an assistance animal; or

B. An animal individually trained to do work or perform tasks for the benefit of an individual with a physical or mental disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are deaf or hard of hearing to intruders or sounds, providing reasonable protection or rescue work, pulling a wheelchair or retrieving dropped items.

**2. Discriminate.** "Discriminate" includes, without limitation, segregate ~~or~~, separate or subject to harassment.

For purposes of subchapter ~~III~~ 3, "discriminate" also includes, ~~as it relates to individuals with physical or mental disability~~:

A. Limiting, segregating or classifying a job applicant or employee in a way that adversely affects the opportunities or status of the applicant or employee because of the ~~disability~~ protected class of the applicant or employee;

B. Participating in a contractual or other arrangement or relationship that has the effect of subjecting a covered entity's qualified applicant or employee ~~with a disability~~ to the discrimination prohibited by this Act. A relationship includes a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee of the covered entity or an organization providing training and apprenticeship programs;

C. Utilizing standards, criteria or methods of administration:

(1) That have the effect of discrimination on the basis of ~~disability~~ protected class status; or

(2) That perpetuate ~~the~~ discrimination ~~of~~ on the basis of protected class status by others who are subject to common administrative control;

D. Excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known ~~disability~~ protected class status of an individual with whom the qualified individual is known to have a relationship or association;

E. Not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the covered entity;

F. Denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if the denial is based on the need of the covered entity to make reasonable accommodation to the physical or mental impairments of the employee or applicant;

G. Using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual ~~with a disability~~ or a class of individuals ~~with disabilities~~ based on their protected class status unless the standard, test or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity; and

H. Failing to select and administer tests concerning employment in the most effective manner to ensure that, when the test is administered to a job applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude or any other factor of the applicant or employee that the test purports to measure, rather than reflecting the impaired sensory, manual or speaking skills of the employee or applicant, except when the skills are the factors that the test purports to measure.

**2-A. Educational institution.** "Educational institution" means any public school or educational program, any public post-secondary institution, any private school or educational program approved for tuition purposes if both male and female students are admitted and the governing body of each such school or program. For purposes related to disability-related discrimination, "educational institution" also means any private school or educational program approved for tuition purposes.

**3. Employee.** "Employee" means an individual employed by an employer. "Employee" does not include any individual employed by that individual's parents, spouse or child, except for purposes of disability-related discrimination, in which case the individual is considered to be an employee.

**4. Employer.** "Employer" includes any person in this State employing any number of employees, whatever the place of employment of the employees, and any person outside this State employing any number of employees whose usual place of employment is in this State; any person acting in the interest of any employer, directly or indirectly, such that the person's actions are considered the actions of the employer for purposes of liability; and labor organizations, whether or not organized on a religious, fraternal or sectarian basis, with respect to their employment of employees. "Employer" does not include a religious or fraternal corporation or association, not organized for private profit and in fact not conducted for private profit, with respect to employment of its members of the same religion, sect or fraternity, except for purposes of disability-related discrimination, in which case the corporation or association is considered to be an employer.

**5. Employment agency.** "Employment agency" includes any person undertaking with or without compensation to procure opportunities to work, or to procure, recruit, refer or place employees; it includes, without limitation, placement services, training schools and centers, and labor organizations, to the extent that they act as employee referral sources; and it includes any agent of such person acting in the interest of the person such that the agent's actions are considered the actions of the employment agency for purposes of liability.

**5-A. Familial status.** "Familial status" means that a family unit may contain one or more individuals who have not attained ~~the age of~~ 18 years of age and are living with:

- A. A parent or another person having legal custody of the individual or individuals; or
- B. The designee of the parent or other person having custody, with the written permission of the parent or other person.

The protections afforded against discrimination on the basis of familial status ~~shall~~ apply to any person who is pregnant or who is in the process of securing legal custody of any individual who has not attained ~~the age of~~ 18 years of age.

**5-B. Family.** "Family" includes, but is not limited to, a single individual.

**5-C. Gender identity.** "Gender identity" means the gender-related identity, appearance, mannerisms or

other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth.

**6. Housing accommodation.** "Housing accommodation" includes any building or structure or portion thereof, or any parcel of land, developed or undeveloped, that is occupied, or is intended to be occupied or to be developed for occupancy, for residential purposes.

**6-A. Normal retirement age.** "Normal retirement age" means the specified age, the years of service requirement or any age and years of service combination at which a member may become eligible for retirement benefits. This subsection may not be construed to require the mandatory retirement of a member or to deny employment to any person based solely on that person's normal retirement age.

**7. Person.** "Person" includes one or more individuals, partnerships, associations, organizations, corporations, municipal corporations, legal representatives, trustees, trustees in bankruptcy, receivers and other legal representatives, labor organizations, mutual companies, joint-stock companies and unincorporated organizations and includes the State and all agencies thereof.

**7-A. Physical or mental disability.** "Physical or mental disability" has the meaning set forth in section 4553-A.

**8. Place of public accommodation.** "Place of public accommodation" means a facility, operated by a public entity or private entity, whose operations fall within at least one of the following categories:

- A. An inn, hotel, motel or other place of lodging, whether conducted for the entertainment or accommodation of transient guests or those seeking health, recreation or rest;
- B. A restaurant, eating house, bar, tavern, buffet, saloon, soda fountain, ice cream parlor or other establishment serving or selling food or drink;
- C. A motion picture house, theater, concert hall, stadium, roof garden, airdrome or other place of exhibition or entertainment;
- D. An auditorium, convention center, lecture hall or other place of public gathering;
- E. A bakery, grocery store, clothing store, hardware store, shopping center, garage, gasoline station or other sales or rental establishment;
- F. A laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, dispensary, clinic, bathhouse or other service establishment;

G. All public conveyances operated on land or water or in the air as well as a terminal, depot or other station used for specified public transportation;

H. A museum, library, gallery or other place of public display or collection;

I. A park, zoo, amusement park, race course, skating rink, fair, bowling alley, golf course, golf club, country club, gymnasium, health spa, shooting gallery, billiard or pool parlor, swimming pool, seashore accommodation or boardwalk or other place of recreation, exercise or health;

J. A nursery, elementary, secondary, undergraduate or postgraduate school or other place of education;

K. A ~~day-care~~ day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service center establishment;

L. Public elevators of buildings occupied by 2 or more tenants or by the owner and one or more tenants;

M. A municipal building, courthouse, town hall or other establishment of the State or a local government; and

N. Any establishment that in fact caters to, or offers its goods, facilities or services to, or solicits or accepts patronage from, the general public.

When a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this subchapter, but that portion used exclusively in the operation of the place of public accommodation or that portion used both for the place of public accommodation and for the residential purposes is covered by this subchapter. The covered portion of the residence extends to those elements used to enter the place of public accommodation, and those exterior and interior portions of the residence available to or used by customers or clients, including rest rooms.

**8-A. Private entity.** "Private entity" means any entity other than a public entity.

**8-B. Public accommodation.** "Public accommodation" means a public entity or private entity that owns, leases to or operates a place of public accommodation.

**8-C. Public entity.** "Public entity" means:

A. The State or any local government;

B. Any department, agency, special purpose district or other instrumentality of the State, 2 or more states or a local government; and

C. A state, local or private commuter authority as defined in the federal Rail Passenger Service Act, ~~Section 103 (8).~~

**8-D. Qualified individual with a disability.** "Qualified individual with a disability" applies to only:

A. Subchapter ~~III~~ 3 (employment); and

B. Subchapter ~~V~~ 5 (public accommodations) with regard to public entities only.

For purposes of subchapter ~~III~~ 3, "qualified individual with a disability" means an individual with a physical or mental disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires.

For purposes of subchapter ~~V~~ 5, "qualified individual with a disability" means an individual with a disability who, with or without reasonable modification to rules, policies or practices, the removal of architectural, communication or transportation barriers or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

**8-E. Protected class.** "Protected class" means a class of individuals protected from unlawful discrimination under this Act.

**9. Real estate broker and sales agent.** "Real estate broker" and "real estate ~~salesman~~ sales agent" have the same definitions meanings as are given ~~respectively~~ in Title 32, ~~section 4001, subsections 2 and 3~~ sections 13198 and 13200 respectively; but include all persons meeting those definitions, whether ~~or not~~ they are licensed or required to be licensed.

**9-A. Reasonable accommodation.** For purposes of subchapter ~~III~~ 3, "reasonable accommodation" may include, but is not limited to:

A. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

B. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, leaves of absence, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters and other similar accommodations for individuals with disabilities.

**9-B. Undue hardship; undue burden.** "Undue hardship" or "undue burden" ~~mean~~ means an action requiring undue financial or administrative hardship. In determining whether an action would result in an undue hardship, factors to be considered include:

- A. The nature and cost of the accommodation needed under this Act;
- B. The overall financial resources of the facility or facilities involved in the action, the number of persons employed at the facility, the effect on expenses and resources or the impact otherwise of the action upon the operation of the facility;
- C. The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of its employees and the number, type and location of its facilities;
- D. The type of operation or operations of the covered entity, including the composition, structure and functions of the work force of the entity, the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity;
- E. All the resources available to meet the costs of the accommodation, including any government funding or other grants available for making public accommodations and places of employment accessible;
- F. The extent to which current costs of accommodations have been minimized by past efforts to provide equal access to persons with disabilities;
- G. The extent to which resources spent on improving inaccessible equipment or service could have been spent on making an accommodation so that service or equipment is accessible to individuals with disabilities, as well as to individuals without disabilities;
- H. Documented good faith efforts to explore less restrictive or less expensive alternatives;
- I. The availability of equipment and technology for the accommodation;
- J. Whether an accommodation would result in a fundamental change in the nature of the public accommodation;
- K. Efforts to minimize costs by spreading costs over time; and
- L. The extent to which resources saved by failing to make an accommodation for persons who have disabilities could have been saved by cutting costs in equipment or services for the general public.

"Undue hardship" or "undue burden" is a higher standard than "readily achievable" and requires a greater level of effort on the part of the public accommodation.

**9-C. Sexual orientation.** "Sexual orientation" means a person's actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.

**9-E. Service animal.** "Service animal" means:

B. For the purposes of subchapter 5, a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such work or tasks include, but are not limited to, assisting an individual who is totally or partially blind with navigation and other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to an individual with a mobility disability and helping a person with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

**9-F. Rent.** "Rent" includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

**9-G. Respondent.** "Respondent" means a person accused of unlawful discrimination in a complaint filed under section 4611 ~~or a civil action filed under section 4621.~~

**10. Unlawful discrimination.** "Unlawful discrimination" includes:

- A. Unlawful employment discrimination as defined and limited by subchapter ~~III~~ 3;
- B. Unlawful housing discrimination as defined and limited by subchapter ~~IV~~ 4;
- C. Unlawful public accommodations discrimination as defined by subchapter ~~V~~ 5;
- D. Aiding, abetting, inciting, compelling or coercing another to do any of such types of unlawful discrimination; obstructing or preventing any person from complying with this Act or any order issued in this subsection; attempting to do any act of unlawful discrimination; and punishing or penalizing, or attempting to punish or penalize, any person for seeking to exercise any of the civil rights declared by this Act or for complaining of a violation of this Act or for testifying in any proceeding brought in this subsection;

E. In determining whether a person is acting as an agent or employee of another person so as to make such other person responsible for that person's acts, the question of whether the specific acts performed were actually authorized or subsequently ratified is not controlling;

F. Unlawful educational discrimination as defined and limited by subchapter 5-B; and

G. Discrimination in employment, housing, public accommodation, credit and educational opportunity on the basis of sexual orientation or gender identity, except that a religious corporation, association or organization that does not receive public funds is exempt from this provision with respect to:

- (1) Employment, as is more fully set forth in section 4553, subsection 4 and section 4573-A;
- (2) Housing; and
- (3) Educational opportunity, as is more fully set forth in section 4602, subsection 4.

Any for-profit organization owned, controlled or operated by a religious association or corporation and subject to the provisions of the Internal Revenue Code, 26 United States Code, Section 511(a) is not covered by the exemptions set forth in this paragraph.

**Sec. 2. 5 MRSA §4555**, as enacted by PL 1995, c. 393, §10, is repealed.

**Sec. 3. 5 MRSA §4573-A, sub-§1**, as enacted by PL 1995, c. 393, §21, is amended to read:

**1. General provisions.** It is a defense to a charge of discrimination under this subchapter that an alleged application of qualification standards, tests or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual ~~with a disability based on protected class status~~ has been shown to be job-related and consistent with business necessity, and such performance can not be accomplished by reasonable accommodation, as required by this subchapter.

**Sec. 4. 5 MRSA §4573-A, sub-§1-B**, as enacted by PL 1995, c. 511, §1 and affected by §3, is repealed.

**Sec. 5. 5 MRSA §4592, sub-§7, ¶B**, as amended by PL 2007, c. 664, §6, is further amended to read:

B. That perpetuate the discrimination of others who are subject to common administrative control; ~~and~~

**Sec. 6. 5 MRSA §4592, sub-§8**, as amended by PL 2015, c. 457, §4, is further amended to read:

**8. Service animals.** For any public accommodation or any person who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any place of public accommodation to refuse to permit the use of a service animal or otherwise discriminate against an individual with a physical or mental disability who uses a service animal at the public accommodation unless it is shown by defense that the service animal poses a direct threat to the health or safety of others or the use of the service animal would result in substantial physical damage to the property of others or would substantially interfere with the reasonable enjoyment of the public accommodation by others. The use of a service animal may not be conditioned on the payment of a fee or security deposit, although the individual with a physical or mental disability is liable for any damage done to the premises or facilities by such a service animal. This subsection does not apply to an assistance animal as defined in section 4553, subsection 1-H unless the assistance animal also qualifies as a service animal; ~~and~~

**Sec. 7. 5 MRSA §4592, sub-§9** is enacted to read:

**9. Unlawful public accommodations.** For any public accommodation to designate a single-occupancy toilet facility as for use only by members of one sex. A single-occupancy toilet facility may be identified by a sign, as long as the sign does not indicate that the facility is for use by members of one specific sex. For the purposes of this subsection, a "single-occupancy toilet facility" is a restroom for use by one user at a time or for family or assisted use and that has an outer door that can be locked by the occupant.

See title page for effective date.

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**CHAPTER 465**

**H.P. 1217 - L.D. 1702**

**An Act To Enhance the Administration of the Maine Human Rights Act**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §4566, sub-§3**, as amended by PL 1985, c. 785, Pt. B, §36, is further amended to read:

**3. Personnel.** To appoint a full-time executive ~~secretary~~ director and counsel to the commission, not subject to the Civil Service Law, and determine their remuneration; and to appoint, subject to the Civil Service Law, other personnel including, but not limited to, investigators, attorneys, compliance personnel and

secretaries, as it shall deem necessary to effectuate the purposes of this Act;

**Sec. 2. 5 MRSA §4566, sub-§4**, as enacted by PL 1971, c. 501, §1, is amended to read:

**4. Hearings.** To hold hearings, to administer oaths and to take the testimony of any person under oath. There ~~shall be~~ is no executive privilege in such investigations and hearings, but law enforcement officers, prosecution officers and judges of this State and of the United States ~~shall be~~ are privileged from compulsory testimony or production of documents before the commission. Such hearings and testimony may relate to general investigations concerning the effectiveness of this Act and the existence of practices of discrimination not prohibited by it, as well as to investigations of other alleged infringements upon human rights and personal dignity. The commission may make rules as to the administration of oaths, and the holding of preliminary and general investigations by panels of commissioners and by the executive ~~secretary~~ director;

**Sec. 3. 5 MRSA §4566, sub-§6**, as amended by PL 2005, c. 10, §7, is further amended to read:

**6. Advisory groups.** To create local or statewide advisory agencies and conciliation councils to aid in effectuating the purposes of this Act. The commission may study or may empower these agencies and councils to study the problems of discrimination in all or specific fields of human relationships when based on ~~race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin~~ protected class characteristics, membership or status, and foster good will among the groups and elements of the population of the State. Agencies and councils may make recommendations to the commission for the development of policies and procedures. Advisory agencies and conciliation councils created by the commission must be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses;

**Sec. 4. 5 MRSA §4566, sub-§10**, as amended by PL 2005, c. 10, §8, is further amended to read:

**10. Publications.** To publish results of investigations and research to promote good will and minimize or eliminate discrimination based on ~~race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin~~ protected class characteristics, membership or status;

**Sec. 5. 5 MRSA §4566, sub-§11**, as amended by PL 2005, c. 10, §9, is further amended to read:

**11. Reports.** To report to the Legislature and the Governor at least once a year describing the investigations, proceedings and hearings the commission has conducted and the outcome and other work performed by the commission, and to make recommendations for

further legislation or executive action concerning abuses and discrimination based on ~~race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin~~ protected class characteristics, membership or status, or other infringements on human rights or personal dignity; and

**Sec. 6. 5 MRSA §4612**, as amended by PL 2011, c. 613, §§19 and 20 and affected by §29, is further amended to read:

**§4612. Procedure on complaints**

**1. Predetermination resolution; investigation.**

Upon receipt of such a complaint, the commission or its delegated single commissioner or investigator shall take the following actions.

A. The commission or its delegated single commissioner or investigator shall provide an opportunity for the complainant and respondent to resolve the matter by settlement agreement prior to a determination of whether there are reasonable grounds to believe that unlawful discrimination has occurred. Evidence of conduct or statements made in compromise settlement negotiations, offers of settlement and any final agreement are confidential and may not be disclosed without the written consent of the parties to the proceeding nor used as evidence in any subsequent proceeding, civil or criminal, except in a civil action alleging a breach of agreement filed by the commission or a party. Notwithstanding this paragraph, the commission and its employees have discretion to disclose such information to a party as is reasonably necessary to facilitate settlement. The commission may adopt rules providing for a 3rd-party neutral mediation program. The rules may permit one or more parties to a proceeding to agree to pay the costs of mediation. The commission may receive funds from any source for the purposes of implementing a 3rd-party neutral mediation program, and such funds are not subject to any statewide cost allocation plan.

B. The commission or its delegated commissioner or investigator shall conduct such preliminary investigation as it determines necessary to determine whether there are reasonable grounds to believe that unlawful discrimination has occurred. In conducting an investigation, the commission, or its designated representative, must have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy those materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The commission may issue subpoenas to compel access to or production of those materials or the appearance of those persons, subject to section 4566, subsections 4-A and 4-B, and may

serve interrogatories on a respondent to the same extent as interrogatories served in aid of a civil action in the Superior Court. The commission may administer oaths. The complaint and evidence collected during the investigation of the complaint, other than data identifying persons not parties to the complaint and other information designated as confidential in subsection 1-A, is a matter of public record at the conclusion of the investigation of the complaint prior to a determination by the commission. An investigation is concluded upon issuance of a letter of dismissal or upon listing of the complaint on a published commission meeting agenda, whichever first occurs. Prior to the conclusion of an investigation, all information possessed by the commission relating to the investigation is confidential and may not be disclosed, except that the commission and its employees have discretion to disclose such information as is reasonably necessary to further the investigation. Notwithstanding any other provision of this section, the complaint and evidence collected during the investigation of the complaint may be used as evidence in any subsequent proceeding, civil or criminal. The commission must conclude an investigation under this paragraph within 2 years after the complaint is filed with the commission.

**1-A. Confidential documents.** The following information collected during the investigation of a complaint pursuant to this section is confidential and may not be disclosed except to the parties to a complaint, the commission and its federal partner agencies or in a subsequent civil or criminal legal action:

- A. Medical, counseling, psychiatric and other confidential health records;
- B. Social security numbers;
- C. Evidence of conduct or statements made in compromise settlement negotiations, offers of settlement and final agreements made prior to the conclusion of the investigative process;
- D. Names of minor children;
- E. Any information the commission is required to keep confidential pursuant to work-sharing agreements with the United States Equal Employment Opportunity Commission, the United States Department of Housing and Urban Development or any other federal partner agencies;
- F. Criminal history record information that is not otherwise made public by law;
- G. Personnel records and personal information that has been made confidential by law;
- H. Notes made by the investigator for the investigator's private use in assessing evidence gathered during an investigation; and

I. Any other records that are not public records in accordance with Title 1, section 402.

Documents containing information set forth in this subsection are not "public records," as defined in Title 1, section 402, subsection 3, and do not become a matter of public record under this section.

**2. Order of dismissal.** If the commission does not find reasonable grounds to believe that unlawful discrimination has occurred, it shall enter an order so finding, and dismiss the proceeding.

**2-A. Administrative dismissal.** The executive director of the commission may administratively dismiss a complaint for reasons including, but not limited to:

- A. Lack of jurisdiction;
- B. Failure to substantiate the complaint of discrimination;
- C. Failure to file a complaint of discrimination within 300 days of the date of alleged discrimination;
- D. Failure by complainant to proceed or cooperate with the investigation, including but not limited to a complainant's repeated or egregious failure to abide by the commission's confidentiality requirements;
- E. Bankruptcy filing by respondent; or
- F. Death of a complainant, if no person with legal authority to continue the case appears on that person's own behalf or on behalf of the complainant's estate within a reasonable time.

An administrative dismissal operates as an order of dismissal and has the same effect as a finding by the commission that no reasonable grounds exist to believe that unlawful discrimination has occurred.

**3. Informal methods, conciliation.** If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, but finds no emergency of the sort contemplated in subsection 4, paragraph B, it shall endeavor to eliminate such discrimination by informal means such as conference, conciliation and persuasion. Everything said or done as part of such endeavors is confidential and may not be disclosed without the written consent of the parties to the proceeding, nor used as evidence in any subsequent proceeding, civil or criminal, except in a civil action alleging a breach of agreement filed by the commission or a party. Any post-finding conciliation agreement that includes the commission as a signatory is a public record. Notwithstanding this subsection, the commission and its employees have discretion to disclose such information to a party as is reasonably necessary to facilitate conciliation. If the case is disposed of by such informal means in a manner satisfactory to

a majority of the commission, it shall dismiss the proceeding.

**4. Civil action by commission.** The commission may file a civil action in accordance with this subsection.

A. If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, and further believes that irreparable injury or great inconvenience will be caused the victim of such discrimination or to members of a ~~racial, color, sex, sexual orientation, physical or mental disability, religious or nationality group or age~~ protected class group if relief is not immediately granted, or if conciliation efforts under subsection 3 have not succeeded, the commission may file in the Superior Court a civil action seeking such relief as is appropriate, including temporary restraining orders. In a complaint investigated pursuant to a memorandum of understanding between the commission and the United States Department of Housing and Urban Development that results in a reasonable grounds determination, the commission shall file a civil action for the use of complainant if conciliation efforts under subsection 3 are unsuccessful.

B. Grounds for the filing of such an action before attempting conciliation include, but are not limited to:

- (1) In unlawful housing discrimination, that the housing accommodation sought is likely to be sold or rented to another during the pendency of proceedings, or that an unlawful eviction is about to occur;
- (2) In unlawful employment discrimination, that the victim of the discrimination has lost or is threatened with the loss of job and income as a result of such discrimination;
- (3) In unlawful public accommodations discrimination, that such discrimination is causing inconvenience to many persons;
- (4) In any unlawful discrimination, that the victim of the discrimination is suffering or is in danger of suffering severe financial loss in relation to circumstances, severe hardship or personal danger as a result of such discrimination.

**5. Confidentiality of 3rd-party records.** The Legislature finds that persons who are not parties to a complaint under this chapter as a complainant or a respondent have a right to privacy. Any records of the commission that are open to the public under Title 1, chapter 13, must be kept in such a manner as to ensure that data identifying these 3rd parties is not reflected in the record. ~~Only data reflecting the identity of these persons may be kept confidential.~~

**6. Right to sue.** If, within 180 days of a complaint being filed with the commission, the commission has not filed a civil action in the case or has not entered into a conciliation agreement in the case, the complainant may request a right-to-sue letter, and, if a letter is given, the commission shall end its investigation.

**Sec. 7. 5 MRSA §4614**, as enacted by PL 1981, c. 255, §3, is amended to read:

**§4614. Attorney's fees and costs**

In any civil action under this Act, the court, in its discretion, may allow the prevailing party, ~~other than the commission,~~ reasonable ~~attorneys'~~ attorney's fees and costs, ~~and except that the commission shall be liable for attorneys' fees and costs the same as a private person may not be awarded attorney's fees and costs and is not liable to pay any party's attorney's fees and costs.~~

**Sec. 8. 5 MRSA §4622, sub-§1, ¶A**, as amended by PL 1993, c. 327, §3, is further amended to read:

A. Dismissed the case under section 4612, subsection 2 or 2-A;

See title page for effective date.

**CHAPTER 466**

**H.P. 588 - L.D. 800**

**An Act To Amend Mandatory Law Enforcement Agency Policies Regarding Recording Suspects To Include Cases of Murder and Class A, Class B and Class C Crimes**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 25 MRSA §2803-B, sub-§1, ¶K**, as amended by PL 2013, c. 147, §18, is further amended to read:

K. Digital, electronic, audio, video or other recording of law enforcement interviews of suspects in ~~serious crimes~~ murder, Class A, Class B and Class C crimes and the preservation of investigative notes and records in such cases;

See title page for effective date.

**CHAPTER 467**  
**H.P. 815 - L.D. 1111**

**An Act Regarding Driver's  
License Suspensions**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 29-A MRSA §2458, sub-§2-A**, as amended by PL 2015, c. 13, §1, is further amended to read:

**2-A. Minimum suspension for negligent operation.** The Secretary of State without preliminary hearing shall suspend for a period of at least 3 years one year a person's license if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have negligently operated a motor vehicle in a manner so as to cause the death of another person. Prior to the determination and issuance of the suspension, the Secretary of State shall notify any family of the victim and shall consider written or oral statements received from the family in response to the notice. Upon suspending the person's license, the Secretary of State shall notify that person of an opportunity for hearing as provided in section 2483. If a person whose license is suspended under this subsection requests a hearing, the suspension is stayed pursuant to section 2483.

See title page for effective date.

**CHAPTER 468**  
**H.P. 986 - L.D. 1364**

**An Act Regarding Net  
Neutrality and Internet Policy**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §1541-B** is enacted to read:

**§1541-B. Net neutrality**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advanced communications technology infrastructure" has the same meaning as in Title 35-A, section 9202, subsection 1.

B. "Broadband Internet access service" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the service, but excluding dial-up Internet access service.

C. "Commit state funds" means to enter into a contract, make a grant or otherwise commit any state funds, including but not limited to any act that would incur a financial obligation against the State Government subject to review under section 1541, subsection 2.

D. "Internet service provider" has the same meaning as in section 200-B, subsection 1-A, paragraph A.

E. "Net neutral service" means fixed or mobile broadband Internet access service that is provided without engaging in any of the following:

- (1) Blocking of lawful content, applications, services or devices, subject to reasonable network management practices;
- (2) Throttling; or
- (3) Paid prioritization.

F. "Paid prioritization" means management of the network of an Internet service provider that provides broadband Internet access service to directly or indirectly favor some traffic over other traffic, either in exchange for monetary or other consideration from a 3rd party or to benefit an affiliated entity.

G. "Reasonable network management practice" means a practice that has a primarily technical network management justification and is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband Internet access service. "Reasonable network management practice" does not include other business practices.

H. "State entity" means a department, agency or instrumentality of the State.

I. "Throttling" means impairing or degrading lawful Internet traffic on the basis of Internet content, application or service or use of a nonharmful device, subject to reasonable network management practices.

**2. Provider agreement.** A state entity may not commit state funds to an Internet service provider unless:

A. The Internet service provider agrees in writing to provide net neutral service in the provision of broadband Internet access service:

- (1) Directly to the state entity; or
- (2) Across advanced communications technology infrastructure constructed with the use of the state funds;

B. The state entity provides to the State Controller:

(1) Notice of its intent to commit state funds to an Internet service provider; and

(2) A written agreement from the Internet service provider that conforms to the requirements of paragraph A; and

C. The State Controller finds that the requirements of paragraphs A and B have been satisfied and authorizes the state agency or instrumentality to commit state funds.

Nothing in this section limits the authority of the State Controller under any other provision of law to limit or prohibit a state entity from committing state funds.

Nothing in this section prohibits reasonable efforts by an Internet service provider providing broadband Internet access service to address copyright infringement or other unlawful activity.

Nothing in this section supersedes any obligations, authorizations or restrictions on an Internet service provider providing broadband Internet access service to address the needs of emergency communications or law enforcement, public safety or national security authorities under the laws of the State and the United States of America and the United States Constitution and the Constitution of Maine.

Upon receipt of information or complaint from any person that an Internet service provider may be failing to meet the requirements of an agreement made under this section, the Attorney General may undertake an investigation and take any action the Attorney General determines appropriate, including, but not limited to, action pursuant to section 192.

See title page for effective date.

## CHAPTER 469

### S.P. 466 - L.D. 1504

#### An Act To Protect Consumers from Unfair Practices Related to Pharmacy Benefits Management

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §1711-E, sub-§1, ¶G,** as amended by PL 2011, c. 443, §1, is further amended to read:

G. "Pharmacy benefits manager" has the same meaning as in Title 24-A, section ~~1913~~ 4347, subsection 1, ~~paragraph A~~ 17.

**Sec. 2. 22 MRSA §8702, sub-§8-B,** as amended by PL 2011, c. 443, §3, is further amended to read:

**8-B. Pharmacy benefits manager.** "Pharmacy benefits manager" has the same meaning as in Title 24-A, section ~~1913~~ 4347, subsection 1, ~~paragraph A~~ 17.

**Sec. 3. 24-A MRSA §601, sub-§28,** as enacted by PL 2009, c. 581, §3, is repealed.

**Sec. 4. 24-A MRSA §601, sub-§28-A** is enacted to read:

**28-A. Pharmacy benefits manager.** Pharmacy benefits manager licensing fees may not exceed:

A. Original issuance fee, \$100; and

B. Renewal fee, \$100.

**Sec. 5. 24-A MRSA §1913,** as repealed and replaced by PL 2011, c. 443, §4, is repealed.

**Sec. 6. 24-A MRSA §4317, sub-§12,** as enacted by PL 2015, c. 450, §1, is repealed.

**Sec. 7. 24-A MRSA §4317, sub-§13,** as enacted by PL 2017, c. 44, §1, is repealed.

**Sec. 8. 24-A MRSA c. 56-C** is enacted to read:

#### CHAPTER 56-C

#### HEALTH PLANS THAT PROVIDE PRESCRIPTION DRUG BENEFITS

##### §4347. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Average wholesale price.** "Average wholesale price" means the average wholesale price of a prescription drug as identified by a national drug pricing source selected by a health insurer. The average wholesale price must be identified by the 11-digit national drug code, as amended from time to time, for the prescription drug dispensed for the quantity dispensed.

**2. Brand-name drug.** "Brand-name drug" means a prescription drug marketed under a proprietary name or registered trademark name, including a biological product.

**3. Carrier.** "Carrier" has the same meaning as in section 4301-A, subsection 3, except that "carrier" does not include a multiple-employer welfare arrangement, as defined in section 6601, subsection 5, if the multiple-employer welfare arrangement contracts with a 3rd-party administrator to manage and administer health benefits, including benefits for prescription drugs. "Carrier" also includes the MaineCare program pursuant to Title 22, chapter 855 and the group health plan provided to state employees and other eligible persons pursuant to Title 5, section 285.

**4. Compensation.** "Compensation" means any direct or indirect financial benefit, including, but not limited to, rebates, discounts, credits, fees, grants, charge-backs or other payments or benefits of any kind.

**5. Cost-sharing amount.** "Cost-sharing amount" means the amount paid by a covered person as required under the covered person's health plan for a prescription drug at the point of sale.

**6. Covered person.** "Covered person" means a policyholder, subscriber, enrollee or other individual participating in a health plan. "Covered person" includes the authorized representative of a covered person.

**7. Dispensing fee.** "Dispensing fee" means the professional fee incurred at the point of sale or service that pays for pharmacy costs, in excess of ingredient cost, associated with ensuring that possession of the appropriate prescription drug is transferred to a covered person.

**8. Formulary.** "Formulary" means a list of prescription drugs covered by a health plan and any tier levels applicable to a prescription drug.

**9. Generic drug.** "Generic drug" means a prescription drug, whether identified by its chemical, proprietary or nonproprietary name, that is not a brand-name drug and is therapeutically equivalent to a brand-name drug in dosage, safety, strength, method of consumption, quality, performance and intended use. "Generic drug" includes a biosimilar product.

**10. Health plan.** "Health plan" has the same meaning as in section 4301-A, subsection 7.

**11. Ingredient cost.** "Ingredient cost" means the actual amount paid to a pharmacy provider by a carrier or the carrier's pharmacy benefits manager for a prescription drug, not including the dispensing fee or cost-sharing amount.

**12. Mail order pharmacy.** "Mail order pharmacy" means a pharmacy whose primary business is to receive prescriptions by mail, by fax or through electronic submissions and to dispense medication to covered persons through the use of the United States mail or other common or contract carrier services and that provides any consultation with patients electronically rather than face to face.

**13. Maximum allowable cost.** "Maximum allowable cost" means the maximum amount a health insurer will pay for a generic drug or brand-name drug that has at least one generic alternative available.

**14. Network pharmacy.** "Network pharmacy" means a licensed retail pharmacy or other pharmacy provider that contracts with a pharmacy benefits manager.

**15. Pharmacy.** "Pharmacy" means an established location, either physical or electronic, that is licensed by the State and that has entered into a network pharmacy contract with a pharmacy benefits manager or carrier.

**16. Pharmacy and therapeutics committee.** "Pharmacy and therapeutics committee" means a committee, board or equivalent body established by a carrier to develop and maintain formularies.

**17. Pharmacy benefits manager.** "Pharmacy benefits manager" means a person, business or other entity that, pursuant to a contract or under an employment relationship with a carrier, a self-insurance plan or other 3rd-party payer, either directly or through an intermediary, manages the prescription drug coverage provided by the carrier, self-insurance plan or other 3rd-party payer, including, but not limited to, processing and paying claims for prescription drugs, performing drug utilization review, processing drug prior authorization requests, adjudicating appeals or grievances related to prescription drug coverage, contracting with network pharmacies and controlling the cost of covered prescription drugs.

**18. Pharmacy provider.** "Pharmacy provider" means a retail pharmacy, mail order pharmacy or licensed pharmacist.

**19. Retail pharmacy.** "Retail pharmacy" means a chain pharmacy, a supermarket pharmacy, a mass merchandiser pharmacy, an independent pharmacy or a network of independent pharmacies that is licensed as a pharmacy by this State and that dispenses medications to the public.

#### **§4348. Licensure of pharmacy benefits managers**

Beginning January 1, 2020, a person may not act as a pharmacy benefits manager in this State without first obtaining a license from the superintendent in accordance with this section and paying the licensing fee required under section 601, subsection 28-A.

**1. Applicant information.** An applicant for licensure as a pharmacy benefits manager must file with the superintendent at least the following information:

A. The name of the applicant;

B. The address and telephone number of the applicant;

C. The name and address of the applicant's agent for service of process in the State;

D. The name and address of each person beneficially interested in the applicant; and

E. The name and address of each person with management or control over the applicant.

**2. Qualification.** The superintendent may issue a pharmacy benefits manager license to an applicant only if the superintendent is satisfied that the applicant

possesses the necessary organization, expertise and financial integrity to supply the services sought to be offered.

**3. Restrictions permitted.** The superintendent may issue a pharmacy benefits manager license subject to restrictions or limitations, including the type of services that may be supplied or the activities in which the pharmacy benefits manager may engage.

**4. Valid for 3 years.** A license issued pursuant to this section is valid for a period of 3 years and must be renewed.

**5. Nontransferable.** A license issued pursuant to this section is not transferable.

**6. Suspension, revocation or probationary license.** The superintendent may suspend, revoke or place on probation a pharmacy benefits manager license under any of the following circumstances:

A. The pharmacy benefits manager has engaged in fraudulent activity that constitutes a violation of state or federal law;

B. The superintendent has received consumer complaints that justify an action under this subsection to protect the safety and interests of consumers;

C. The pharmacy benefits manager fails to pay the original issuance or renewal fee for the license; or

D. The pharmacy benefits manager fails to comply with a requirement set forth in this chapter.

**7. Penalty for failure to obtain license.** If a pharmacy benefits manager acts without obtaining a license pursuant to this section, the pharmacy benefits manager is subject to a fine of \$5,000 per day for the period the pharmacy benefits manager is found to be in violation.

**8. Rules.** The superintendent may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to administer and enforce the requirements of this section.

**9. Enforcement.** The superintendent may enforce this section under sections 220 and 223 and other provisions of this Title.

**10. Registration remains effective until January 1, 2020 or registration date.** The registration of a pharmacy benefits manager issued during 2019 in accordance with former section 1913 remains valid until January 1, 2020 or the next yearly anniversary of the registration date, whichever is later. Upon expiration of that registration, the pharmacy benefits manager shall obtain a license under this section in order to do business in this State.

### **§4349. Oversight and contracting responsibilities**

**1. Compliance.** A carrier is responsible for monitoring all activities carried out by the carrier, or all activities carried out on behalf of the carrier by a pharmacy benefits manager if the carrier contracts with a pharmacy benefits manager, related to a carrier's prescription drug benefits and for ensuring that all requirements of this chapter are met.

**2. Fiduciary duty.** A carrier that contracts with a pharmacy benefits manager to perform any activities related to the carrier's prescription drug benefits is responsible for ensuring that, under the contract, the pharmacy benefits manager acts as the carrier's agent and owes a fiduciary duty to the carrier in the pharmacy benefits manager's management of activities related to the carrier's prescription drug benefits.

**3. Contract requirements.** A carrier may not enter into a contract or agreement or allow a pharmacy benefits manager or any person acting on the carrier's behalf to enter into a contract or agreement that prohibits a pharmacy provider from:

A. Providing a covered person with the option of paying the pharmacy provider's cash price for the purchase of a prescription drug and not filing a claim with the covered person's carrier if the cash price is less than the covered person's cost-sharing amount; or

B. Providing information to a state or federal agency, law enforcement agency or the superintendent when such information is required by law.

**4. Excess payments at point of sale prohibited.** A carrier or pharmacy benefits manager may not require a covered person to make a payment at the point of sale for a covered prescription drug in an amount greater than the least of:

A. The applicable cost-sharing amount for the prescription drug;

B. The amount a covered person would pay for the prescription drug if the covered person purchased the prescription drug without using a health plan or any other source of prescription drug benefits or discounts; and

C. The total amount the pharmacy will be reimbursed for the prescription drug from the pharmacy benefits manager or carrier, including the cost-sharing amount paid by a covered person.

**5. Adequate network.** A carrier shall provide a reasonably adequate retail pharmacy network for the provision of prescription drugs for its covered persons. A mail order pharmacy may not be included in determining the adequacy of a retail pharmacy network. The superintendent may adopt rules as necessary to carry out the purposes of this subsection. Rules adopted pursuant to this subsection are routine technical

rules as defined in Title 5, chapter 375, subchapter 2-A.

**§4350. Prescription drug pricing; maximum allowable cost**

**1. Single maximum allowable cost list.** A carrier, or a pharmacy benefits manager under contract with a carrier, shall use a single maximum allowable cost list to establish the maximum amount to be paid by a health plan to a pharmacy provider for a generic drug or a brand-name drug that has at least one generic alternative available. A carrier, or a pharmacy benefits manager under contract with a carrier, shall use the same maximum allowable cost list for each pharmacy provider.

**2. Listing of prescription drug.** A maximum allowable cost may be set for a prescription drug, or a prescription drug may be allowed to continue on a maximum allowable cost list, only if that prescription drug:

A. Is rated as "A" or "B" in the most recent version of the United States Food and Drug Administration's "Approved Drug Products with Therapeutic Equivalence Evaluations," also known as "the Orange Book," or an equivalent rating from a successor publication, or is rated as "NR" or "NA" or a similar rating by a nationally recognized pricing reference; and

B. Is not obsolete and is generally available for purchase in this State from a national or regional wholesale distributor by pharmacies having a contract with the pharmacy benefits manager.

**3. Changes to maximum allowable cost list.** A carrier, or a pharmacy benefits manager under contract with a carrier, shall establish a process for removing a prescription drug from a maximum allowable cost list or modifying a maximum allowable cost for a prescription drug in a timely manner to remain consistent with changes to such costs and the availability of the drug in the national marketplace.

**4. Disclosure.** With regard to a pharmacy with which the carrier, or the pharmacy benefits manager under contract with a carrier, has entered into a contract, a carrier, or a pharmacy benefits manager under contract with a carrier, shall:

A. Upon request, disclose the sources used to establish the maximum allowable costs;

B. Provide a process for a pharmacy to readily obtain the maximum allowable payment available to that pharmacy under a maximum allowable cost list; and

C. At least once every 7 business days, review and update maximum allowable cost list information to reflect any modification of the maximum allowable payment available to a pharmacy

under a maximum allowable cost list used by the carrier or the pharmacy benefits manager under contract with a carrier.

**5. Appeal procedure.** A carrier, or a pharmacy benefits manager under contract with a carrier, shall provide a reasonable administrative appeal procedure, including a right to appeal that is limited to 14 days following the initial claim, to allow pharmacies with which the carrier or pharmacy benefits manager has a contract to challenge maximum allowable costs for a specified drug.

**6. Resolution of appeals.** A carrier, or a pharmacy benefits manager under contract with a carrier, shall respond to, investigate and resolve an appeal under subsection 5 within 14 days after the receipt of the appeal. The carrier or pharmacy benefits manager shall respond to an appeal as follows:

A. If the appeal is upheld, the carrier or pharmacy benefits manager shall make the appropriate adjustment in the maximum allowable cost and permit the challenging pharmacy or pharmacist to reverse and rebill the claim in question; or

B. If the appeal is denied, the carrier or pharmacy benefits manager shall provide the challenging pharmacy or pharmacist the national drug code from national or regional wholesalers of a comparable prescription drug that may be purchased at or below the maximum allowable cost.

**7. Average wholesale price; use of a prescription drug not on maximum allowable cost list.** A carrier, or a pharmacy benefits manager under contract with a carrier, shall use the average wholesale price to establish the maximum payment for a brand-name drug for which a generic equivalent is not available or a prescription drug not included on a maximum allowable cost list. In order to use the average wholesale price of a brand-name drug or prescription drug not included on a maximum allowable cost list, a carrier, or a pharmacy benefits manager under contract with a carrier, must use only one national drug pricing source during a calendar year, except that a carrier, or a pharmacy benefits manager under contract with a carrier, may use a different national drug pricing source if the original pricing source is no longer available. A carrier, or a pharmacy benefits manager under contract with a carrier, shall use the same national drug pricing source for each pharmacy provider and identify on its publicly accessible website the name of the national drug pricing source used to determine the average wholesale price of a prescription drug not included on the maximum allowable cost list.

**8. Payment.** This subsection governs payments between a carrier or a carrier's pharmacy benefits manager and a pharmacy provider.

A. The amount paid by a carrier or a carrier's pharmacy benefits manager to a pharmacy provid-

er under contract with the carrier or the carrier's pharmacy benefits manager for dispensing a prescription drug must be the ingredient cost plus the dispensing fee less any cost-sharing amount paid by a covered person.

B. The ingredient cost may not exceed the maximum allowable cost or average wholesale price, as applicable, and must be disclosed by the carrier's pharmacy benefits manager to the carrier.

C. Only the pharmacy provider that dispensed the prescription drug may retain the payment described in this subsection.

D. A pharmacy provider may not be denied payment or be subject to a reduced payment retroactively unless the original claim was submitted fraudulently or in error.

**§4350-A. Responsibility to use compensation for benefit of covered persons**

**1. Compensation used to reduce point-of-sale costs, improve benefits or lower premiums.** All compensation remitted by or on behalf of a pharmaceutical manufacturer, developer or labeler, directly or indirectly, to a carrier, or to a pharmacy benefits manager under contract with a carrier, related to its prescription drug benefits must be:

A. Remitted directly to the covered person at the point of sale to reduce the out-of-pocket cost to the covered person associated with a particular prescription drug; or

B. Remitted to, and retained by, the carrier. Compensation remitted to the carrier must be applied by the carrier in its plan design and in future plan years to offset the premium for covered persons.

**2. Compliance.** Beginning March 1, 2021 and annually thereafter, a carrier shall file with the superintendent a report in the manner and form determined by the superintendent demonstrating how the carrier has complied with this section.

**§4350-B. Prescription drug formularies; pharmacy and therapeutics committee**

**1. Pharmacy and therapeutics committee; use of formulary.** A carrier, or a pharmacy benefits manager under contract with a carrier, shall establish a pharmacy and therapeutics committee. A carrier shall require its pharmacy and therapeutics committee or the pharmacy and therapeutics committee of the carrier's pharmacy benefits manager to use one or more formularies.

**2. Pharmacy and therapeutics committee; no conflict of interest for members.** A carrier, or a pharmacy benefits manager under contract with a carrier, may not allow a person with a conflict of interest, as described in paragraph A or B, to be a member of

its pharmacy and therapeutics committee. A person may not serve as a member of a pharmacy and therapeutics committee if the person:

A. Is employed, or was employed within the preceding year, by a pharmaceutical manufacturer, developer, labeler, wholesaler or distributor; or

B. Receives compensation, or received compensation within the preceding year, from a pharmaceutical manufacturer, developer, labeler, wholesaler or distributor.

**3. Compensation prohibited.** A carrier, or a pharmacy benefits manager under contract with a carrier, shall prohibit its pharmacy and therapeutics committee or any member of the committee from receiving any compensation from a pharmaceutical manufacturer, developer, labeler, wholesaler or distributor.

**§4350-C. Access to records; audits**

**1. Requirements; record keeping.** A carrier shall maintain and have the ability to access all data related to the administration and provision of prescription drug benefits under a health plan of a carrier, including, but not limited to:

A. The names, addresses, member identification numbers, protected health information and other personal information of covered persons; and

B. All contracts, documentation and records, including transaction and pricing data, related to the dispensing of prescription drugs to covered persons under the health plan.

**2. Compliance with federal law.** A sale or transaction involving the transfer of any records, information or data described in subsection 1 must comply with the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 and the federal Health Information Technology for Economic and Clinical Health Act, Public Law 111-5 and any regulations adopted pursuant to those laws.

**3. Audit records.** A carrier may audit all transaction records related to the dispensing of prescription drugs to covered persons under a health plan of the carrier. A carrier may conduct audits at a location of its choosing and with an auditor of its choosing.

**4. Maintenance of records.** A carrier shall maintain all records, information and data described in subsection 1 and all audit records described in subsection 3 for a period of no less than 5 years.

**5. Authority of superintendent.** Upon request, a carrier shall provide to the superintendent any records, contracts, documents or data held by the carrier or the carrier's pharmacy benefits manager for inspection, examination or audit purposes.

**§4350-D. Treatment of pharmacy benefits manager compensation**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Anticipated loss ratio" means the ratio of the present value of the future benefits payments to the present value of the future premiums of a policy form over the entire period for which rates are computed to provide health insurance coverage.

B. "Pharmacy benefits manager compensation" means the difference between:

(1) The value of payments made by a carrier of a health plan to its pharmacy benefits manager; and

(2) The value of payments made by the pharmacy benefits manager to dispensing pharmacists for the provision of prescription drugs or pharmacy services with regard to pharmacy benefits covered by the health plan.

**2. Pharmacy benefits manager compensation included as administrative cost.** If a carrier uses a pharmacy benefits manager to administer or manage prescription drug benefits provided for the benefit of covered persons, for purposes of calculating a carrier's anticipated loss ratio, any pharmacy benefits manager compensation:

A. Constitutes an administrative cost incurred by the carrier in connection with a health plan; and

B. May not constitute a benefit provided under a health plan.

A carrier may claim only the amounts paid by the pharmacy benefits manager to a pharmacy or pharmacist as an incurred claim.

**3. Calculation of pharmacy benefits manager compensation.** Each rate filing submitted by a carrier with respect to a health plan that provides coverage for prescription drugs or pharmacy services that is administered or managed by a pharmacy benefits manager must include:

A. A memorandum prepared by a qualified actuary describing the calculation of the pharmacy benefits manager compensation; and

B. Such records and supporting information as the superintendent reasonably determines is necessary to confirm the calculation of the pharmacy benefits manager compensation.

**4. Records.** Upon request, a carrier shall provide any records to the superintendent that relate to the calculation of the pharmacy benefits manager compensation.

**5. Documentation from pharmacy benefits manager.** A pharmacy benefits manager shall provide any necessary documentation requested by a carrier that relates to pharmacy benefits manager compensation in order to comply with the requirements of this section.

**§4350-E. Effective date**

This chapter takes effect January 1, 2020.

**Sec. 9. Effective date.** This Act takes effect January 1, 2020.

Effective January 1, 2020.

**CHAPTER 470**

**S.P. 350 - L.D. 1162**

**An Act To Further Expand Drug Price Transparency**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §8703, sub-§1,** as amended by PL 2003, c. 469, Pt. C, §22, is further amended to read:

**1. Objective.** The purposes of the organization are to create and maintain a useful, objective, reliable and comprehensive health information database that is used to improve the health of Maine citizens and to issue reports, as provided in ~~section~~ sections 8712 and 8736. This database must be publicly accessible while protecting patient confidentiality and respecting providers of care. The organization shall collect, process, analyze and report clinical, financial, quality and restructuring data as defined in this chapter.

**Sec. 2. 22 MRSA §8704, sub-§1, ¶A,** as amended by PL 2003, c. 469, Pt. C, §23, is further amended to read:

A. The board shall develop and implement policies and procedures for the collection, processing, storage and analysis of clinical, financial, quality and restructuring and prescription drug price data in accordance with this subsection for the following purposes:

- (1) To use, build and improve upon and coordinate existing data sources and measurement efforts through the integration of data systems and standardization of concepts;
- (2) To coordinate the development of a linked public and private sector information system;
- (3) To emphasize data that is useful, relevant and not duplicative of existing data;

(4) To minimize the burden on those providing data; and

(5) To preserve the reliability, accuracy and integrity of collected data while ensuring that the data is available in the public domain.

**Sec. 3. 22 MRSA §8705-A, first ¶**, as enacted by PL 2003, c. 659, §2 is further amended to read:

The board shall adopt rules to ensure that payors ~~and~~ providers, prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers file data as required by section 8704, subsection 1; that users that obtain health data and information from the organization safeguard the identification of patients and health care practitioners as required by section 8707, subsections 1 and 3; and that payors ~~and~~ providers, prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers pay all assessments as required by section 8706, subsection 2.

**Sec. 4. 22 MRSA §8705-A, first ¶**, as amended by PL 2013, c. 528, §6 and affected by §12, is further amended to read:

The board shall adopt rules to ensure that payors ~~and~~ providers, prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers file data as required by section 8704, subsection 1; that users that obtain health data and information from the organization safeguard the identification of patients and health care practitioners as required by section 8714, subsections 2, 3 and 4; and that payors ~~and~~ providers, prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers pay all assessments as required by section 8706, subsection 2.

**Sec. 5. 22 MRSA §8705-A, sub-§3, ¶A**, as amended by PL 2007, c. 136, §4, is further amended to read:

A. When a person or entity that is a health care facility ~~or~~ payor, prescription drug manufacturer, wholesale drug distributor or pharmacy benefits manager violates the requirements of this chapter, except for section 8707, that person or entity commits a civil violation for which a fine of not more than \$1,000 per day may be adjudged. A fine imposed under this paragraph may not exceed \$25,000 for any one occurrence.

**Sec. 6. 22 MRSA §8705-A, sub-§3, ¶A**, as amended by PL 2013, c. 528, §7 and affected by §12, is further amended to read:

A. When a person or entity that is a health care facility ~~or~~ payor, prescription drug manufacturer, wholesale drug distributor or pharmacy benefits manager violates the requirements of this chapter, except for section 8714, that person or entity commits a civil violation for which a fine of not

more than \$1,000 per day may be adjudged. A fine imposed under this paragraph may not exceed \$25,000 for any one occurrence.

**Sec. 7. 22 MRSA §8706, sub-§2**, as amended by PL 2007, c. 136, §5, is further amended to read:

**2. Permanent funding.** Permanent funding for the organization is provided from reasonable costs, user fees and assessments according to this subsection and as provided by rules adopted by the board.

A. Fees may be charged for the reasonable costs of duplicating, mailing, publishing and supplies.

B. Reasonable user fees must be charged on a sliding scale for the right to access and use the health data and information available from the organization. Fees may be charged for services provided to the department on a contractual basis. Fees may be reduced or waived for users that demonstrate a plan to use the data or information in research of general value to the public health or inability to pay the scheduled fees, as provided by rules adopted by the board.

C. The operations of the organization must be supported from ~~3~~ 4 sources as provided in this paragraph:

(1) Fees collected pursuant to paragraphs A and B;

(2) Annual assessments of not less than \$100 assessed against the following entities licensed under Titles 24 and 24-A: nonprofit hospital and medical service organizations, health insurance carriers and health maintenance organizations on the basis of the total annual health care premium; and 3rd-party administrators, carriers that provide only administrative services for a plan sponsor and pharmacy benefits managers that process and pay claims on the basis of claims processed or paid for each plan sponsor. The assessments are to be determined on an annual basis by the board. Health care policies issued for specified disease, accident, injury, hospital indemnity, disability, long-term care or other limited benefit health insurance policies are not subject to assessment under this subparagraph. For purposes of this subparagraph, policies issued for dental services are not considered to be limited benefit health insurance policies. The total dollar amount of assessments under this subparagraph must equal the assessments under subparagraph (3); ~~and~~

(3) Annual assessments of not less than \$100 assessed by the organization against providers. The assessments are to be determined on an annual basis by the board. The total dollar amount of assessments under this subpara-

graph must equal the assessments under subparagraph (2); and

(4) Annual assessments of \$500 assessed by the organization against prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers.

The aggregate level of annual assessments under subparagraphs (2) ~~and~~ (3) and (4) must be an amount sufficient to meet the organization's expenditures authorized in the state budget established under Title 5, chapter 149. ~~The annual assessment may not exceed \$1,346,904 in fiscal year 2002-03. In subsequent fiscal years, the annual assessment may increase above \$1,346,904 by an amount not to exceed 5% per fiscal year.~~ The board may waive assessments otherwise due under subparagraphs (2) ~~and~~ (3) and (4) when a waiver is determined to be in the interests of the organization and the parties to be assessed.

Sec. 8. 22 MRSA c. 1683, sub-c. 3 is enacted to read:

### SUBCHAPTER 3

#### PRESCRIPTION DRUG PRICING FOR PURCHASERS

##### §8731. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Brand-name drug. "Brand-name drug" means a prescription drug marketed under a proprietary name or registered trademark name, including a biological product.

2. Generic drug. "Generic drug" means a prescription drug, whether identified by its chemical, proprietary or nonproprietary name, that is not a brand-name drug and is therapeutically equivalent to a brand-name drug in dosage, safety, strength, method of consumption, quality, performance and intended use. "Generic drug" includes a biosimilar product.

3. Manufacturer. "Manufacturer" means a manufacturer of prescription drugs that are distributed in the State.

4. Pricing component data. "Pricing component data" means data unique to each manufacturer, wholesale drug distributor or pharmacy benefits manager subject to this subchapter that evidences the cost to each manufacturer, wholesale drug distributor or pharmacy benefits manager to make a prescription drug available to consumers and the payments received by each manufacturer, wholesale drug distributor or pharmacy benefits manager to make a prescription drug available to consumers, taking into account any price concessions, and that is measured uniformly

among the entities, as determined by rules adopted by the organization pursuant to section 8737.

5. Pricing unit. "Pricing unit" means the smallest dispensable amount of a prescription drug that could be dispensed.

6. Wholesale acquisition cost. "Wholesale acquisition cost" means a manufacturer's listed price for sale to a wholesale drug distributor or other entity that purchases a prescription drug directly from the manufacturer, not including any price concessions.

##### §8732. Drug price notifications and disclosures

1. Notifications by manufacturers. No later than January 30, 2020 and annually thereafter, a manufacturer shall notify the organization when the manufacturer has during the prior calendar year:

A. Increased the wholesale acquisition cost of a brand-name drug by more than 20% per pricing unit;

B. Increased the wholesale acquisition cost of a generic drug that costs at least \$10 per pricing unit by more than 20% per pricing unit; or

C. Introduced a new drug for distribution in this State when the wholesale acquisition cost is greater than the amount that would cause the drug to be considered a specialty drug under the Medicare Part D program. For the purposes of this subsection, "Medicare Part D" has the same meaning as in section 254-D, subsection 1, paragraph F.

##### 2. Disclosures by manufacturers, wholesale drug distributors and pharmacy benefits managers.

Within 60 days of a request from the organization relating to a specific prescription drug, a manufacturer, wholesale drug distributor or pharmacy benefits manager shall notify the organization of pricing component data per pricing unit of a drug.

##### §8733. Confidentiality

Information provided to the organization as required by this subchapter by a manufacturer, wholesale drug distributor or pharmacy benefits manager is confidential and not a public record under Title 1, chapter 13, except that the organization may share information:

1. Bureau of Insurance. With the Department of Professional and Financial Regulation, Bureau of Insurance, to the extent necessary for the bureau to enforce the provisions of Title 24-A, as long as any information shared is kept confidential; and

2. Aggregate. In the aggregate, as long as it is not released in a manner that allows the identification of an individual drug or manufacturer, wholesale drug distributor or pharmacy benefits manager.

**§8734. Registration requirements**

Beginning January 1, 2020, a manufacturer and wholesale drug distributor subject to this subchapter shall register annually with the organization in a manner prescribed by the organization.

**§8735. Compliance**

**1. Certification of accuracy.** A manufacturer, wholesale drug distributor or pharmacy benefits manager that submits a notification or report to the organization pursuant to this subchapter shall submit with the notification or report a signed written certification of the notification's or report's accuracy.

**2. Civil penalty.** A manufacturer, wholesale drug distributor or pharmacy benefits manager that violates this subchapter commits a civil violation for which a fine of \$30,000 may be adjudged for each day of the violation.

**3. Audit.** The organization may audit the data submitted by a manufacturer, wholesale drug distributor or pharmacy benefits manager pursuant to this subchapter. The manufacturer, wholesale drug distributor or pharmacy benefits manager shall pay for the costs of the audit.

**4. Corrective action plan.** The organization may require a manufacturer, wholesale drug distributor or pharmacy benefits manager subject to this subchapter to develop a corrective action plan to correct any deficiencies the organization finds with the manufacturer's, wholesale drug distributor's or pharmacy benefits manager's compliance with this subchapter.

**§8736. Public report**

Beginning November 1, 2020 and annually thereafter, the organization shall produce and post on its publicly accessible website an annual report, including information developed from the notifications and disclosures received pursuant to this subchapter on trends in the cost of prescription drugs, analysis of manufacturer prices and price increases, the major components of prescription drug pricing along the supply chain and the impacts on insurance premiums and cost sharing and any other information the organization determines is relevant to providing greater consumer awareness of the factors contributing to the cost of prescription drugs in the State. The report may not disclose information attributable to any particular manufacturer, wholesale drug distributor or pharmacy benefits manager subject to this subchapter and may not make public any information that is confidential pursuant to section 8733. The organization shall submit the report required by this section to the joint standing committee of the Legislature having jurisdiction over health data reporting and prescription drug matters and the committee may report out legislation to the first regular or second regular session of the Legislature, depending on the year in which the report is submitted.

**§8737. Rulemaking**

The organization may adopt rules to implement this subchapter. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 9. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 22, chapter 1683, before section 8701, the headnote "subchapter 1, general provisions" is enacted and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 10. Initial rulemaking.** Notwithstanding the Maine Revised Statutes, Title 22, section 8737, the Maine Health Data Organization may adopt emergency rules that are otherwise in accordance with section 8737 to implement the provisions of Title 22, chapter 1683, subchapter 3 and may adopt routine technical rules to implement that subchapter before April 1, 2020.

See title page for effective date.

**CHAPTER 471**

**S.P. 461 - L.D. 1499**

**An Act To Establish the Maine  
Prescription Drug  
Affordability Board**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 5 MRSA c. 167 is enacted to read:**

**CHAPTER 167**

**MAINE PRESCRIPTION DRUG  
AFFORDABILITY BOARD**

**§2041. Maine Prescription Drug Affordability  
Board established**

**1. Board established.** The Maine Prescription Drug Affordability Board, as established in section 12004-G, subsection 14-I and referred to in this chapter as "the board," shall carry out the purposes of this chapter.

**2. Membership.** The board has 5 members with expertise in health care economics or clinical medicine, who may not be affiliated with or represent the interests of a public payor, as that term is defined in section 2042, and who are appointed as follows:

A. Two members by the President of the Senate. The President of the Senate shall also appoint one alternate board member who will participate in deliberations of the board in the event a member appointed by the President of the Senate elects to

be recused as provided in subsection 7, paragraph B;

B. Two members by the Speaker of the House of Representatives. The Speaker of the House of Representatives shall also appoint one alternate board member who will participate in deliberations of the board in the event a member appointed by the Speaker of the House of Representatives elects to be recused as provided in subsection 7, paragraph B; and

C. One member by the Governor. The Governor shall also appoint one alternate board member who will participate in deliberations of the board in the event the member appointed by the Governor elects to be recused as provided in subsection 7, paragraph B.

3. Terms. Members are appointed to 5-year terms. Of the initial appointees, the member appointed by the Governor serves an initial term of 5 years, one member appointed by the President of the Senate and one member appointed by the Speaker of the House of Representatives serve an initial term of 4 years and one member appointed by the President of the Senate and one member appointed by the Speaker of the House of Representatives serve an initial term of 3 years.

4. Quorum. A majority of board members constitutes a quorum.

5. Chair. The Governor shall name the chair.

6. Meetings. Beginning no later than March 1, 2020, the board shall meet in public session at least every 12 weeks to review prescription drug information and to make recommendations pursuant to section 2042. Meetings may be cancelled or postponed at the discretion of the chair.

A. Each public meeting must be announced 2 weeks in advance, and materials for the meeting must be made public at least one week in advance.

B. Each public meeting must provide opportunity for comment from the public in attendance at the meeting, and the board shall provide the opportunity for the public to submit written comments on pending decisions.

C. The board may allow expert testimony at public meetings and any meeting conducted in executive session as permitted by paragraph D.

D. Notwithstanding the requirements of Title 1, section 405, the board may meet in executive session, except that any decision of the board must be made in public.

7. Conflicts of interest. The following provisions govern any conflict of interest for a member of the board, a member of the advisory council estab-

lished pursuant to subsection 10 or any staff member or contractor of the board.

A. When appointing a member of the board or the advisory council established pursuant to subsection 10, the appointing authority shall consider any conflict of interest disclosed by the prospective member. A member shall elect to be recused from any board activity in the case in which the member or an immediate family member of the member has a conflict of interest. For the purposes of this paragraph, "conflict of interest" means an association, including a financial or personal association, that has the potential to bias or have the appearance of biasing an individual's decisions in matters related to the board or the conduct of the board's activities.

B. A board member or staff or contractor of the board with a conflict of interest shall elect to be recused. For purposes of this paragraph, "conflict of interest" means any instance in which a member of the board or an immediate family member of the member has received or could receive either of the following:

(1) A direct financial benefit of any amount deriving from the results or findings of a study or determination by or for the board; or

(2) A financial benefit from individuals or companies that own or manufacture prescription drugs, services or items to be studied by the board that in the aggregate exceeds \$5,000 per year. For purposes of this subparagraph, "financial benefit" includes honoraria, fees, stock or other financial benefit and the current value of the member's or immediate family member's already existing stock holdings, in addition to any direct financial benefit deriving from the results or findings conducted under this section.

C. A conflict of interest must be disclosed in the following manner:

(1) By the board in the employment of board senior staff;

(2) By the Governor, President of the Senate or Speaker of the House of Representatives when appointing members to the board and advisory council established pursuant to subsection 10;

(3) By the board, describing any recusals as part of any final decision relating to a prescription drug; and

(4) By the 5th day after a conflict is identified or, if a public meeting of the board will occur within that 5-day period, in advance of the public meeting.

D. Conflicts of interest must be publicly posted on the website of the board. The information disclosed must include the type, nature and magnitude of the interests of the individual involved, except to the extent that the individual elects to be recused from participation in any activity with respect to which the potential conflict exists.

E. The board, the advisory council established pursuant to subsection 10, a member of the board or staff or a contractor of the board may not accept gifts, bequests or donations of services or property that suggest a conflict of interest or have the appearance of creating bias in the work of the board or advisory council.

F. A member of the advisory council established pursuant to subsection 10 who accepts a gift, bequest or donation of services or property that suggests a conflict of interest or has the appearance of creating bias in the work of the advisory council shall disclose the gift, bequest or donation publicly.

**8. Staff.** The board may employ an executive director, whose salary, to the extent feasible, must comport with state personnel rules and requirements.

**9. Compensation.** A member of the board and a member of the advisory council appointed pursuant to subsection 10, paragraph L are entitled to legislative per diem and reimbursement for expenses as provided in section 12004-G, subsection 14-I.

**10. Advisory council.** A 12-member advisory council is established to advise the board on establishing annual spending targets pursuant to section 2042, subsection 1 and determining methods for meeting those spending targets pursuant to section 2042, subsection 3. The advisory council consists of:

A. The Governor or the governor's designee;

B. The Commissioner of Administrative and Financial Services or the commissioner's designee;

C. The Commissioner of Corrections or the commissioner's designee;

D. The Commissioner of Health and Human Services or the commissioner's designee;

E. The Attorney General or the Attorney General's designee;

F. The Executive Director of Employee Health and Benefits, within the Department of Administrative and Financial Services, Bureau of Human Resources, or the executive director's designee;

G. A representative from the Maine State Employees Association, appointed by the Governor, based on a nomination by the association;

H. A representative from the Maine Education Association, appointed by the Governor, based on a nomination by the association;

I. A representative from the Maine Municipal Association, appointed by the Governor, based on a nomination by the association;

J. A representative from the University of Maine System, appointed by the Governor, based on a nomination by the system;

K. A representative from the Maine Community College System, appointed by the Governor, based on a nomination by the system; and

L. A representative of consumer interests, appointed by the Governor, who serves a 3-year term.

**11. Funds and grants.** The board may apply for and receive funds, grants or contracts from public and private sources.

**12. Assessment.** The board may recommend that a public payor, as defined in section 2042, subsection 1, pay an annual assessment to support the administrative costs of the board.

#### **§2042. Powers and duties of the board**

**1. Prescription drug spending targets.** The board has the following powers and duties. For the purposes of this section, the term "public payor" means any division of state, county or municipal government that administers a health plan for employees of that division of state, county or municipal government or an association of state, county or municipal employers that administers a health plan for its employees, except for the MaineCare program. The board shall:

A. Beginning for the year 2021 and in consultation with the advisory council established under section 2041, subsection 10, determine annual spending targets for prescription drugs purchased by public payors based upon a 10-year rolling average of the medical care services component of the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index plus a reasonable percentage for inflation and minus a spending target determined by the board for pharmacy savings;

B. Determine spending targets on specific prescription drugs that may cause affordability challenges to enrollees in a public payor health plan; and

C. Determine which public payors are likely to exceed the spending targets determined under paragraph A.

**2. Prescription drug spending data.** The board may consider the following data to accomplish its duties under this section:

A. A public payor's prescription drug spending data, which the 3rd-party administrator or insurer for the public payor's health plan shall provide to the board on behalf of the public payor upon request notwithstanding any provision of law to the contrary, including:

- (1) Expenditures and utilization data for prescription drugs for each plan offered by a public payor;
- (2) The formulary for each plan offered by a public payor and prescription drugs common to each formulary;
- (3) Pharmacy benefit management services and other administrative expenses of the prescription drug benefit for each plan offered by a public payor; and
- (4) Enrollee cost sharing for each plan offered by a public payor; and

B. Data compiled by the Maine Health Data Organization under Title 22, chapter 1683.

Prescription drug spending data provided to the board under this subsection is confidential to the same extent it is confidential while in the custody of the entity that provided the data to the board.

**3. Recommendations.** Based upon the prescription drug spending data received under subsection 2, the board, in consultation with a representative of each public payor identified under subsection 1, paragraph A, shall determine methods for the public payor to meet the spending targets established under subsection 1. The board shall determine whether the following methods reduce costs to individuals purchasing prescription drugs through a public payor and allow public payors to meet the spending targets established under subsection 1:

- A. Negotiating specific rebate amounts on the prescription drugs that contribute most to spending that exceeds the spending targets;
- B. Changing a formulary when sufficient rebates cannot be secured under paragraph A;
- C. Changing a formulary with respect to all of the prescription drugs of a manufacturer within a formulary when sufficient rebates cannot be secured under paragraph A;
- D. Establishing a common prescription drug formulary for all public payors;
- E. Prohibiting health insurance carriers in the State from offering on their formularies a prescription drug or any of the prescription drugs manufactured by a particular manufacturer when

the methods described in paragraph B or C are implemented;

F. Purchasing prescription drugs in bulk or through a single purchasing agreement for use among public payors;

G. Collaborating with other states and state prescription drug purchasing consortia to purchase prescription drugs in bulk or to jointly negotiate rebates;

H. Allowing health insurance carriers providing coverage to small businesses and individuals in the State to participate in the public payor prescription drug benefit for a fee;

I. Procuring common expert services for public payors, including but not limited to pharmacy benefit management services and actuarial services; and

J. Any other method the board may determine.

**4. Report.** The board shall report its recommendations, including prescription drug spending targets, and the progress of implementing those recommendations to the joint standing committee of the Legislature having jurisdiction over health coverage and insurance matters no later than October 1, 2020 and on January 30th annually thereafter. The joint standing committee may report out legislation based upon the report.

**Sec. 2. 5 MRSA §12004-G, sub-§14-I** is enacted to read:

**14-I.**

<u>Health care</u>	<u>Maine Prescription Drug Affordability Board and advisory council</u>	<u>Legislative Per Diem and Expenses</u>	<u>5 MRSA §2041</u>
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**Sec. 3. 22 MRSA §8712, sub-§6** is enacted to read:

**6. Data shared with Maine Prescription Drug Affordability Board.** The organization may share data collected under this chapter with the Maine Prescription Drug Affordability Board, established under Title 5, section 12004-G, subsection 14-I, as long as any data shared pursuant to this subsection is not further disseminated.

See title page for effective date.

**CHAPTER 472**  
**S.P. 392 - L.D. 1272**

**An Act To Increase Access to  
Low-cost Prescription Drugs**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1.** 5 MRSA c. 167 is enacted to read:

**CHAPTER 167**

**WHOLESALE PRESCRIPTION DRUG  
IMPORTATION PROGRAM**

**§2041. Authorization**

The Wholesale Prescription Drug Importation Program, referred to in this chapter as "the program," is established to provide for the wholesale importation of prescription drugs from Canada by or on behalf of the State. The program must be designed in accordance with the requirements of this chapter. The program may not be implemented unless the State obtains approval and certification, pursuant to section 2042, subsection 3, from the United States Department of Health and Human Services.

**§2042. Design of program**

**1. Design requirements.** The Department of Health and Human Services, in consultation with appropriate federal and other state agencies, other states and interested parties, shall design the program to comply with the applicable requirements of 21 United States Code, Section 384, including requirements regarding safety and cost savings. The program design must:

A. Designate a state agency to become a licensed drug wholesaler or to contract with a licensed drug wholesaler in order to seek federal certification and approval, pursuant to section 2042, subsection 3, to import safe prescription drugs and provide cost savings to consumers in the State;

B. Use prescription drug suppliers in Canada regulated under the laws of Canada or of one or more Canadian provinces, or both;

C. Ensure that only prescription drugs meeting the federal Food and Drug Administration's safety, effectiveness and other standards are imported by or on behalf of the State;

D. Import only those prescription drugs expected to generate substantial cost savings for consumers in the State;

E. Ensure that the program complies with the transaction and tracing requirements of 21 United States Code, Sections 360eee and 360eee-1 to the extent feasible and practical prior to imported prescription drugs coming into the possession of the

licensed drug wholesaler and that the program complies fully with those federal requirements after imported prescription drugs are in the possession of the licensed drug wholesaler;

F. Consider whether the program may be developed on a multistate basis through collaboration with other states;

G. Prohibit the distribution, dispensing or sale of imported prescription drugs outside of the State;

H. Recommend a charge per prescription or another method of financing to ensure that the program is adequately funded in a manner that does not jeopardize significant cost savings to consumers, including adequate funding for the initial start-up costs of the program;

I. Apply for and receive funds, grants or contracts from public and private sources; and

J. Include an audit function.

**2. Rules.** The Department of Health and Human Services shall adopt rules to design the program in accordance with the requirements of subsection 1 no later than January 1, 2020. Rules adopted pursuant to this subsection are major substantive rules as defined in chapter 375, subchapter 2-A.

**3. Request for federal approval and certification.** The Department of Health and Human Services shall submit a request for approval and certification of the program to the United States Department of Health and Human Services no later than May 1, 2020.

**§2043. Implementation**

**1. Implementation; operation.** Upon receipt of federal approval and certification under section 2042, subsection 3, the state agency designated to oversee the program pursuant to this chapter shall implement the program as required in subsection 2. The program must begin operating no later than 6 months following receipt of federal approval and certification.

**2. Requirements.** Prior to operating the program, the state agency designated to oversee the program pursuant to this chapter shall:

A. Become a licensed drug wholesaler or enter into a contract with a licensed drug wholesaler in the State;

B. Contract with one or more distributors licensed in the State;

C. Contract with one or more licensed and regulated prescription drug suppliers in Canada;

D. Consult with health insurance carriers, employers, pharmacies, pharmacists, health care providers and consumers;

E. Develop a registration process for health insurance carriers, pharmacies and health care pro-

viders authorized to prescribe and administer prescription drugs that are willing to participate in the program;

F. Create a publicly accessible website for listing the prices of prescription drugs to be imported under the program;

G. Create an outreach and marketing plan to generate public awareness of the program;

H. Provide a telephone hotline to answer questions and address needs of consumers, employers, health insurance carriers, pharmacies, health care providers and others affected by the program;

I. Develop a 2-year audit work plan; and

J. Conduct any other activity determined necessary to successfully implement and operate the program.

**§2044. Annual reporting**

Beginning January 2021, and annually thereafter, the Department of Health and Human Services, or other state agency designated to oversee the program pursuant to this chapter, shall report to the joint standing committee of the Legislature having jurisdiction over health coverage and prescription drugs regarding the implementation and operation of the program during the previous calendar year, including:

**1. Prescription drugs included.** The prescription drugs included in the program;

**2. Participation.** The number of participating pharmacies, health care providers and health insurance carriers;

**3. Prescriptions dispensed.** The number of prescription drugs dispensed through the program;

**4. Estimated savings.** The estimated cost savings to consumers, health insurance carriers, employers and the State during the previous calendar year and to date;

**5. Audit findings.** Information regarding implementation of the audit work plan and audit findings; and

**6. Other relevant information.** Any other information the Department of Health and Human Services, or other state agency designated to oversee the program pursuant to this chapter, considers relevant.

See title page for effective date.

**CHAPTER 473  
S.P. 535 - L.D. 1658**

**An Act To Clarify the  
Definition of "Public Works"**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 26 MRSA §1304, sub-§8**, as amended by PL 2009, c. 453, §1, is further amended to read:

**8. Public works.** "Public works" includes public schools and all buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, demolition, waterworks, airports and all other structures upon which construction ~~may be let to contract by the State and which~~ is funded in whole or in part by state funds and for which the contract amounts to \$50,000 or more.

See title page for effective date.

**CHAPTER 474  
H.P. 947 - L.D. 1304**

**An Act To Ease Financial  
Burdens for Juveniles Involved  
in the Justice System**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 15 MRSA §3313, sub-§2, ¶F**, as enacted by PL 1977, c. 520, §1, is amended to read:

F. The juvenile has made or has agreed to ~~make pay~~ restitution to the victim of ~~his~~ the juvenile's conduct for the damage or injury that the victim sustained in an amount that the court has determined is within the juvenile's ability to pay pursuant to section 3314-C;

**Sec. 2. 15 MRSA §3314, sub-§1, ¶E**, as amended by PL 2019, c. 113, Pt. C, §46, is further amended to read:

E. The court may require the juvenile to ~~make pay~~ restitution for ~~any damage to the victim or other authorized claimant as compensation for economic loss upon reasonable conditions that the court determines appropriate.~~ For the purposes of this paragraph, the provisions of Title 17-A, chapter 69 apply, except that section 2015 does not apply. Enforcement of a restitution order is available pursuant to subsection 7. If the restitution was a condition of probation, the attorney for the State may, with written consent of the juvenile community corrections officer, file a motion to ~~revoke probation~~ pursuant to section 3314-C.

**Sec. 3. 15 MRSA §3314, sub-§7**, as amended by PL 2009, c. 608, §2, is further amended to read:

**7. Enforcement of a dispositional order or order to appear.** After notice and hearing and in accordance with the Maine Rules of Civil Procedure, Rule 66, the court may exercise its inherent contempt power by way of a plenary contempt proceeding involving punitive sanctions, accompanied or unaccompanied by remedial sanctions, to enforce the disposition ordered following an adjudication for a juvenile crime or to enforce any order requiring the appearance of a juvenile before the court. The court may not order confinement as a contempt sanction for any juvenile who has not attained 14 years of age. Any confinement imposed as a punitive or remedial sanction upon a person who has not attained 18 years of age may not exceed 30 days and must be served in a facility approved or operated by the Department of Corrections exclusively for juveniles. Any confinement imposed as a punitive or remedial sanction upon a person who has attained 18 years of age, if to be served in a facility approved or operated by the Department of Corrections exclusively for juveniles, may not exceed 30 days. To enforce the disposition ordered following an adjudication for a juvenile crime defined in section 3103, subsection 1, paragraph B or C upon a person who has not attained 18 years of age, the court shall, at the time of the disposition, provide written notice to the juvenile of the court's authority to enforce the dispositional order through an exercise of its inherent contempt power and that a contempt order could include an order of confinement for up to 30 days as a punitive sanction and for up to 30 days as a remedial sanction. Except as explicitly set out in this subsection, nothing in this subsection affects the court's ability to exercise its contempt powers for persons who have attained 18 years of age.

~~In addition to the contempt powers described in this subsection, upon a default in payment of a fine or restitution, execution may be levied and other measures authorized for the collection of unpaid civil judgments may be taken to collect the unpaid fine or restitution. A levy of execution does not discharge a juvenile confined as a punitive sanction and does not discharge a juvenile confined as a remedial sanction until the full amount of the fine or restitution has been paid.~~

**Sec. 4. 15 MRSA §3314-C** is enacted to read:

**§3314-C. Juvenile restitution**

**1. Definitions.** Terms used in this section have the same meaning as in Title 17-A, section 2002, unless otherwise indicated.

**2. Mandatory consideration of restitution.** This subsection applies to the mandatory consideration of restitution.

A. The court shall, whenever practicable, inquire of a prosecutor, law enforcement officer or victim

with respect to the extent of the victim's economic loss and shall order restitution when authorized and appropriate.

B. The order for restitution must designate the amount of restitution to be paid, that the order may be subject to modification or termination pursuant to subsection 6 and the person or persons to whom restitution must be paid.

C. In any case in which the court determines that restitution should not be imposed in accordance with the criteria set forth in subsection 3, the court shall state on the record or in writing the reasons for not imposing restitution.

**3. Criteria for juvenile restitution.** The criteria for ordering restitution to be paid by a juvenile are as follows.

A. Restitution as part of a juvenile disposition may be authorized, in whole or in part, as compensation for economic loss. In determining the amount of restitution a court is authorized to order a juvenile to pay, the court shall consider the following:

(1) The contributory misconduct of the victim;

(2) Failure by the victim to report the crime to a law enforcement officer within 72 hours after its occurrence, without good cause for failure to report within that time period; and

(3) The present and future capacity of the juvenile to pay restitution.

B. The court is not authorized to order that a juvenile pay restitution:

(1) To a victim without that victim's consent;

(2) To a victim who is an accomplice of the juvenile;

(3) To a victim who has otherwise been compensated from a collateral source, but economic loss in excess of that collateral compensation may be authorized;

(4) On a joint and several basis; or

(5) When the amount and method of payment of monetary restitution places an excessive financial hardship on the juvenile or dependent of the juvenile. In making this determination, the court shall consider all relevant factors, including, but not limited to, the following:

(a) The impact a restitution order would have on a juvenile, the juvenile's dependents and the juvenile's family, with particular consideration given to whether or not the juvenile or the juvenile's parents

or guardians have been determined to be indigent;

(b) The minimum living expenses of the juvenile and the juvenile's dependents, including any other persons who are actually dependent on the juvenile;

(c) The special needs of the juvenile and the juvenile's dependents, including necessary travel expenses to and from work;

(d) The juvenile's present income and potential future earning capacity;

(e) The juvenile's resources;

(f) The juvenile's age;

(g) The juvenile's educational obligations;

(h) The juvenile's participation in substance use disorder treatment or mental health treatment or both;

(i) The stability or transience of the juvenile's living situation;

(j) The juvenile's access to transportation;

(k) Work restrictions on juveniles as set forth in Title 26, chapter 7; and

(l) The confinement of the juvenile as part of the juvenile's disposition.

**4. Authorized claimants.** A court's order directing a juvenile to pay restitution is authorized only for:

A. The victim or victims, who must be natural persons, or a dependent of a deceased victim. A juvenile's obligation to pay restitution is not affected by the death of the victim to whom the restitution is due. In the case of the death of a victim, the money collected as restitution must be forwarded to the estate of the victim; and

B. Any person legally authorized to act on behalf of the victim.

**5. Burdens of proof.** At a hearing on a juvenile's capacity to pay restitution, there exists a rebuttable presumption that a juvenile who has not attained 16 years of age lacks the capacity to pay restitution. The State has the burden to rebut that presumption by a preponderance of the evidence. At a hearing in which a juvenile who has attained 16 years of age asserts a present or future incapacity to pay restitution, the juvenile has the burden of proving the incapacity to pay restitution by a preponderance of the evidence. On appeal of a restitution order, as part of a juvenile disposition, the juvenile has the burden of demonstrating that the court abused its discretion in ordering an amount of restitution.

**6. Modification of orders on juvenile restitution.** This subsection governs the modification of juvenile restitution orders.

A. A juvenile who is not able to make restitution payments in the manner ordered by the court shall move the court for a modification of the time or method of payment. If the juvenile establishes by a preponderance of the evidence that the juvenile is unable to pay restitution in the time and manner ordered, the court may modify its prior order to reduce the amount of each installment or to allow additional time for payment.

B. Upon motion of the juvenile, the juvenile's parent or parents or the juvenile's guardian, and upon notice to the State and providing an opportunity for the victim to comment on the motion, pursuant to Title 17-A, sections 2102, 2104 and 2105, the court may review the restitution order and may modify its dispositional order to reduce or eliminate the amount of restitution ordered when the court determines that the juvenile has established by a preponderance of the evidence that payment of the current restitution order would, based on a substantial change in the juvenile's circumstances, constitute an excessive financial hardship on the juvenile or the juvenile's dependents. Additionally, if a court determines that a juvenile's failure to pay restitution was not willful and was excusable, the court may order that the juvenile complete court-approved community service to offset the juvenile's restitution obligations at an hourly rate set by the court that may be no less than the minimum wage established in Title 26, section 664.

**7. Enforcement of an order of juvenile restitution.** Notwithstanding section 3314, subsection 7, to enforce an order of restitution upon a finding that the juvenile has inexcusably failed to comply with the order, the court may not order confinement as a remedial or punitive contempt sanction unless the juvenile has in fact attained 16 years of age. Upon a motion by the State to enforce the payment of restitution, the court may order, in addition to other remedial or punitive contempt sanctions for an inexcusable failure to pay restitution, that a juvenile complete court-approved community service at an hourly rate set by the court that may be no less than the minimum wage established in Title 26, section 664.

See title page for effective date.

**CHAPTER 475**  
**H.P. 1069 - L.D. 1457**

**An Act To Make Certain  
References in the Maine  
Revised Statutes  
Gender-neutral**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 1 MRSA §8**, as amended by PL 1981, c. 456, Pt. A, §1, is further amended to read:

**§8. Transfer of legislative jurisdiction**

**1. Notice.** In order to acquire all, or any measure of, legislative jurisdiction of the kind involved in the Constitution of the United States, Article I, Section 8, Clause 17 over any land or other area; or in order to relinquish such legislative jurisdiction, or any measure thereof, ~~which that~~ may be vested in the United States; the United States acting through a duly authorized department, agency or officer, shall file a notice of intention to acquire or relinquish such legislative jurisdiction, hereinafter called notice, together with a sufficient number of duly authenticated copies ~~thereof~~ of the notice to meet the recording requirements of subsection 3, with the Governor. The notice ~~shall must~~ contain a description adequate to permit accurate identification of the boundaries of the land or other area for which the change in jurisdictional status is sought and a precise statement of the measure of legislative jurisdiction sought to be transferred. Immediately upon receipt of the notice, the Governor shall furnish the Attorney General with a copy ~~thereof of the notice~~ and shall request ~~his~~ the Attorney General's comments and recommendations ~~thereon~~ on the notice.

**2. Legislative approval of transfer of jurisdiction.** The Governor shall transmit ~~said the~~ notice filed pursuant to subsection 1 together with ~~his the~~ Governor's comments and recommendations, if any, and the comments and recommendations of the Attorney General, if any, to the next session of the Legislature ~~which shall be that is~~ constitutionally competent to consider the ~~same~~ transfer of jurisdiction. Unless prior to the expiration of the legislative session to which ~~said the~~ notice is transmitted ~~as provided~~, the Legislature ~~has adopted~~ adopts an Act approving the transfer of legislative jurisdiction as proposed in ~~said the~~ notice, the ~~said~~ transfer ~~shall not be effective~~ does not take effect.

**3. Recordation.** The Governor shall cause a duly authenticated copy of the notice and Act to be recorded in the registry of deeds of the county where the land or other area affected by the transfer of jurisdiction is situated, and upon such recordation the transfer of jurisdiction ~~shall take~~ takes effect. If the land or other area ~~shall be~~ is situated in more than one county, a duly authenticated copy of the notice and Act ~~shall~~

~~must~~ be recorded in the registry of deeds of each such county.

**Sec. 2. 1 MRSA §14**, as amended by PL 1975, c. 771, §3, is further amended to read:

**§14. Survey of land to be taken; filing and recording**

When the Governor determines that a public exigency requires the taking of any land or rights as provided for in section 13, ~~he the~~ Governor shall cause the ~~same land~~ land to be surveyed, located and so described that ~~the same~~ it can be identified, and a plan thereof ~~shall must~~ be filed in the office of the Secretary of State and there recorded. The filing of ~~said the~~ plan ~~shall vest~~ vests the title to ~~such that~~ land and rights in the State of Maine or ~~their the~~ State's grantees, to be held during the pleasure of the State and, if transferred to the United States, during the pleasure of the United States.

**Sec. 3. 1 MRSA §111-A**, as enacted by PL 1977, c. 214, §3, is amended to read:

**§111-A. Arbor Week**

The Governor shall annually issue a proclamation setting apart the 3rd full week in May as Arbor Week, recommending its observance by the public in the planting of trees, shrubs and vines, in the promotion of forest growth and culture, in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as ~~shall~~ harmonize with the general character of the week. ~~He The~~ Governor shall recommend that ~~such the~~ week be observed in rural and suburban schools by exercises appropriate to Arbor Week.

**Sec. 4. 1 MRSA §521, sub-§1**, as enacted by PL 1975, c. 360, is amended to read:

**1. Available to public.** The Governor shall maintain in ~~his the~~ Governor's office a file containing a copy of every executive order issued by ~~him that~~ Governor or by previous governors, ~~which that~~ is currently in effect. This file ~~shall must~~ be open to public inspection at reasonable hours.

**Sec. 5. 1 MRSA §711** is amended to read:

**§711. Proclamation of Governor**

Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of State Government at the normal location of the seat thereof in Augusta, the Governor shall, as often as the exigencies of the situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at such place, or places, within or without this State as ~~he may deem~~ the Governor considers advisable under the circumstances, and shall take such action and issue such orders as may be

necessary for an orderly transition of the affairs of State Government to ~~such that~~ emergency temporary location, or locations. ~~Such~~ The emergency temporary location, or locations, ~~shall remain~~ remains as the seat of government until the Legislature ~~shall~~ by law ~~estab-~~ lish establishes a new location, or locations, or until the emergency is declared to be ended by the Governor and the seat of government is returned to its normal location.

**Sec. 6. 2 MRSA §1**, as amended by PL 1993, c. 361, Pt. B, §1, is further amended to read:

**§1. Residence; office hours; secretary; salary**

The Governor ~~shall have his~~ is entitled to reside in the Governor's official residence at Augusta during his the Governor's term of office; and shall keep ~~his~~ an office at the State House open for the transaction of the business of the State during all normal working hours of the State House.

In the absence of the Governor, ~~his~~ the Governor's private secretary ~~shall~~ must be in attendance and the private secretary shall devote ~~his the private secretary's~~ his the Governor's entire time to the duties of ~~his the Governor's~~ office.

Until the first Wednesday of January 1987, the Governor ~~shall receive~~ receives an annual salary of \$35,000. Beginning the first Wednesday of January 1987, the Governor ~~shall~~ is entitled to receive an annual salary of \$70,000.

A former Governor may accept as a personal gift from the State at the end of ~~his the Governor's~~ final term the desk and chair used by that Governor as Governor.

**Sec. 7. 2 MRSA §1-A, sub-§1, ¶B**, as amended by PL 1987, c. 422, is further amended to read:

B. The surviving spouse of a Governor or former Governor ~~shall be~~ is eligible to receive:

- (1) If the spouse is age 60 or older:
  - (a) The retirement allowance the Governor was receiving or was entitled to receive if the deceased or former Governor died at age 60 or older; or
  - (b) A retirement pension equal to 3/8 of the salary paid to the Governor currently in office if the former Governor died before age 60; or
- (2) If the spouse is under age 60:
  - (a) At the time the spouse reaches age 60, a retirement pension equal to 3/8 of the salary paid to the Governor currently in office; or
  - (b) Before the spouse reaches age 60, a reduced retirement pension actuarially

equivalent to the benefit ~~which he~~ that the Governor would have received under division (a).

**Sec. 8. 2 MRSA §1-A, sub-§1, ¶C**, as enacted by PL 1985, c. 801, §§1 and 7, is amended to read:

C. Any person who succeeds to the office of Governor by means other than by election must serve as Governor a minimum of 6 months to qualify ~~himself for~~ for or for a surviving spouse to qualify for the retirement allowance.

**Sec. 9. 2 MRSA §2** is amended to read:

**§2. Expense account**

The "Governor's Expense Account", ~~as heretofore established,~~ shall must be credited with ~~such those~~ as that amounts are appropriated by the Legislature ~~therefor for that purpose.~~ This appropriation ~~shall~~ must be available for expenditure by the Governor at ~~his the~~ the Governor's discretion. This account ~~shall is~~ is not be subject to audit, except as to total amount to be paid.

**Sec. 10. 2 MRSA §3**, as amended by PL 1973, c. 509, §1, is further amended to read:

**§3. Expense account of Governor-elect**

The "Governor-elect's Expense Account," ~~as heretofore established,~~ shall be is a continuing reserve to which ~~shall~~ must be credited the sum of \$5,000. At the close of each fiscal year there ~~shall~~ must be transferred from unappropriated surplus an amount sufficient to restore ~~such the~~ the expense account to \$5,000.

This appropriation ~~shall~~ must be available for expenditure by the Governor-elect at ~~his the Governor-elect's~~ the Governor-elect's discretion, ~~provided he is Governor-elect to his~~ after the Governor-elect has been elected to, but prior to being sworn in to, that Governor-elect's first term in office. This account ~~shall is~~ is not be subject to audit, except as to total amount to be paid.

**Sec. 11. 3 MRSA §2, 2nd ¶**, as amended by PL 1985, c. 166, is further amended to read:

The first regular session of the Legislature, after its convening, shall adjourn no later than the 3rd Wednesday in June and the 2nd regular session of the Legislature shall adjourn no later than the 3rd Wednesday in April. The Legislature, in case of emergency, may by a vote of 2/3 of the members of each House present and voting, extend the date for adjournment for the first or 2nd regular session by no more than 5 legislative days, and in case of further emergency, may by a vote of 2/3 of the members of each House present and voting, further extend the date for adjournment by 5 additional legislative days. The times for adjournment for the first and 2nd regular sessions may also be extended for one additional legislative day for the purpose of considering possible objections of the Governor to any bill or resolution presented to ~~him~~ the Governor by the Legislature under

the Constitution of Maine, Article IV, Part Third, Section 2.

**Sec. 12. 3 MRSA §2, 5th ¶**, as amended by PL 1987, c. 402, Pt. B, §1, is further amended to read:

Each member of the Senate and House of Representatives ~~shall~~ must be reimbursed for actual regular airfare expenses from ~~his~~ the member's place of abode to Augusta for one round trip each week when the Legislature is in regular session and, when the Legislature is not in regular session, for days when meetings or daily sessions are held, ~~provided that: The~~ as long as the distance from his the member's place of abode to Augusta is more than 150 miles, the mileage is determined by the most reasonable direct route and reimbursement will be is capped at commercial flight rate.

**Sec. 13. 3 MRSA §21**, as amended by PL 1967, c. 503, §1, is further amended to read:

#### **§21. Organization**

The Secretary of the preceding Senate, at the time and place appointed for the meeting of the Legislature, shall call the Senators-elect present to order, and from the certified roll furnished ~~him~~ to the secretary call their names, and if a quorum respond, ~~he~~ the secretary shall preside until they are qualified and a President is elected. If no quorum appear ~~he~~ the secretary shall preside, and the Senators-elect present shall adjourn from day to day, but shall transact no business, except to go into convention to fill vacancies, until a quorum appear and are qualified and a President is elected. After the election of the President, the Senate shall proceed to elect by ballot a secretary and an assistant secretary.

In case of vacancy in the office of such secretary or ~~his~~ in the secretary's absence or ~~the~~ the secretary's inability to perform the duties, ~~the~~ said secretary's assistant shall perform the duties ~~shall be performed by his assistant.~~

If the Secretary of the Senate and ~~his~~ the secretary's assistant are absent at the time set for convening the Senate, their duties ~~shall~~ must be performed by the Secretary of State or ~~his~~ the Secretary of State's deputy.

**Sec. 14. 3 MRSA §22**, as amended by PL 1983, c. 32, Pt. I, §1, is further amended to read:

#### **§22. Secretary and assistant secretary; salaries and duties**

The Secretary of the Senate shall perform the usual duties of the office during the session of the Legislature, file and index all papers, ~~which that~~ have been subject to adverse legislative action, and index and supervise the preparation of the permanent senate journal. ~~He~~ The secretary shall perform the duties required ~~of him~~ by sections 21 and 23. ~~He~~ The secretary

shall deliver to the State Archivist all papers on file in the office of the Secretary of the Senate ~~which that~~ were considered by a session of the Legislature held more than 5 years previously, and the State Archivist shall inspect ~~said~~ those papers and preserve those having permanent value.

The Assistant Secretary of the Senate ~~shall receive~~ is entitled to a salary as provided by law and shall work under the direction of the secretary.

All fees, charges, emoluments and other receipts of whatever nature, ~~which that~~ may be payable to the Secretary of the Senate, the Assistant Secretary of the Senate or any employee thereof, excepting their lawful salaries and expenses properly payable to them, ~~shall~~ must be credited to the General Fund and no Secretary of the Senate, Assistant Secretary of the Senate or employee ~~shall~~ may directly or indirectly receive a private benefit or gain from the sale or distribution of any material, information or reports from the records of such Secretary of the Senate.

The President of the Senate may authorize the Secretary of the Senate and the Assistant Secretary of the Senate to serve on a full-time basis when the Legislature is not in regular or special session.

**Sec. 15. 3 MRSA §41**, as amended PL 1967, c. 503, §2, is further amended to read:

#### **§41. Organization**

The Clerk of the preceding House of Representatives in the same manner as provided for the Senate shall call the Representatives-elect to order and preside until they are qualified and elect a Speaker. If no quorum ~~appear~~ he appears, ~~the~~ the clerk shall preside, and the Representatives-elect present shall adjourn from day to day until a quorum ~~appear~~ appears and ~~are~~ is qualified and a Speaker is elected. After the election of the Speaker, the House of Representatives shall proceed to elect by ballot a clerk and an assistant clerk. All revenues received by the document clerk in the performance of ~~his~~ the document clerk's duties ~~shall~~ must be credited to the General Fund.

In case of vacancy in the office of ~~such~~ the clerk, or ~~his~~ the clerk's absence or inability to perform the duties ~~aforsaid~~, ~~the~~ said the clerk's assistant shall perform the duties ~~shall be performed by his assistant.~~

If the Clerk of the House and ~~his~~ the clerk's assistant are absent at the time set for convening the House, their duties ~~shall~~ must be performed by the Secretary of State or ~~his~~ the Secretary of State's deputy.

**Sec. 16. 3 MRSA §42**, as amended by PL 1983, c. 32, Pt. I, §2, is further amended to read:

#### **§42. Clerk and assistant clerk; salaries and duties**

The Clerk of the House of Representatives shall perform the usual duties of ~~his~~ the clerk's office during the session of the Legislature and index the house

journal. In the months of November and December next preceding the convening of the regular sessions of the Legislature, ~~he~~ the clerk shall keep open ~~his~~ the clerk's office each Wednesday and Thursday for the convenience of the public and members-elect of the Legislature. ~~He~~ The clerk shall perform the services required ~~of him~~ by sections 41 and 43.

The Assistant Clerk of the House of Representatives ~~shall~~ is entitled to receive a salary as provided by law and shall work under the direction of the clerk.

All fees, charges, emoluments and other receipts of whatever nature, ~~which~~ that may be payable to the Clerk of the House of Representatives, the Assistant Clerk of the House of Representatives, or any employee thereof, excepting their lawful salaries and expenses properly payable to them, ~~shall~~ must be credited to the General Fund, and no Clerk of the House of Representatives, Assistant Clerk of the House of Representatives or employee ~~shall~~ may directly or indirectly receive a private benefit or gain from the sale or distribution of any material, information or reports from the records of such Clerk of the House of Representatives.

The Speaker of the House of Representatives may authorize the Clerk of the House of Representatives and the Assistant Clerk of the House of Representatives to serve on a full-time basis when the Legislature is not in regular or special session.

**Sec. 17. 3 MRSA §124** is amended to read:

**§124. Service; proof**

Service of notice of ~~such~~ petitions described in sections 121 and 122 may be made by any sheriff or constable, and proved by ~~his~~ the proper return by the sheriff or constable or by written acknowledgment of the adverse party on the petition; or, if notice is given by publication, then by the newspapers or the affidavit of the printer.

**Sec. 18. 3 MRSA §162, sub-§4**, as repealed and replaced by PL 1973, c. 590, §4, is amended to read:

**4. Oaths, subpoenas and depositions.** To administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which ~~he~~ the witness may be lawfully interrogated, it ~~shall be~~ is the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from

~~such~~ that court or a refusal to testify ~~therein in that court~~. Each witness, other than a state officer or employee, ~~shall~~ is entitled to receive for ~~his~~ that witness's attendance the fees and mileage provided for witnesses in civil cases in courts of record, which ~~shall~~ must be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the ~~chairman~~ chair of the council;

**Sec. 19. 3 MRSA §165, sub-§7**, as amended by PL 1985, c. 377, §1, is further amended to read:

**7. Other subpoenas, etc.** When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. When the Legislature grants this power to a joint standing committee or joint select committee, such committee ~~shall~~ function ~~function~~ as an investigating committee and ~~shall be~~ is subject to the provisions of chapter 21. No appropriation or allocation may be made for a specific study unless the Legislative Council has first approved a budget adopted by the joint standing committee ~~which~~ that is to conduct the study. No appropriation or allocation may be made for the operation of any joint select committee unless the Legislative Council has first approved a budget adopted by the joint select committee. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which ~~he~~ the witness may be lawfully interrogated, it ~~shall be~~ is the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from ~~such~~ that court or a refusal to testify ~~therein in that court~~. Each witness, other than a state officer or employee, who appears before a committee by its order or subpoena ~~shall~~ is entitled to receive for ~~his~~ that witness's attendance the fees and mileage provided for witnesses in civil cases in courts of record, which ~~shall~~ must be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the ~~chairman~~ chair of the committee;

**Sec. 20. 3 MRSA §168**, as amended by PL 1983, c. 32, Pt. H, is further amended to read:

**§168. Staff assistants to legislative leadership**

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of the House of Representatives ~~shall~~ each have the authority to appoint, at ~~his~~ each legislative leader's discretion, a personal staff assistant,

or more than one assistant if their aggregate salary does not exceed that of the single personal staff assistant, when the Legislature is in session and at such other times as might be necessary, with the approval of the Legislative Council.

**Sec. 21. 3 MRSA §173, sub-§3**, as amended by PL 1985, c. 501, Pt. B, §11, is further amended to read:

**3. Distribution, sale and exchange of law books.** Copies of the Revised Statutes, supplements ~~thereto~~ to the Revised Statutes and session laws ~~shall~~ must be delivered by the printer to the State Law Librarian for distribution and sale in accordance with prices, policies and procedures established by the Legislative Council. All proceeds from such sales ~~shall~~ must be deposited to the credit of the General Fund.

A.

Copies ~~shall~~ must be sent, on an exchange basis, to the Library of Congress, secretary of the Maine State Bar Association, the Supreme Court Library of Canada and to each state or territorial library in the United States.

One copy of the laws passed by each session of the Legislature ~~shall~~ must be given to each Member ~~thereof~~ of the Legislature, the Secretary of the Senate, the Assistant Secretary of the Senate, the Clerk of the House and the Assistant Clerk of the House.

The State Law Librarian may, in ~~his~~ the librarian's discretion, sell surplus copies of volumes entrusted to ~~him~~ the librarian or use them for exchange purposes to increase the usefulness of the library. Proceeds from all sales ~~shall~~ must be deposited to the credit of the General Fund.

**Sec. 22. 3 MRSA §224**, as enacted by PL 1977, c. 605, §1, is amended to read:

**§224. Director**

The executive head of the Maine-Canadian Legislative Advisory Office ~~shall be~~ is the director, who ~~shall be~~ is appointed by the Speaker of the House and the President of the Senate with the approval of the Maine-Canadian Legislative Advisory Commission. The director ~~shall~~ must be paid a salary fixed by the Legislative Council from sums available under section 226. The director ~~shall~~ must be able to speak the French language fluently. ~~He~~ The director shall report to and ~~be~~ is subject to the direction of the Legislative Council.

**Sec. 23. 3 MRSA §228**, as enacted by PL 1977, c. 605, §1, is amended to read:

**§228. Duties; meetings**

The commission shall advise the director in the carrying out of ~~his~~ the director's powers and duties,

shall assist ~~him~~ the director in encouraging increased cooperation between Maine and Canada, and especially between the Legislature of Maine and the legislative bodies of Canada and shall assist ~~him~~ the director in encouraging economic, cultural and educational exchanges between Maine and the Canadian Provinces. The commission shall meet at least 4 times in each year with the director and at such other times on the call of the ~~chairman~~ chair, at the request of the director or at the request of any member, as ~~shall be~~ necessary to carry out the duties outlined in this section.

**Sec. 24. 3 MRSA §231**, as amended by PL 1989, c. 503, Pt. B, §4, is further amended to read:

**§231. Commission**

**1. Commission.** The New England and Eastern Canada Legislative Commission, as established by Title 5, section 12004-K, subsection 11, and in this chapter called the "commission," ~~shall consist~~ consists of 4 members from Maine, together with the same number of members appointed according to the laws of each of the other member jurisdictions.

**2. Membership.** The members of the commission from Maine ~~shall be~~ are the 2 Senators and the 2 members of the House of Representatives who are appointed to the Maine-Canadian Legislative Advisory Commission pursuant to section 227.

**3. Term.** Each member of the commission from Maine ~~shall hold~~ holds office from the date of ~~his~~ that member's appointment until the term of ~~his~~ that member's election to the Legislature expires.

**4. Compensation.** Members of the commission from Maine ~~shall be~~ are compensated in accordance with Title 5, chapter 379.

**5. Chairs.** The members of the commission from Maine shall, by majority vote, select the ~~cochairman~~ cochairs or ~~chairmen~~ chairs who shall, together with a ~~cochairman~~ cochair selected by the members of the commission from the other member jurisdictions, preside over the commission.

**6. Meetings.** The commission shall meet at such times and places as are mutually agreed upon by the ~~cochairmen~~ cochairs.

**Sec. 25. 3 MRSA §312-A, sub-§8**, as enacted by PL 1983, c. 160, §1, is amended to read:

**8. Legislative action.** "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature, by either the House of Representatives or the Senate, any committee or an official in the Legislative Branch acting in ~~his~~ the official's official capacity, or action of the Governor in approving or vetoing any legislative document presented to the Governor for ~~his~~ the Governor's approval.

**Sec. 26. 3 MRSA §402, sub-§§1 to 3**, as enacted by PL 1975, c. 593, §3, are amended to read:

**1. Chair.** The "~~chairman chair~~" is the presiding officer of the investigating committee. ~~He~~ The chair may be the permanent ~~chairman chair~~ or another member designated as temporary ~~chairman chair~~ in the absence of the ~~chairman chair~~.

**2. Executive session.** An "executive session" is a session at which only members of the investigating committee, staff of the committee, counsel to the committee, the witness and ~~his~~ counsel ~~shall~~ may be present.

**3. Interested party.** An "interested party" is any person who learns that ~~he~~ that person has been specifically identified in testimony taken before an investigating committee and who reasonably believes that ~~he~~ that person has been adversely affected by such testimony.

**Sec. 27. 3 MRSA §429**, as enacted by PL 1975, c. 593, §3, is amended to read:

**§429. Release of testimony**

**1. Release.** The decision to release testimony and the decision as to the form and manner in which testimony ~~shall~~ may be released ~~shall be~~ is an investigating committee action. However, no testimony ~~shall~~ may be released without first affording the witness who gave such testimony, or ~~his~~ the witness's counsel, an opportunity to object to the proposed release.

A. The witness or ~~his~~ the witness's counsel may, by such objection, require that testimony given in open session, if it is released at all, be released in the form of a full, consecutive transcript.

B. The witness or ~~his~~ the witness's counsel may, by such objection, require that testimony given in executive session not be released in any form or manner whatsoever.

**2. Transcript.** The witness or ~~his~~ the witness's counsel, upon payment of the cost of preparation, ~~shall~~ must be given a transcript of any testimony taken. However, the witness or ~~his~~ the witness's counsel ~~shall~~ is not be entitled to obtain a transcript of the executive session testimony of other witnesses. The release of a transcript under this subsection is not the release of testimony within the meaning of subsection 1.

**Sec. 28. 3 MRSA §§451 to 457**, as enacted by PL 1975, c. 593, §3, are amended to read:

**§451. Counsel**

The witness may have counsel present to advise ~~him~~ the witness at all times. The witness or ~~his~~ the witness's counsel may, during the time the witness is giving testimony, object to any investigating committee action detrimental to the ~~witness's~~ witness's interests

and is entitled to have a ruling by the ~~chairman chair~~ on any such objection.

**§452. Questioning of adverse witnesses**

The witness or ~~his~~ the witness's counsel may question adverse witnesses whose testimony is being taken in open session. However, the ~~chairman chair~~ of the investigating committee may reasonably limit the right to so question. The ~~chairman's chair's~~ ruling is final, unless otherwise decided by investigating committee action.

**§453. Pertinency of requested testimony**

The witness or ~~his~~ the witness's counsel may challenge any request for ~~his~~ the witness's testimony as not pertinent to the subject matter and scope of the investigation, in which case the relation believed to exist between the request and the subject matter and scope of the investigation ~~shall~~ must be explained.

**§454. Who can compel testimony**

The committee ~~chairman chair~~ may direct compliance with any request for testimony to which objection has been made. However, the ~~chairman's chair's~~ direction may be overruled by investigating committee action.

**§455. Television, films, radio**

Any decision to televise, film or broadcast testimony ~~shall be~~ is investigating committee action. If the witness or ~~his~~ the witness's counsel objects to a decision to televise, film or broadcast ~~his~~ the witness's testimony, ~~his~~ the witness's testimony ~~shall~~ may not be televised, filmed or broadcast.

**§456. Statements and form of answers**

The witness or ~~his~~ the witness's counsel may insert in the record sworn, written statements of reasonable length relevant to the subject matter and scope of the investigation. In giving testimony, the witness may explain ~~his~~ the witness's answers briefly.

**§457. Privileges**

The witness ~~shall~~ must be given the benefit of any privilege which ~~he~~ the witness could have claimed in court as a party to a civil action, provided that the committee ~~chairman chair~~ may direct compliance with any request for testimony to which claim of privilege has been made. However, the ~~chairman's chair's~~ direction may be overruled by investigating committee action.

**Sec. 29. 3 MRSA §473, first ¶**, as enacted by PL 1975, c. 593, §3, is amended to read:

~~No~~ A witness ~~shall~~ may not be punished for contempt of an investigating committee unless the court finds:

**Sec. 30. 3 MRSA §473, sub-§3, ¶¶B and C,** as enacted by PL 1975, c. 593, §3, are amended to read:

B. A citation for failure to testify in response to a request for ~~his~~ the witness's testimony challenged as not pertinent to the subject matter and scope of the investigation, the requirements of sections 412 and 453 have been complied with and the request was pertinent as explained;

C. A citation for failure to testify in response to a request for ~~his~~ the witness's testimony on grounds of privilege, the requirements of section 457 have been complied with.

**Sec. 31. 3 MRSA §701, sub-§9,** as enacted by PL 1985, c. 507, §1, is amended to read:

**9. Earnable compensation.** "Earnable compensation" means the actual compensation of a Legislator. Any money paid by the State under an annuity contract for the future benefit of a Legislator ~~shall be~~ is considered part of the Legislator's earnable compensation. The earnable compensation of a member retired with a disability retirement allowance under section 853 ~~shall be~~ is assumed, for the purposes of determining benefits under this chapter, to be continued after ~~his~~ the Legislator's date of termination of service at the same rate as received immediately prior to that time, subject to the same percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 858.

**Sec. 32. 3 MRSA §854,** as enacted by PL 1985, c. 507, §1, is amended to read:

**§854. Restoration to service**

If a recipient of a retirement allowance under this chapter again becomes a member of the Legislature, ~~he~~ the recipient may:

**1. Receive allowance.** Continue to receive the retirement allowance and not accrue any additional creditable service for that legislative service; or

**2. Discontinue allowance.** Direct, in writing, that the executive director discontinue ~~his~~ the recipient's retirement allowance and ~~he shall accrue~~ the recipient accrues additional creditable service for that legislative service.

**Sec. 33. 4 MRSA §2,** as amended by PL 1979, c. 127, §6, is further amended to read:

**§2. Appointment of additional justices**

Whenever the Chief Justice of the Supreme Judicial Court or, in the event of ~~his~~ the Chief Justice's disability, any associate justice thereof has reason to believe that any Justice of the Supreme Judicial or Superior Court is totally and permanently disabled by reason of physical or mental incapacity and because thereof is unable to perform the duties of ~~his~~ the of-

vice, ~~he~~ the Chief Justice or associate justice shall cause a commission of 3 competent disinterested members of the medical profession to make due inquiry and examination into the facts and report ~~thereon~~ the results of the inquiry to the Supreme Judicial Court. Upon receiving ~~said~~ the report, ~~he~~ the Chief Justice or associate justice shall ~~thereupon~~ call a meeting of ~~said court~~ the Supreme Judicial Court and submit to ~~them~~ it the report of ~~said~~ the medical commission. The court shall ~~thereupon, upon said,~~ based on the report and ~~such~~ other evidence as they may ~~deem~~ consider necessary, if any, determine the facts ~~in relation thereto~~. If ~~said~~ the court ~~find~~ finds that ~~said~~ the Justice of the Supreme Judicial or Superior Court is permanently and totally disabled by reason of physical or mental incapacity and because ~~thereof~~ of the disability is unable to perform the duties of ~~his~~ the office, the Chief Justice shall certify ~~said~~ that fact to the Governor. Upon receipt of ~~such~~ a certificate from the court, the Governor shall make due inquiry into the matter and, if ~~he~~ the Governor confirms the finding of ~~said~~ the court, the Governor shall appoint an additional Justice of the Supreme Judicial or Superior Court, as the case may be.

**Sec. 34. 4 MRSA §4, sub-§3, ¶C,** as enacted by PL 1983, c. 853, Pt. C, §§4 and 18, is amended to read:

C. The Chief Justice of the Supreme Judicial Court or ~~his~~ the Chief Justice's designee may prescribe regulations for the submission of the required statements through ~~his~~ the Chief Justice's office; and for the advance approval by ~~him~~ the Chief Justice of other reasonably necessary expenses.

**Sec. 35. 4 MRSA §6,** as amended by PL 1983, c. 853, Pt. C, §§6 and 18, is further amended to read:

**§6. Active Retired Justices**

Any Justice of the Supreme Judicial Court, who has retired from the court under this chapter in effect prior to December 1, 1984, or any Justice of the Supreme Judicial Court who retires or terminates ~~his~~ service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Justice of the Supreme Judicial Court as provided. The Governor may, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary and to confirmation by the Legislature, appoint any eligible justice as an Active Retired Justice of the Supreme Judicial Court for a term of 7 years, unless sooner removed, and that justice may be reappointed for a like term. Any justice so appointed and designated ~~shall thereupon constitute~~ as an Active Retired Justice of the Supreme Judicial Court constitutes a part of the court from which ~~he has~~ the Justice retired and ~~shall have~~ has the same jurisdiction and ~~be~~ is subject to the same restrictions ~~therein~~ as before retirement, except that ~~he~~

~~shall~~ the Active Retired Justice may act only in the cases and matters and hold court only at the terms and times as ~~he may be~~ directed and assigned ~~to~~ by the Chief Justice of the Supreme Judicial Court. The Chief Justice is empowered and authorized to assign and designate ~~any such an~~ Active Retired Justice of the Supreme Judicial Court as to ~~his~~ that justice's services and may direct as to which ~~term of the Law Court he~~ shall attend the Active Retired Justice attends, and order ~~him~~ the Active Retired Justice to hear all matters and issue all orders, notices, decrees and judgments in vacation that any Justice of the Supreme Judicial Court is authorized to hear or issue.

**Sec. 36. 4 MRSA §6-A**, as enacted by PL 1979, c. 12, §1, is amended to read:

**§6-A. Active Retired Justice of Supreme Judicial Court to sit in Superior Court**

An Active Retired Justice of the Supreme Judicial Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the Superior Court in any county, and when so directed ~~he shall have~~ the Active Retired Justice has authority and jurisdiction ~~therein in that county~~ as if ~~he~~ the Active Retired Justice were a regular Justice of the Superior Court; and, whenever the Chief Justice of the Supreme Judicial Court so directs, ~~he~~ the Active Retired Justice may hear all matters and issue all orders, notices, decrees and judgments that any Justice of the Superior Court is authorized to hear and issue.

The order of the Chief Justice of the Supreme Judicial Court directing an Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court ~~shall must~~ be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by ~~him~~ the Active Retired Justice.

**Sec. 37. 4 MRSA §54**, as amended by PL 1975, c. 408, §8, is further amended to read:

**§54. Clerks; duties; compensation; expenses of county**

The Chief Justice of the Supreme Judicial Court shall appoint a clerk of the law court to serve at ~~his~~ the Chief Justice's pleasure and shall, from time to time, designate one or more of the clerks of court or some competent person or persons ~~who shall to~~ act as additional clerks of the law court. The clerk of the law court ~~shall is entitled to~~ receive such salary as the Chief Justice ~~shall determine~~ determines and shall devote full time to ~~his~~ the clerk's duties. The clerk of the law court shall also act as reporter of decisions. The Chief Justice or in ~~his~~ the Chief Justice's absence the senior justice present shall allow to the county in which any law term is held such expense as may be incurred on account of such law term, which ~~shall must~~ be paid by the State. The dockets of the law court

~~shall must~~ be made from time to time and kept as the court may direct.

**Sec. 38. 4 MRSA §101-A**, as enacted by PL 1983, c. 269, §§7 and 9, is amended to read:

**§101-A. Chief Justice of the Superior Court**

The Chief Justice of the Supreme Judicial Court shall designate one of the Justices of the Superior Court as the Chief Justice of the Superior Court. ~~He shall serve~~ The Justice so designated serves at the pleasure and under the supervision of the Chief Justice of the Supreme Judicial Court and ~~shall be is~~ responsible for the operation of the Superior Court. Any authority relating to the operation of the Superior Court, that is vested by law in the Chief Justice of the Supreme Judicial Court, may be delegated by ~~him~~ the Chief Justice of the Supreme Judicial Court to the Chief Justice of the Superior Court acting under ~~his~~ the supervision of the Chief Justice of the Supreme Judicial Court. The Chief Justice of the Superior Court shall also perform such additional duties as may be assigned to ~~him~~ the Chief Justice of the Superior Court from time to time by the Chief Justice of the Supreme Judicial Court. The term "Justice of the Superior Court" includes the Chief Justice of the Superior Court.

**Sec. 39. 4 MRSA §102, sub-§3**, as enacted by PL 1983, c. 853, Pt. C, §§7 and 18, is amended to read:

**3. Expenses.** Section 4, relating to reimbursement of Justices of the Supreme Judicial Court for expenses incurred by them, including clerical assistance, ~~shall apply~~ applies to Justices of the Superior Court. The Chief Justice of the Supreme Judicial Court or ~~his~~ the Chief Justice's designee may specify by order a maximum amount to be expended by any justice for clerical assistance.

**Sec. 40. 4 MRSA §106** is amended to read:

**§106. Conferences**

The Chief Justice of the Supreme Judicial Court may from time to time call together the several Justices of the Superior Court at such place as ~~he~~ the Chief Justice may appoint for conference as to the conduct and dispatch of judicial business and interchange of views in matters of practice in ~~said~~ the court. In addition to their salaries and expenses in holding the several terms of court to which they are assigned, the several justices ~~shall be~~ are entitled to their actual cash disbursements in attending such conferences.

**Sec. 41. 4 MRSA §117**, as amended by PL 1975, c. 735, §5, is further amended to read:

**§117. Other expenses of the court**

Within the limits of the funds and appropriations available to the Superior and Supreme Judicial Courts, the Chief Justice of the Supreme Judicial Court or ~~his~~

the Chief Justice's designee may authorize the expenditure of funds for such other expenses and capital improvements as are reasonably necessary for the efficient operation of the Superior and Supreme Judicial Courts.

**Sec. 42. 4 MRSA §120, first ¶**, as repealed and replaced by PL 1987, c. 769, Pt. B, §2, is amended to read:

The Chief Justice of the Supreme Judicial Court may assign a Justice of the Superior Court who had been serving as a Judge of the District Court and who has been nominated and confirmed as a Justice of the Superior Court to sit in the District Court in order to finish any cases ~~which he~~ that the justice had presided over as a Judge of the District Court and ~~which that~~ remain unresolved after his the justice's confirmation.

**Sec. 43. 4 MRSA §164, sub-§1** is amended to read:

**1. Hold court when necessary.** Hold court in any division when ~~he deems~~ the Chief Judge determines it necessary by reason of illness, absence or disability of the judge regularly assigned or by reason of an excessive case load in any district;

**Sec. 44. 4 MRSA §164, sub-§§6 and 7**, as amended by PL 1975, c. 408, §15, are further amended to read:

**6. Records and reports.** Prescribe, subject to the approval of the Chief Justice or ~~his~~ the Chief Justice's delegate, the records to be kept and destroyed and the reports to be made by each district judge;

**7. Statistics.** Collect such statistics and other information pertaining to the business of the District Court as are requested by the Chief Justice or ~~his~~ the Chief Justice's delegate;

**Sec. 45. 4 MRSA §164, sub-§8**, as amended by PL 1977, c. 544, §9, is further amended to read:

**8. Budget.** Utilizing such assistance from the Administrative Office of the Courts as ~~he~~ the Chief Judge may request, prepare and submit a proposed annual budget for the District Court to the Chief Justice or ~~his~~ the Chief Justice's delegate;

**Sec. 46. 4 MRSA §164, sub-§11** is amended to read:

**11. Conference of judges.** Convene at least once annually at such place as ~~he may deem~~ the Chief Judge considers appropriate, a conference of District Court Judges to consider and take action upon or make recommendations with respect to current problems in the operation of the District Court. The expenses of District Court Judges attending this conference ~~shall be~~ are an expense of the District Court;

**Sec. 47. 4 MRSA §556, first ¶**, as repealed and replaced by PL 1975, c. 735, §11, is amended to read:

The clerk shall keep a true and exact account of all moneys ~~which he~~ that the clerk receives or is entitled to receive for services by virtue of ~~his~~ the office as clerk of the Superior or Supreme Judicial Courts and shall pay the same to the Treasurer of State. All moneys belonging to the county or State respectively ~~shall~~ must be paid within 30 days after they are received by ~~him~~ the clerk, in such manner as the Chief Justice or ~~his~~ the Chief Justice's designee shall from time to time specify. If, in either case, ~~he~~ the clerk neglects to do so, ~~he~~ the clerk shall pay 25% interest thereon until paid. Upon the county treasurer's or Treasurer of State's notice of any known delinquency, the clerk's bond ~~shall~~ must then be sued.

**Sec. 48. 4 MRSA §702**, as amended by PL 1973, c. 788, §8, is further amended to read:

#### **§702. Duties**

The Reporter of Decisions shall prepare correct reports of all legal questions argued and decided, reporting cases more or less at large according to ~~his~~ the reporter's judgment of their importance. ~~He~~ The reporter shall publish periodic advance sheets and at least one volume of Maine Reports yearly. The reporter shall, subject to the approval of the Chief Justice of the Supreme Judicial Court, make a written contract in the name of the State with any person, firm or corporation for the printing, publishing and binding of ~~said~~ those reports. The price of each volume and the advance sheets ~~shall~~ must be stated in the contract. ~~He~~ The reporter may require ~~such~~ the person, firm or corporation with whom the reporter contracts to give a good and sufficient bond with good and sufficient sureties, conditioned for the faithful performance of all the terms and conditions of ~~such~~ that contract by the person, firm or corporation with whom the reporter ~~makes such contract~~ contracts. In case of a breach of any or all of the conditions of ~~such~~ the bond, the reporter may maintain an action on ~~such~~ the bond in the name of the State. In the exercise of any discretionary powers vested in ~~him~~ the reporter by this section or by section 57, the Reporter of Decisions shall act in accordance with such instructions or advice ~~as may be given to him by~~ received from the Chief Justice of the Supreme Judicial Court.

All copies of the Maine Reports purchased by the State ~~shall~~ must be delivered to the State Law Librarian for distribution as provided in Title 3, section 173, subsection 3, paragraph B.

**Sec. 49. 4 MRSA §1051, first ¶**, as repealed and replaced by PL 1985, c. 819, Pt. A, §1, is amended to read:

~~No court~~ Court may not be held on Sunday or any day designated for the annual Thanksgiving; New

Year's Day, January 1st; Martin Luther King, Jr., Day, the 3rd Monday in January; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May; the 4th of July; Labor Day, the first Monday of September; Columbus Day, the 2nd Monday in October; Veterans' Day, November 11th; or on Christmas Day. The Chief Justice of the Supreme Judicial Court may order that court be held on a legal holiday when ~~he~~ the Chief Justice finds that the interests of justice and judicial economy in any particular case will be served. The public offices in county buildings may be closed to business on the holidays named in this section. When any one of the holidays named in this section falls on Sunday, the Monday following ~~shall~~ must be observed as a holiday, with all the privileges applying to any of the days named in this section.

**Sec. 50. 25 MRSA §50, 2nd ¶**, as enacted by PL 1971, c. 423, §2, is amended to read:

The Governor is authorized and empowered to do all things necessary to protect the public and prevent damage to property. The Governor may order the State Police or National Guard to evacuate any area designated by ~~him~~ the Governor and to carry out any other orders ~~he deems~~ the Governor determines necessary, and ~~they shall~~ in such event the State Police and National Guard have full authority to carry out ~~his~~ the Governor's orders. The Governor may delegate any authority vested in ~~him~~ the Governor under this provision.

**Sec. 51. 35-A MRSA §1320, sub-§7**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**7. Stay.** While an appeal under subsection 1 is pending, no injunction may issue suspending or staying any order of the commission and the appeal ~~shall~~ does not excuse any person or corporation from complying with and obeying any order or decision or any requirement of any order or decision of the commission or operate in any manner to stay or postpone the enforcement of the order or decision, except in the cases and upon the terms as the commission orders. While an appeal under subsection 5 is pending final determination by the court, the Chief Justice, or in ~~his~~ the Chief Justice's absence any other justice, may enjoin or stay the effect of the ruling or order upon the terms and conditions as ~~he~~ the Chief Justice determines proper.

**Sec. 52. Maine Revised Statutes revisions.** The Revisor of Statutes shall review the Maine Revised Statutes to determine where references to individuals occurring throughout the statutes need to be made gender-neutral and shall implement these revisions when updating, publishing or republishing the

statutes. The Revisor of Statutes shall develop a schedule to change all such gender-specific terms to gender-neutral terms in all Titles of the Maine Revised Statutes as soon as reasonably practicable. The changes may be made through the preparation and publication of an additional annual revisor's report pursuant to the Maine Revised Statutes, Title 1, section 95 that is dedicated to the correction of gender-specific terms. The Revisor of Statutes shall include in the annual report a report on the progress in carrying out the schedule developed pursuant to this section. When correcting gender-specific references within statutory units in the additional annual revisor's report prepared pursuant to this section, the Revisor of Statutes need not correct those statutory units to incorporate other administrative changes and corrections authorized under Title 1, section 93.

See title page for effective date.

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## CHAPTER 476

### S.P. 550 - L.D. 1679

#### **An Act To Promote Clean Energy Jobs and To Establish the Maine Climate Council**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Climate Council, its Scientific and Technical Subcommittee and its working groups, which are established in this legislation and which are directed in this legislation to address a number of critical and pressing issues relating to the effects of climate change on the State, its communities and its environment and natural resources, must commence work on those issues as soon as is possible; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §12004-I, sub-§24-G** is enacted to read:

**24-G.**

<u>Environment:</u>	<u>Maine</u>	<u>Legislative</u>	<u>38</u>
<u>Natural</u>	<u>Climate</u>	<u>Per Diem</u>	<u>MRSA</u>
<u>Resources</u>	<u>Council,</u>	<u>and</u>	<u>§577-A</u>
	<u>Scientific</u>	<u>Expenses</u>	
	<u>and</u>	<u>for</u>	
	<u>Technical</u>	<u>Legislators/</u>	
	<u>Subcom-</u>	<u>Expenses</u>	
	<u>mittee and</u>	<u>Only for</u>	
	<u>Working</u>	<u>Certain</u>	
	<u>Groups</u>	<u>Members</u>	

**Sec. 2. 35-A MRSA §3210-C, sub-§3,** as amended by PL 2017, c. 134, §2, is further amended to read:

**3. Commission authority.** The commission may direct investor-owned transmission and distribution utilities to enter into long-term contracts for:

- A. Capacity resources;
- B. Any available energy associated with capacity resources contracted under paragraph A:
  - (1) To the extent necessary to fulfill the policy of subsection 2, paragraph A; or
  - (2) If the commission determines appropriate for purposes of supplying or lowering the cost of standard-offer service or otherwise lowering the cost of electricity for the ratepayers in the State. Available energy contracted pursuant to this subparagraph may be sold into the wholesale electricity market in conjunction with solicitations for standard-offer supply bids;
- C. Any available renewable energy credits associated with capacity resources contracted under paragraph A. The price paid by the investor-owned transmission and distribution utility for the renewable energy credits must be lower than the price received for those renewable energy credits at the time they are sold by the investor-owned transmission and distribution utility; and
- D. Transmission capacity, capacity resources, energy or renewable energy credits pursuant to a regional procurement process in conjunction with other states.

The commission may permit, but may not require, investor-owned transmission and distribution utilities to enter into contracts for differences that are designed and intended to buffer ratepayers in the State from potential negative impacts from transmission development. To the greatest extent possible, the commission shall develop procedures for long-term contracts for investor-owned transmission and distribution utilities under this subsection having the same legal and financial effect as the procedures used for standard-

offer service pursuant to section 3212 for investor-owned transmission and distribution utilities.

The commission may enter into contracts for interruptible, demand response or energy efficiency capacity resources. These contracts are not subject to the rules of the State Purchasing Agent. In a competitive solicitation conducted pursuant to subsection 6, the commission shall allow transmission and distribution utilities to submit bids for interruptible or demand response capacity resources.

Capacity resources contracted under this subsection may not exceed the amount necessary to ensure the reliability of the electric grid of this State, to meet the energy efficiency program budget allocations articulated in the triennial plan as approved by the commission pursuant to section 10104, subsection 4 or any annual update plan approved by the commission pursuant to section 10104, subsection 6 or to lower customer costs as determined by the commission pursuant to rules adopted under subsection 10.

Unless the commission determines the public interest requires otherwise, a capacity resource may not be contracted under this subsection unless the commission determines that the capacity resource is recognized as a capacity resource for purposes of any regional or federal capacity requirements.

The commission shall ensure that any long-term contract authorized under this subsection is consistent with ~~the State's goals for greenhouse gas reduction~~ under Title 38, section ~~576~~ 576-A and the regional greenhouse gas initiative as described in the state climate action plan required in Title 38, section 577.

By January 1st of each year, the commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters on the procurement of transmission capacity, capacity resources, energy and renewable energy credits in the preceding 12 months under this subsection, the Community-based Renewable Energy Act and deep-water offshore wind energy pilot projects under Public Law 2009, chapter 615, Part A, section 6, as amended by Public Law 2013, chapter 369, Part H, sections 1 and 2 and chapter 378, sections 4 to 6. The report must contain information including, but not limited to, the number of requests for proposals by the commission for long-term contracts, the number of responses to requests for proposals pursuant to which a contract has been finalized, the number of executed term sheets or contracts resulting from the requests for proposals, the commission's initial estimates of ratepayer costs or savings associated with any approved term sheet, actual ratepayer costs or savings for the previous year associated with any procurement, the total ratepayer costs or savings at the time of the report and the megawatt-hours, renewable energy credits or capacity produced or procured through contracts. The report must also include a plan for the succeeding 12

months pertaining to the procurement of capacity resources, energy and renewable energy credits, including dates for requests for proposals, and types of resources to be procured.

**Sec. 3. 35-A MRSA §3402, sub-§1, ¶A**, as amended by PL 2009, c. 615, Pt. A, §2, is further amended to read:

A. Wind energy is an economically feasible, large-scale energy resource that does not rely on fossil fuel combustion or nuclear fission, thereby displacing electrical energy provided by these other sources and avoiding air pollution, waste disposal problems and hazards to human health from emissions, waste and by-products; consequently, wind energy development may address energy needs while making a significant contribution to achievement of the State's renewable energy and greenhouse gas reduction objectives, including those in Title 38, section ~~576~~ 576-A;

**Sec. 4. 35-A MRSA §10104, sub-§4, ¶F**, as repealed and replaced by PL 2013, c. 369, Pt. A, §13, is amended to read:

F. It is an objective of the triennial plan to design, coordinate and integrate sustained energy efficiency and weatherization programs that are available to all energy consumers in the State and to users of all fuel types. The plan must set forth the costs and benefits of energy efficiency programs that advance the following goals, and funding necessary to meet those goals:

- (1) Reducing energy costs, including residential heating costs;
- (2) Weatherizing substantially all homes whose owners or occupants are willing to participate in and share the costs of cost-effective home weatherization to a minimum standard of weatherization, as defined by the trust, by 2030;
- (3) Reducing peak-load demand for electricity through trust programs by 300 megawatts by 2020;
- (4) By 2020, achieving electricity and natural gas program savings of at least 20% and heating fuel savings of at least 20%, as defined in and determined pursuant to the measures of performance approved by the commission under section 10120;
- (5) Creating stable private sector jobs providing alternative energy and energy efficiency products and services in the State by 2020; and
- (6) Reducing greenhouse gas emissions from the heating and cooling of buildings in the State by amounts consistent with ~~the State's~~

~~goals established in Title 38, section 576~~  
576-A.

The trust shall preserve when possible and appropriate the opportunity for carbon emission reductions to be monetized and sold into a voluntary carbon market. Any program of the trust that supports weatherization of buildings must be voluntary and may not constitute a mandate that would prevent the sale of emission reductions generated through weatherization measures into a voluntary carbon market.

Except when specifically provided in the individual goals under this paragraph, the trust may consider expected savings from market effects not attributable to the trust as well as efforts by other organizations, including but not limited to federally funded low-income weatherization programs.

As used in this paragraph, "heating fuel" means liquefied petroleum gas, kerosene or #2 heating oil, but does not include fuels when used for industrial or manufacturing processes.

**Sec. 5. 38 MRSA §574, sub-§§1-A to 1-C** are enacted to read:

**1-A. Climate action plan.** "Climate action plan" means the state plan adopted under section 577.

**1-B. Gross annual greenhouse gas emissions.** "Gross annual greenhouse gas emissions" means the total amount of greenhouse gases emitted by all sources within the State each year.

**1-C. Net annual greenhouse gas emissions.** "Net annual greenhouse gas emissions" means gross annual greenhouse gas emissions less the total amount of greenhouse gases absorbed each year by plants and natural ecosystems, including, but not limited to, trees, crops, soil and wetlands within the State.

**Sec. 6. 38 MRSA §576**, as enacted by PL 2003, c. 237, §1, is repealed.

**Sec. 7. 38 MRSA §576-A** is enacted to read:  
**§576-A. Greenhouse gas emissions reductions**

**1. 2030 annual emissions level.** By January 1, 2030, the State shall reduce gross annual greenhouse gas emissions to at least 45% below the 1990 gross annual greenhouse gas emissions level.

**2. Interim emissions level.** By January 1, 2040, the gross annual greenhouse gas emissions level must, at a minimum, be on an annual trajectory sufficient to achieve the 2050 annual emissions level in accordance with subsection 3.

**3. 2050 annual emissions level.** By January 1, 2050, the State shall reduce gross annual greenhouse gas emissions to at least 80% below the 1990 gross annual greenhouse gas emissions level.

**4. Monitoring, reporting and compliance rules.**  
By July 1, 2021, the department shall adopt rules to track and report to the Legislature on gross annual greenhouse gas emissions and net annual greenhouse gas emissions.

Notwithstanding any provision of section 341-H to the contrary, by September 1, 2021, the board shall adopt rules to ensure compliance with the levels established by subsections 1 to 3 which:

A. Must be consistent with the climate action plan, as updated pursuant to section 577, subsection 1;

B. Must prioritize greenhouse gas emissions reductions by sectors that are the most significant sources of greenhouse gas emissions, as identified by the United States Energy Information Administration and in the department's biennial reports submitted under section 578, taking into account gross greenhouse gas emissions reductions achieved by each sector since 1990 measured as a percentage of statewide gross greenhouse gas emissions and taking into account the cost-effectiveness of future gross greenhouse gas emissions reductions by each sector;

C. Must be fair and equitable and account for and give significant weight to greenhouse gas emissions reductions already achieved by various sectors; and

D. May establish a mechanism for crediting voluntary measures that quantifiably and reliably sequester additional carbon in forests, farms and coastal lands in the State or by the use of materials that sequester additional carbon.

The Department of Transportation, after consultation with the department, may adopt rules as necessary to ensure compliance with the levels established by subsections 1 to 3.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 8. 38 MRSA §577**, as enacted by PL 2003, c. 237, §1, is amended to read:

**§577. Climate action plan; update**

By July 1, 2004, the department, with input from stakeholders, shall adopt a state climate action plan to meet ~~the reduction goals specified in section 576 for~~ greenhouse gas emissions. The action plan must address reduction in each sector in cost-effective ways and must allow sustainably managed forestry, agricultural and other natural resource activities to be used to sequester greenhouse gas emissions. The department shall submit the action plan to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

**1. Update plan.** By December 1, 2020, and every 4 years thereafter, the Maine Climate Council, as established in section 577-A and referred to in this section as "the council," with input from stakeholders, shall update the state climate action plan under this section and shall include in the plan strategies to meet the greenhouse gas emissions reduction levels specified in section 576-A.

**2. Mitigation strategies.** In updating the climate action plan under subsection 1, the council shall evaluate mitigation strategies to reduce gross annual greenhouse gas emissions and net annual greenhouse gas emissions consistent with the reduction levels in section 576-A. The council shall quantitatively analyze and report on the technical feasibility and cost-effectiveness of each mitigation strategy. The updated climate action plan must include climate change mitigation strategies to reduce greenhouse gas emissions in the State and, as applicable, must include updates to the mitigation strategies included in the plan and identification of new strategies through the application of the latest scientific and technological information available related to climate change.

**3. Adaptation and resilience strategies.** The updated climate action plan under subsection 1 must address the impacts of climate change upon the State and provide strategies and actions for climate adaptation and resiliency. These strategies must include implementation guidelines that:

A. Prioritize the welfare of the State's citizens and visitors and recognize and foster the value of the State's natural resources and natural resource-based industries;

B. Encourage diversity, inclusion and equity;

C. Provide education and training opportunities when appropriate;

D. Build upon existing global, national and state plans and partnerships for addressing climate adaptation, emergency preparedness and disaster risk reduction;

E. Encourage investments that prevent and proactively mitigate risk;

F. Encourage, foster and utilize the most recent scientific and technical information available; and

G. Incorporate means for measuring progress.

**4. Clean energy economy transition plan.** The updated climate action plan under subsection 1 must include a clean energy economy transition plan that, as applicable, incorporates feedback from the Maine Climate Council working groups established under section 577-A, subsection 7 and which may incorporate feedback from other entities with expertise in education, training, apprenticeships, workforce and labor.

The clean energy economy transition plan under this subsection must:

A. Include opportunities for and address barriers to advancing the State's clean energy economy;

B. Highlight strategies for the State's rural communities, workers and businesses as the State transitions to a low-carbon future that are designed to encourage good-paying jobs and long-term employment; and

C. Identify policy recommendations; opportunities for public-private partnerships; workforce development and educational opportunities, including opportunities for training and retraining workers and the development of apprenticeship programs; and other strategies necessary to the creation of clean energy jobs and a robust clean energy economy in the State.

5. Effects of climate change. The updated climate action plan under subsection 1 must provide the latest information on climate change effects in the State and on the sectors, ecosystems and communities most at risk from such effects.

6. Submission of plan. By December 1, 2020, and every 4 years thereafter, the council shall submit the updated climate action plan under subsection 1 and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over natural resources matters. Upon receipt and review of the plan, the joint standing committee may report out a bill to the Legislature related to the plan or the council's recommendations.

7. Objectives. In identifying the mitigation strategies and adaptation and resilience strategies to include in the updated climate action plan under subsections 2 and 3 and in developing the clean energy economy transition plan under subsection 4, the council shall give consideration to the following objectives:

A. Pursuing cost-effective, technologically feasible and equitable greenhouse gas emissions reduction pathways and adaptation and preparedness strategies, informed by scientific and technical expertise;

B. Pursuing actions that minimize deleterious effects, including those on persons of low income and moderate income, to public health and the environment and that support economic sectors that face the biggest barriers to emissions reductions and creating, when feasible, additional employment and economic growth in the State, especially in rural and economically distressed regions of the State;

C. Ensuring equity for all sectors and regions of the State and that the broadest group of residents benefit from the achievement of the greenhouse gas emissions reduction levels in section 576-A,

with consideration of economic, quality-of-life and public health benefits;

D. Encouraging the use of natural solutions to reduce net annual greenhouse gas emissions and increase resiliency, such as solutions related to forests, farms and coastal lands in the State and materials that sequester carbon;

E. Maximizing involvement in interstate and regional initiatives and programs designed to reduce regional greenhouse gas emissions;

F. Supporting industries, technology and training that will allow workers and companies in the State to benefit from carbon reduction solutions through jobs and economic activity; and

G. Planning for adaptation and resilience strategies that will prepare the State's communities, infrastructure and industries for current and anticipated effects of climate change.

8. Use of existing data. In updating the climate action plan under subsection 1, the council shall draw upon existing state data and studies, including, but not limited to, analyses and data from the 2004 climate action plan and the 2010 adaptation plan developed by the department, the evaluations of the State's progress toward meeting greenhouse gas emissions levels under section 578, the comprehensive state energy plan pursuant to Title 2, section 9, subsection 3, paragraph C and the Efficiency Maine Trust's triennial plan pursuant to Title 35-A, section 10104, subsection 4.

9. Funding. The costs to the council of updating the climate action plan pursuant to this section, including, but not limited to, the costs associated with the evaluation of mitigation strategies to reduce gross annual greenhouse gas emissions and net annual greenhouse gas emissions under subsection 2, may be funded using funds solicited and accepted by the council pursuant to section 577-A, subsection 9.

**Sec. 9. 38 MRSA §577-A** is enacted to read:

**§577-A. Maine Climate Council**

The Maine Climate Council, referred to in this section as "the council," is created to advise the Governor and Legislature on ways to mitigate the causes of, prepare for and adapt to the consequences of climate change.

1. Membership. The council's membership consists of the following 39 members:

A. Two members of the Senate, appointed by the President of the Senate, including one member of each of the 2 parties holding the most seats in the Senate;

B. Two members of the House of Representatives, appointed by the Speaker of the House, including one member of each of the 2 parties hold-

ing the most seats in the House of Representatives;

C. The Director of the Governor's Office of Policy and Management, or the director's designee;

D. The Commissioner of Administrative and Financial Services, or the commissioner's designee;

E. The Commissioner of Agriculture, Conservation and Forestry, or the commissioner's designee;

F. The Commissioner of Economic and Community Development, or the commissioner's designee;

G. The Commissioner of Environmental Protection, or the commissioner's designee;

H. The Commissioner of Inland Fisheries and Wildlife, or the commissioner's designee;

I. The Commissioner of Labor, or the commissioner's designee;

J. The Commissioner of Marine Resources, or the commissioner's designee;

K. The Commissioner of Transportation, or the commissioner's designee;

L. The Commissioner of Defense, Veterans and Emergency Management, or the commissioner's designee;

M. The Commissioner of Education, or the commissioner's designee;

N. The Commissioner of Health and Human Services, or the commissioner's designee;

O. The Director of the Governor's Energy Office, or the director's designee;

P. The director of the Efficiency Maine Trust, or the director's designee;

Q. The director of the Maine State Housing Authority, or the director's designee; and

R. The following 20 additional members appointed by the Governor representing state interests affected by climate change or with expertise in climate change issues:

(1) One member to represent marine fisheries;

(2) One member to represent agriculture;

(3) One member to represent municipal governments;

(4) One member to represent the forestry industry;

(5) One member to represent the State's energy sector;

(6) One member to represent the State's Indian tribes;

(7) One member to represent building or construction trades;

(8) One member to represent the manufacturing industry;

(9) One member to represent organized labor;

(10) Two members to represent business, including one member to represent small business;

(11) Two members to represent environmental nonprofit organizations or private foundations focused on environmental issues;

(12) Two members with expertise in climate change science, including a representative of the University of Maine System;

(13) Two members with expertise in climate change resilience and adaptation, emergency management or disaster risk reduction;

(14) One member to represent the State's youth; and

(15) Two other government or public members.

**2. Terms; compensation; staffing.** The term of a member appointed pursuant to subsection 1, paragraph R is 3 years. A legislative member appointed pursuant to subsection 1, paragraphs A or B serves for the duration of the Legislature in which the legislative member was appointed. At the end of a term, a member continues to serve until a successor is appointed.

Legislative members of the council, the subcommittee under subsection 6 and the working groups under subsection 7 are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at meetings of the council, the subcommittee and the working groups. Public members of the council not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement for travel and other necessary expenses only. Public members of the subcommittee and the working groups are not entitled to receive reimbursement of any expenses.

The Governor's Office of Policy and Management shall provide staffing services as necessary to the council, the subcommittee and the working groups. The departments and agencies referenced in subsection 1, paragraphs D through Q shall provide additional staffing services to the council, the subcommittee and the working groups, as necessary and as resources allow and when the expertise of the departments or

agencies is relevant to the work for which the additional staffing services are required.

**3. Chairs.** The Governor shall appoint 2 cochairs from among the members serving pursuant to subsection 1, paragraphs C to N.

**4. Removal.** The Governor may remove any member appointed under subsection 1, paragraph R for incompetence, misconduct or failure to perform the duties of the position.

**5. Steering committee.** The cochairs of the council shall designate a steering committee composed of a subset of the council, including, but not limited to, the cochairs of the council, the subcommittee cochairs under subsection 6 and the working group cochairs under subsection 7. The steering committee shall establish the priorities and order of business of the council, the subcommittee and the working groups and shall provide input on other administrative matters before the council, the subcommittee and the working groups, including, but not limited to, determining the dates and frequency of meetings of the steering committee, the council, the subcommittee and the working groups.

**6. Scientific and Technical Subcommittee.** The Scientific and Technical Subcommittee, referred to in this section as "the subcommittee," is established within the council to identify, monitor, study and report out to the council and to the working groups under subsection 7 relevant data, findings and recommendations related to climate change in the State and its effects on the State's climate, species, marine and coastal environments and natural landscape and on the oceans and other bodies of water.

The President of the Senate shall appoint as a member of the subcommittee a member of the Senate, and the Speaker of the House of Representatives shall appoint as a member of the subcommittee a member of the House of Representatives and, at the request of the cochairs of the council, either presiding officer may appoint additional legislators as members of the subcommittee from their respective chamber of the Legislature, except that the President and the Speaker shall ensure that both of the 2 political parties holding the most seats in the Legislature are represented in their appointments to the subcommittee under this subsection. The cochairs of the council shall appoint as additional members of the subcommittee persons with scientific backgrounds, training and expertise relating to the purposes for which the subcommittee is established. From among these appointed members of the subcommittee, the cochairs of the council shall designate 2 cochairs of the subcommittee.

In carrying out its duties, the subcommittee:

A. Shall meet at least every 6 months beginning no later than October 1, 2019, except that the subcommittee must meet at least 4 times before July

1, 2020. The subcommittee shall at its first meeting each calendar year establish an annual work plan;

B. May seek the advice of experts in fields related to its duties;

C. May create subgroups to provide data and recommendations on specific subtopics related to the subcommittee's duties;

D. Shall identify, review and monitor the direct and indirect effects of climate change and the factors contributing to those effects, including, but not limited to, air temperature changes, sea level rise, ocean and coastal acidification, warming ocean temperatures, increased precipitation and changes in salinity and dissolved oxygen concentrations;

E. Shall review, study and analyze existing scientific literature and data on the direct and indirect effects of climate change and how those effects have directly or indirectly affected communities and public health, marine environments and species, agriculture and forestry and ecosystems and species in the State;

F. Shall identify critical scientific data and knowledge gaps pertaining to the data and monitoring of state-based climate changes and impacts and recommend methods for monitoring;

G. Shall identify methods and protocols to mitigate direct and indirect effects of climate change on the State's species;

H. Shall establish science-based sea level rise projections for the State's coastal areas by December 1, 2020 and update those projections at least every 4 years;

I. Shall create maps that indicate the areas of the State that may be most affected by storm surges, ocean and river flooding and extreme weather events and make these maps publicly available on a website maintained by the Department of Agriculture, Conservation and Forestry, Maine Geological Survey; and

J. Shall analyze and identify options for quantifying carbon sequestration and emissions associated with biomass growth, management and utilization in upland and marine environments.

**7. Working groups.** There is established within the council the following working groups:

A. A transportation working group;

B. A coastal and marine working group;

C. A buildings, infrastructure and housing working group;

D. A working lands working group;

E. An energy working group; and

F. Other working groups established by the council as needed.

The President of the Senate shall appoint as a member of each working group a member of the Senate, and the Speaker of the House of Representatives shall appoint as a member of each working group a member of the House of Representatives and, at the request of the cochairs of the council, either presiding officer may appoint additional legislators from their respective chamber of the Legislature as members of any working group, except that the President and the Speaker shall ensure that both of the 2 political parties holding the most seats in the Legislature are represented in their appointments to each working group under this paragraph. The cochairs of the council shall appoint as additional members of each working group representatives of scientific and academic institutions, affected and involved businesses and industries, non-profit organizations and foundations, the State's youth and federal, state and local governments and agencies. From among these appointed members of each working group, the cochairs of the council shall designate 2 cochairs for that working group.

Each working group shall meet at least every 6 months, beginning no later than October 1, 2019 and shall establish at the working group's first meeting each calendar year an annual work plan.

**8. Actions by council, subcommittee and working groups.** The council shall consider and prioritize actions recommended by the subcommittee established in subsection 6 and the working groups established in subsection 7 and shall ensure that its actions and the actions of the subcommittee and the working groups, as applicable, are consistent with and include, but are not limited to, the following:

A. Developing the State's updated climate action plan in accordance with section 577;

B. Developing recommendations for legislation, including, but not limited to, legislation to better enable state agencies to implement the long-term goals included in the updated climate action plan under section 577;

C. Soliciting input from members of the public when developing the State's updated climate action plan and communicating with the public on progress and actions;

D. Developing broad public and private partnerships with federal, state and local agencies;

E. Ensuring that the State's transition to a clean energy economy benefits all residents of the State fairly and equitably, with particular consideration given to sources of employment, income levels and historical experience. Development of mitigation and adaptation strategies must include con-

sideration of how low-income residents of the State and residents of the State who are members of vulnerable communities will be affected by climate change and by the transition to a clean energy economy and how programs and incentives to address such effects can be designed to be accessible to all residents of the State regardless of income level, age, race or geographic location;

F. Assessing the impacts that climate change may have on the State's economy, revenues and investment decisions;

G. Assessing the need for utilities and other public and private service providers throughout the State to adjust their operating practices and investment strategies to increase their resiliency to climate change impacts;

H. Maximizing infrastructure, energy and new technologies for mitigation and adaptation options that come from state sources or create jobs in the State, or both;

I. Assessing the impacts that climate change may have on agriculture, fishing, forestry and other natural resource-based industries in the State and how those industries might best adapt to preserve those industries and the communities they support;

J. Recommending short-term and long-term strategies to mitigate the causes of and prepare for and adapt to the consequences of climate change;

K. Developing a plan to encourage and prepare for transitions in transportation, including both low-carbon and no-carbon technologies, and the changes in infrastructure required to accommodate those technologies, as well as infrastructure changes required as the result of climate disruption;

L. Developing and recommending strategies to address and prepare for coastal and coastal watershed hazards, including, but not limited to, ocean and coastal acidification, increased storm surges, extreme precipitation and other extreme weather events, projected sea level rise and increased river flooding and storm water runoff and the risks such hazards pose to municipalities, the coastal economy and state assets;

M. Developing new and supporting existing programs, codes and incentives that encourage increased energy efficiency and lower carbon emissions from the State's public and private buildings and businesses;

N. Assisting local governments and other constituents in supporting regional and community-scale climate vulnerability assessments and the development of specific strategies and integration of specific strategies into local plans and ordinances;

O. Encouraging programming in State Government and in municipal governments that allows the State to lead the way in demonstrating initiatives that reduce carbon emissions;

P. Establishing comprehensive and accountable annual working group work plans that set annual goals and performance benchmarks and prioritize new and existing climate change mitigation, preparedness actions and initiatives and report these out to stakeholders and the public; and

Q. Considering other related matters as the council, the subcommittee and the working groups determine to be necessary.

The council shall meet at least every 3 months, beginning no later than October 1, 2019, and shall establish at its first meeting each calendar year an annual work plan.

**9. Funding.** The council may solicit and accept funds from any source, public or private, to fulfill its responsibilities under this section, including, but not limited to, funds necessary to fulfill the responsibilities of the subcommittee under subsection 6 and the working groups under subsection 7.

The council shall include in the report required under subsection 10 a list of the amounts and sources of any funds accepted by the council in the prior calendar year, excluding those funds appropriated or allocated by the Legislature, and an indication of whether such outside funds were expended in the prior calendar year and, if expended, the purpose or purposes of the expenditure.

**10. Report.** Beginning January 15, 2021, and annually thereafter, the council shall submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters describing the activities of the council, the subcommittee and its working groups over the prior calendar year and including any findings and recommendations of the council, including any proposed legislation. After reviewing the report, the joint standing committee may report out legislation to implement any recommendations contained in the report.

**Sec. 10. 38 MRSA §578,** as amended by PL 2013, c. 415, §5, is further amended to read:

**§578. Progress evaluation**

By January 1, 2006 and by that date every 2 years thereafter, the department The department, in consultation with the Maine Climate Council, established under section 577-A, shall evaluate the State's progress toward meeting the reduction goals specified in section 576, review the cost-effectiveness of the actions taken toward meeting the reduction goals and shall amend the action plan as necessary to ensure that the State can meet the reduction goals 576-A and progress toward implementing the climate action plan in section

577. The department, after consultation with the council, shall submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by ~~January 1, 2016~~ December 1, 2022 and by that date every 2 years thereafter. The department, in consultation with the council, may recommend other metrics to share the progress on climate mitigation and adaptation strategies with the Legislature and public. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the ~~evaluation to the second regular session of any Legislature. The report required under this section, and the joint standing committee of the Legislature having jurisdiction over utilities and energy matters may make recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding that legislation. Starting no earlier than January 1, 2008, the department may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals specified in section 576 be increased or decreased.~~

**Sec. 11. Appropriations and allocations.**

The following appropriations and allocations are made.

**LEGISLATURE**

**Legislature 0081**

Initiative: Appropriates funds for the costs to the Legislature for legislators to participate on the Maine Climate Council, the Council's Scientific and Technical Subcommittee and the Council's working groups.

GENERAL FUND	2019-20	2020-21
Personal Services	\$1,320	\$1,210
All Other	\$3,360	\$3,080
<b>GENERAL FUND TOTAL</b>	<b>\$4,680</b>	<b>\$4,290</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 26, 2019.

**CHAPTER 477**  
**S.P. 457 - L.D. 1494**

**An Act To Reform Maine's  
Renewable Portfolio Standard**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 35-A MRSA §3210**, as amended by PL 2017, c. 291, §1, is further amended to read:

**§3210. Renewable resources**

**1. Policy.** In order to ensure an adequate and reliable supply of electricity for Maine residents and to encourage the use of renewable, efficient and indigenous resources, it is the policy of this State to encourage the generation of electricity from renewable and efficient sources and to diversify electricity production on which residents of this State rely in a manner consistent with this section.

**1-A. State goals for consumption of electricity from renewable resources.** The State's goals for increasing consumption of electricity in the State that comes from renewable resources are as follows:

A. By January 1, 2030, 80% of retail sales electricity in the State will come from renewable resources; and

B. By January 1, 2050, 100% of retail sales electricity in the State will come from renewable resources.

**2. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Efficient resource" means a source of electrical generation that:

(1) Qualifies as a qualifying cogeneration facility under the Federal Energy Regulatory Commission rules, 18 Code of Federal Regulations, Part 292, Subpart B, as in effect on January 1, 1997, was constructed prior to January 1, 1997 and meets the following efficiency standard:

(a) During any calendar year, the sum of the useful power output and the useful thermal energy output of the facility is no less than 60% of the total energy input to the facility.

For purposes of this paragraph, the term "useful power output" means the electrical or mechanical energy made available for use, exclusive of any energy used in the power production process. For purposes of this paragraph, the term "useful thermal energy" means ~~thermal~~ heat energy made available to an industrial or commercial process, net of heat contained in condensate return and

makeup water, used in a heating application or used in a space cooling application.

A-1. "Alternative compliance payment rate" means a certain dollar amount per kilowatt-hour set by the commission that a competitive electricity provider may pay to the commission to satisfy the portfolio requirements of ~~subsection~~ subsections 3-A, 3-B and 3-C.

A-2. "Class I resource" means a new renewable capacity resource.

A-3. "Class IA resource" means a Class I resource other than a Class I resource that for at least 2 years was not operated or was not recognized by the New England independent system operator as a capacity resource and, after September 1, 2005, resumed operation or was recognized by the New England independent system operator as a capacity resource.

B. "Eligible resource" or "Class II resource" means a source of electrical generation that:

(1) Generates power that can physically be delivered to the control region in which the New England Power Pool, or its successor as approved by the Federal Energy Regulatory Commission, has authority over transmission, or to the Maritimes Control Area; and

(2) Is either a renewable resource or an efficient resource.

B-2. "Renewable energy credit" means a tradable instrument that represents an amount of electricity generated from eligible resources or renewable capacity resources.

B-3. "Renewable capacity resource" means a source of electrical generation:

(1) Whose total power production capacity does not exceed 100 megawatts and relies on one or more of the following:

(a) Fuel cells;

(b) Tidal power;

~~(c) Solar arrays and installations;~~

(d) Geothermal installations;

(e) Hydroelectric generators that meet all state and federal fish passage requirements applicable to the generator;

(f) Biomass generators that are fueled by wood, wood waste or landfill gas; or

(g) Anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse; or

(2) That relies on wind power installations or solar power installations.

B-4. "New" as applied to any a renewable capacity resource means qualified hydroelectric output or a renewable capacity resource that:

- (1) Has an in-service date after September 1, 2005;
- (2) Was added to an existing facility after September 1, 2005;
- (3) For at least 2 years was not operated or was not recognized by the New England independent system operator as a capacity resource and, after September 1, 2005, resumed operation or was recognized by the New England independent system operator as a capacity resource. For the purposes of this subparagraph, "capacity resource" has the same meaning as in section 3210-C, subsection 1, paragraph A; or
- (4) Was refurbished after September 1, 2005 and ~~is operating beyond its previous useful life or is employing an alternate technology that significantly increases the efficiency of the generation process.~~ received certification from the commission:
  - (a) Before September 1, 2019 that it is operating beyond its previous useful life or is employing an alternate technology that significantly increases the efficiency of the generation process; or
  - (b) On or after September 1, 2019 that it is operating beyond its previous useful life as evidenced by a finding that the facility would be reasonably likely to cease operation if not for substantial capital investment made after September 1, 2018, except for capital investment required to meet state and federal fish passage standards.

For the purposes of this subparagraph, "refurbished" means an investment has been made in equipment or facilities, other than for routine maintenance and repair, to renovate, reequip or restore the renewable capacity resource.

~~For the purposes of this paragraph, "capacity resource" has the same meaning as in section 3210-C, subsection 1, paragraph A. For the purposes of this paragraph, "to refurbish" means to make an investment in equipment or facilities, other than for routine maintenance and repair, to renovate, reequip or restore the renewable capacity resource.~~

B-5. "Qualified hydroelectric output" means the following annual percentages of the total electrical output of a hydroelectric generator licensed by the Federal Energy Regulatory Commission that is a renewable capacity resource and that on January 1, 2019 had a total nameplate capacity of at least 25 megawatts, as specified in the license issued by the Federal Energy Regulatory Commission, is located outside of the historic freshwater range of the Gulf of Maine distinct population segment of Atlantic salmon as defined by the National Oceanic and Atmospheric Administration, National Marine Fisheries Service in 74 Federal Register, 29299 (2009) and 29343 (2009), and is interconnected to an electric distribution system located in the State:

- (1) In 2020, 40%, not to exceed an aggregate of 200,000 megawatt-hours for all qualified hydroelectric output;
- (2) In 2021, 50%, not to exceed an aggregate of 250,000 megawatt-hours for all qualified hydroelectric output;
- (3) In 2022, 60%, not to exceed an aggregate of 300,000 megawatt-hours for all qualified hydroelectric output;
- (4) In 2023, 70%;
- (5) In 2024, 80%;
- (6) In 2025, 90%; and
- (7) In 2026 and each year thereafter, 100%.

C. "Renewable resource" means a source of electrical generation:

- (1) That qualifies as a small power production facility under the Federal Energy Regulatory Commission rules, 18 Code of Federal Regulations, Part 292, Subpart B, as in effect on January 1, 1997; or
- (2) Whose total power production capacity does not exceed 100 megawatts and that relies on one or more of the following:
  - (a) Fuel cells;
  - (b) Tidal power;
  - (c) Solar arrays and installations;
  - (d) Wind power installations;
  - (e) Geothermal installations;
  - (f) Hydroelectric generators;
  - (g) Biomass generators that are fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes; or

(h) Generators fueled by municipal solid waste in conjunction with recycling.

D. "Thermal energy" means heat, steam, hot water or another form of thermal energy:

(1) Produced directly by a facility using sunlight, biomass, biogas or liquid biofuel or produced as a byproduct of electricity generated by a Class I or Class IA resource;

(2) That begins operation after June 30, 2019, as certified by the commission;

(3) Delivered to an end user in the State in a manner that can be verified by metering or other means certified by the commission to allow for auditable validation of useful thermal energy generated;

(4) Used for heating, cooling, humidity control, process use or other end use to meet a need of the end user that would otherwise be met using another energy source such as electricity or an on-site thermal energy system; and

(5) Generated or delivered in accordance with any efficiency performance standards established by the commission.

E. "Thermal renewable energy credit" means a tradable instrument that represents an amount of thermal energy equivalent to a unit of electricity. A thermal renewable energy credit of one megawatt represents 3,412,000 British thermal units of thermal energy, as verified by the commission.

The commission shall establish by rule or order standards and procedures necessary to implement any definition under this subsection, including but not limited to certifications and performance and verification standards necessary for purposes of paragraphs B-4, D and E. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

### **3. Portfolio requirements; Class II resources.**

As a condition of licensing pursuant to section 3203, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that no less than 30% of its portfolio of supply sources for retail electricity sales in this State is accounted for by ~~eligible~~ Class II resources. If a competitive electricity provider represents to a customer that the provider is selling to the customer a portfolio of supply sources that includes more than 30% ~~eligible~~ Class II resources, the resources necessary to supply more than 30% of that customer's load may not be applied to meet the aggregate 30% portfolio requirement. Rules adopted under this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

A. For the purposes of meeting the portfolio requirement under this subsection, a 300% multiplier is applied to the output of a generator fueled by municipal solid waste in conjunction with recycling that has obtained a solid waste facility license from the Department of Environmental Protection.

This paragraph is repealed January 1, 2025.

### **3-A. Portfolio requirements; Class I resources.**

Portfolio requirements for ~~new renewable capacity~~ Class I resources are governed by this subsection.

A. Except as provided in paragraph B, beginning January 1, 2008, as a condition of licensing pursuant to section 3203, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that the percentage of its portfolio of supply sources for retail electricity sales in this State accounted for by ~~new renewable capacity~~ Class I resources is as follows:

- (1) One percent for the period from January 1, 2008 to December 31, 2008;
- (2) Two percent for the period from January 1, 2009 to December 31, 2009;
- (3) Three percent for the period from January 1, 2010 to December 31, 2010;
- (4) Four percent for the period from January 1, 2011 to December 31, 2011;
- (5) Five percent for the period from January 1, 2012 to December 31, 2012;
- (6) Six percent for the period from January 1, 2013 to December 31, 2013;
- (7) Seven percent for the period from January 1, 2014 to December 31, 2014;
- (8) Eight percent for the period from January 1, 2015 to December 31, 2015;
- (9) Nine percent for the period from January 1, 2016 to December 31, 2016; and
- (10) Ten percent for the period from January 1, 2017 to December 31, 2022 and each year thereafter.

~~New renewable capacity~~ Class I resources used to satisfy the requirements of this paragraph may not be used to satisfy the requirements of subsection 3 or 3-B.

B. Suspensions of scheduled increases in the portfolio requirements as provided in paragraph A are governed by this paragraph.

- (1) If by March 31st of the years 2010, 2012, 2014 and 2016 the commission determines that investment in ~~new renewable capacity~~ Class I resources in the preceding 2 calendar

years has not been sufficient for competitive electricity providers to meet the portfolio requirements under paragraph A and that the resulting use of renewable energy credits pursuant to subsection 8 or the alternative compliance payment mechanism pursuant to subsection 9, or both of these methods, has burdened electricity customers in the State without providing the benefits of ~~new renewable capacity~~ Class I resources, the commission may suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.

(2) If the commission finds that alternative compliance payments are made pursuant to subsection 9 in 3 consecutive calendar years, the commission shall temporarily suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.

(3) If the commission suspends any scheduled increases in the portfolio requirements under paragraph A pursuant to subparagraph (1) or (2), the commission may resume increases, limited to no more than one percentage point per year over the previous year, in the portfolio requirements after a minimum of one year.

C. No later than March 31, 2008 and annually thereafter, the commission shall submit a report regarding the status of ~~new renewable capacity~~ Class I resources in the State and compliance with the portfolio requirements under paragraph A to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The report must include, but is not limited to, a description of ~~new renewable capacity~~ Class I resources available to meet the portfolio requirements under paragraph A, documentation of the loss of any existing renewable generation capacity in the State, the status of implementation of the ~~new renewable capacity resources~~ portfolio requirements under paragraph A, including any suspensions pursuant to paragraph B, and recommendations to stimulate investment in ~~new renewable capacity~~ Class I resources.

D. Retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on the effective date of this subsection is exempt from the requirements of this subsection until the end date of the current term of the supply contract or standard-offer service arrangement.

The commission shall adopt rules to implement this subsection. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**3-B. Portfolio requirements; Class IA resources.** Portfolio requirements for Class IA resources are governed by this subsection.

A. Except as provided in paragraph B, beginning January 1, 2020, as a condition of licensing pursuant to section 3203, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that the percentage of its portfolio of supply sources for retail electricity sales in this State, other than to customers who have made an election pursuant to subsection 10 that is in effect with respect to this subsection, accounted for by Class IA resources is as follows:

(1) Two and one-half percent for the period from January 1, 2020 to December 31, 2020;

(2) Five percent for the period from January 1, 2021 to December 31, 2021;

(3) Eight percent for the period from January 1, 2022 to December 31, 2022;

(4) Eleven percent for the period from January 1, 2023 to December 31, 2023;

(5) Fifteen percent for the period from January 1, 2024 to December 31, 2024;

(6) Nineteen percent for the period from January 1, 2025 to December 31, 2025;

(7) Twenty-three percent for the period from January 1, 2026 to December 31, 2026;

(8) Twenty-seven percent for the period from January 1, 2027 to December 31, 2027;

(9) Thirty-one percent for the period from January 1, 2028 to December 31, 2028;

(10) Thirty-five percent for the period from January 1, 2029 to December 31, 2029; and

(11) Forty percent for the period from January 1, 2030 to December 31, 2030 and each year thereafter.

Class IA resources used to satisfy the requirements of this paragraph may not be used to satisfy the requirements of subsection 3 or 3-A.

B. Suspensions of scheduled increases in the portfolio requirements as provided in paragraph A are governed by this paragraph.

(1) If by March 31st of the year 2022 and every 2 years thereafter the commission determines that investment in Class IA resources in the preceding 2 calendar years has not been sufficient for competitive electricity providers to meet the portfolio requirements under paragraph A and that the resulting use of renewable energy credits pursuant to subsection 8 or the alternative compliance pay-

ment mechanism pursuant to subsection 9, or both of these methods, has burdened electricity customers in the State without providing the benefits of new Class IA resources, the commission may suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.

(2) If the commission finds that more than 10% of the obligations required to satisfy the portfolio requirements for Class IA resources under paragraph A are met through alternative compliance payments made pursuant to subsection 9 in 3 consecutive calendar years, the commission shall temporarily suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.

(3) If the commission suspends any scheduled increases in the portfolio requirements under paragraph A pursuant to subparagraph (1) or (2), the commission shall report its rationale for suspension to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters, the Governor's Energy Office and the Office of the Public Advocate and make recommendations for modifications to the schedule of increases. The commission may resume increases, limited to no more than one percentage point per year over the previous year, in the portfolio requirements after a minimum of one year unless otherwise directed by the Legislature.

C. No later than March 31, 2021 and annually thereafter, the commission shall submit a report regarding the status of Class IA resources in the State and compliance with the portfolio requirements under paragraph A to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The report must include, but is not limited to, a description of Class IA resources available to meet the portfolio requirements under paragraph A, documentation of the loss of any existing renewable generation capacity in the State, the status of implementation of the portfolio requirements under paragraph A, including any suspensions pursuant to paragraph B, and recommendations to stimulate investment in Class IA resources. If the commission has reliable information about benefits and costs of the portfolio requirements under paragraph A, over both the short and long terms with respect to the State's economy, environmental quality or electricity consumers, the commission shall include that information in the report. The report required under this paragraph may be submitted in conjunction with the report required under subsection 3-A, paragraph C.

D. Retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on the effective date of this subsection are exempt from the requirements of this subsection until the end date of the existing term of the supply contract or standard-offer service arrangement.

The commission shall adopt rules to implement this subsection. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**3-C. Portfolio requirements; thermal renewable energy credits.** Each competitive electricity provider must, in addition to meeting the other portfolio requirements of subsections 3, 3-A and 3-B, demonstrate in a manner satisfactory to the commission that it has purchased thermal renewable energy credits in an amount at least equal to the following percentages of its portfolio of supply sources for retail electricity sales in this State other than to customers who have made an election pursuant to subsection 10 that is in effect with respect to this subsection:

A. For calendar year 2021, 0.4%;

B. For calendar year 2022, 0.8%;

C. For calendar year 2023, 1.2%;

D. For calendar year 2024, 1.6%;

E. For calendar year 2025, 2%;

F. For calendar year 2026, 2.4%;

G. For calendar year 2027, 2.8%;

H. For calendar year 2028, 3.2%;

I. For calendar year 2029, 3.6%; and

J. For calendar year 2030, and each year thereafter, 4%.

~~**4. Report.** In view of property tax benefits, developments in other states and the development of a market for tradable credits for satisfying eligible resource requirements, the commission shall review the 30% portfolio requirement and make a recommendation for any change to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later than 5 years after the beginning of retail competition.~~

**7. Information.** To the extent that funding is available, the commission shall inform electricity consumers in this State of the benefits of electricity generated in this State using renewable resources and of the opportunities available in this State to purchase electricity that is generated using those resources, including, but not limited to, the green power offer and other green power supply products and renewable energy credit products certified under section 3212-A. The

commission may not promote any renewable resources over others. The commission may apply for, receive and expend grant money from the United States Department of Energy and other government agencies for this purpose. The commission may create or cause to be created a brand or logo to identify Maine renewable resources, including the green power offer and other green power supply products and renewable energy credit products certified under section 3212-A, to consumers. The commission shall register any mark or logo created pursuant to this subsection with the United States Patent and Trademark Office or in accordance with Title 10, chapter 301-A, or both. Any brand or logo created pursuant to this subsection may only be used in accordance with the purposes of this subsection as approved by the commission.

**8. Credit trading.** The commission shall allow competitive electricity providers to satisfy the portfolio requirements of subsections 3 ~~and~~, 3-A, 3-B and 3-C through the use of renewable energy credits if the commission determines that a reliable system of electrical attribute trading exists. When renewable energy credits are used to satisfy the portfolio requirements of subsections 3 and 3-A, the value of a renewable energy credit for electricity generated by a community-based renewable energy project, as defined in section 3602, that is participating in the community-based renewable energy pilot program established in section 3603 and elects the renewable energy credit multiplier under section 3605 is 150% of the amount of the electricity.

**9. Alternative compliance payment.** The commission shall allow competitive electricity providers to satisfy the portfolio requirements for ~~new renewable capacity~~ Class I resources under subsection 3-A, Class IA resources under subsection 3-B and thermal renewable energy credits under subsection 3-C through an alternative compliance payment mechanism in accordance with this subsection.

A. The commission shall set the alternative compliance payment rate by rule, which may not be greater than \$50, and shall publish the alternative compliance payment rate by January 31st of each year. In setting the rate, the commission shall take into account prevailing market prices, standard-offer service prices for electricity, reliance on alternative compliance payments to meet the requirements of ~~subsection~~ subsections 3-A, 3-B and 3-C and investment in ~~new renewable capacity resources~~ Class I and Class IA resources and thermal renewable energy credits in the State during the previous calendar year.

B. The commission shall collect alternative compliance payments made by competitive electricity providers and shall deposit all funds collected under this paragraph in the Energy Efficiency and Renewable Resource Fund established under sec-

tion 10121, subsection 2 to be used to fund research, development and demonstration projects relating to renewable energy technologies and to fund rebates for cost-effective renewable energy technologies.

The commission shall adopt rules to implement this subsection. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**10. Transmission or subtransmission customer options.** A customer receiving service at a transmission or subtransmission voltage level, referred to in this subsection as "a large customer," may make an election under this subsection relating to Class IA resources portfolio requirements under subsection 3-B, the thermal renewable energy credit requirements under subsection 3-C and the costs and benefits resulting from Class IA resource contracts under section 3210-G. The election must be made no later than December 31, 2019. If a large customer makes an election under this paragraph, the following provisions apply.

A. With respect to Class IA resources portfolio requirements under subsection 3-B and the thermal renewable energy credit requirements under subsection 3-C:

(1) The election applies through December 31, 2027, unless rescinded earlier in accordance with this subsection. The customer may rescind an election in accordance with paragraph C. If the customer does not rescind an election in accordance with paragraph C, the customer may rescind its election solely with respect to Class IA resources portfolio requirements under subsection 3-B and the thermal renewable energy credit requirements under subsection 3-C by providing notice to the commission. The election with respect to Class IA resources portfolio requirements under subsection 3-B and the thermal renewable energy credit requirements under subsection 3-C is rescinded 6 months after the date of notice provided under this subparagraph. After December 31, 2027, the election with respect to Class IA resources portfolio requirements under subsection 3-B and the thermal renewable energy credit requirements under subsection 3-C is automatically terminated; and

(2) As long as the election remains in effect:

(a) All retail sales of electricity to that customer are exempt from the requirements of subsections 3-B and 3-C; and

(b) No electricity generation or renewable energy credits produced by the customer may be used or applied to satisfy

the requirements of subsection 3-B or 3-C.

B. With respect to the costs and benefits resulting from Class IA resource contracts under section 3210-G:

(1) The election may not be rescinded except as provided in paragraph C. Except as provided in paragraph C, if a large customer makes an election under this subsection, the commission shall ensure that the customer:

(a) Does not pay any costs or receive any savings that the commission determines to result from contracts approved under section 3210-G; and

(b) Is not allowed to bid on any solicitation or obtain a contract under any procurement under section 3210-G.

C. A large customer may rescind an election in accordance with this paragraph. In order to rescind an election under this paragraph, the customer must provide notice to the commission no later than 30 days after the commission initiates the 2nd solicitation under section 3210-G. An election is rescinded 6 months after the date of notice provided under this paragraph. If an election is rescinded under this paragraph, it is rescinded with respect to Class IA resources portfolio requirements under subsection 3-B, the thermal renewable energy credit requirements under subsection 3-C and the costs and benefits resulting from Class IA resource contracts under section 3210-G, except that with respect to contracts under section 3210-G that are approved pursuant to the first solicitation before December 31, 2020, the commission shall continue to ensure that the customer does not pay any costs or receive any savings that the commission determines to result from those contracts, for the duration of those contracts.

The commission shall review and report on the use of the election allowed under this subsection as part of its annual report on Class IA resource portfolio requirements under subsection 3-B, paragraph C. No later than January 1, 2027, the joint standing committee of the Legislature having jurisdiction over energy and utilities matters shall review the elections that have been made under this subsection and examine whether the December 31, 2027 date established in paragraph A, subparagraph (1) should be extended. The committee may report out a bill relating to the subject matter of this subsection to the First Regular Session of the 133rd Legislature.

**11. Report: Class IA resource and thermal renewable energy credit portfolio requirements.** By March 31, 2024 and every 5 years thereafter, the commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over

energy matters based on a review, conducted in consultation with the Governor's Energy Office, of the status and impacts of the implementation of the portfolio requirements for Class IA resources under subsection 3-B and thermal renewable energy credits under subsection 3-C. The review must be completed through a public process and must include consideration of impacts of these renewable portfolio requirements on energy prices and assessment of benefits on greenhouse gas emissions and the economy of the State. The report required under this subsection may be submitted in conjunction with the report required under subsection 3-A, paragraph C. After reviewing the report required under this subsection, the committee may report out legislation regarding renewable portfolio requirements.

**Sec. 2. 35-A MRSA §3210-G** is enacted to read:

**§3210-G. Renewable portfolio standard procurement**

The commission shall direct investor-owned transmission and distribution utilities to enter into one or more contracts for energy or renewable energy credits from Class IA resources in accordance with this section. Customers who have made an election pursuant to section 3210, subsection 10 are subject to prohibitions on bidding on or obtaining a contract under this section as provided in section 3210, subsection 10. For purposes of this section, "Class IA resource" and "renewable energy credit" have the same meanings as in section 3210, subsection 2.

**1. Competitive procurement.** The commission shall conduct 2 competitive solicitations in order to select Class IA resources for contracts under this section.

A. Through competitive solicitations under this section, the commission shall procure an amount of energy or renewable energy credits from Class IA resources that is equal to 14% of retail electricity sales in this State for the period from January 1, 2018 to December 31, 2018, as determined by the commission.

(1) The commission shall initiate a first competitive solicitation and ensure that solicitation results in the approval of contracts by December 31, 2020 for energy or renewable energy credits equal to at least 7% of retail electricity sales for the period from January 1, 2018 to December 31, 2018, as determined by the commission. If the commission determines that contracts for an amount greater than 7% of retail electricity sales will provide financial benefits to ratepayers, it may approve contracts by December 31, 2020 for up to 10% of retail electricity sales.

(2) No later than January 15, 2021, the commission shall initiate a 2nd competitive solicitation for an amount of energy or renewable energy credits equal to the difference between 14% of retail electricity sales and the amount approved in contracts by December 31, 2020.

B. To the extent sufficient resources are available, 75% of the energy or renewable energy credits contracted under this section must come from Class IA resources that begin commercial operations after June 30, 2019 and 25% must come from Class IA resources that began commercial operations on or prior to June 30, 2019.

C. In conducting a solicitation and selecting Class IA resources for contracts under this section, the commission shall weigh the benefits to ratepayers and the benefits to the State's economy as follows:

(1) A weight of 70% must be given to the benefits to ratepayers; and

(2) A weight of 30% must be given to benefits to the economy, which may include, but are not limited to:

(a) Capital investments by the Class IA resource to improve long-term viability of an existing facility;

(b) Payments by the Class IA resource for the harvest of wood fuel;

(c) Employment resulting from the Class IA resource;

(d) Payments by the Class IA resource to a host community, whether or not required by law or rule;

(e) Excise, income, property and sales taxes paid by the Class IA resource;

(f) Purchases of goods and services by the Class IA resource; and

(g) Avoided emissions resulting from the operation of the Class IA resource.

D. The commission shall, in accordance with this paragraph, allow energy storage systems to participate in solicitations or be awarded contracts under this section.

(1) The commission shall permit an energy storage system to bid on solicitations or to be contracted under this section only if the energy storage system is connected to the State's electricity grid, paired as a complementary resource with a Class IA resource and either:

(a) Colocated with the Class IA resource, whether metered jointly with or separately from the Class IA resource; or

(b) Located at a different location from the Class IA resource and the commission finds that inclusion of the energy storage system would result in a reduction in greenhouse gas emissions.

(2) A bid under this section that includes an energy storage system must include 2 separate bid proposals, one with the energy storage system and one without. The commission shall assess the bid proposals based on the benefits to ratepayers, which may include, but are not limited to:

(a) Reduction in costs;

(b) Decrease in peak electricity demand;

(c) Deferral of investments in the transmission and distribution system;

(d) Deferral of capital investments in new generating capacity;

(e) Increase in the electricity grid's overall flexibility, reliability and resiliency; and

(f) Reduction in greenhouse gas emissions.

(3) An energy storage system that is not colocated with a Class IA resource may receive renewable energy credits only for stored energy generated from a Class IA resource.

(4) If chosen for a contract under this section, an energy storage system must remain stationary and under the same ownership throughout the contract term.

(5) The commission may permit an energy storage system to be paired with and added to a Class IA resource after that resource has been awarded a contract.

For the purposes of this paragraph, "energy storage system" means a commercially available technology that uses mechanical, chemical or thermal processes for absorbing energy and storing it for a period of time for use at a later time.

**2. Contract terms.** A contract entered into pursuant to this section must be for a term of 20 years, unless the commission finds a contract for a longer term to be prudent. If a Class IA resource offers to sell capacity, the commission may allow a contract with that resource to include the purchase of such capacity, but the commission may not require any Class IA resource to offer or sell capacity in order to participate in any solicitation or contract under this section.

**3. Report.** No later than March 31, 2023 and biennially thereafter, the commission shall submit a report regarding the status of contracts for Class IA re-

sources under this section to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The report must include, but is not limited to, a description of Class IA resources participating in competitive solicitations, information about the resources selected for contracts and the selection process, the benefits and costs of the contracts and recommendations about how to further stimulate investment in Class IA resources or achieve ratepayer benefits from Class IA resources. The report may include information about benefits and costs of the contracts to the State's economy, environmental quality or electricity consumers over both the short and long terms. Any analysis of the benefits or costs of the contracts must be based on a forecast of all avoided costs resulting from the contracts that is transparent and balanced over the long term.

**Sec. 3. Study; report; renewable energy goals market assessment.** The Governor's Office of Policy and Management and the Governor's Energy Office shall jointly conduct a market assessment study, including an in-depth analysis and review of the opportunities, potential and challenges facing the State in reaching the goal by January 1, 2030 that 80% of retail electricity sales in this State will come from renewable energy resources, and shall, no later than January 31, 2021, submit a report on the market assessment study, along with any recommendations on adjustments or changes to the renewable portfolio requirements in the Maine Revised Statutes, Title 35-A, section 3210, to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters.

1. The market assessment study must include, but is not limited to, examination of:

A. The availability of commercially viable renewable energy technologies, including emerging technologies, in the State and region between 2020 and 2030;

B. The estimated electricity costs and benefits for ratepayers and the capacity of commercially viable renewable energy technologies during the 10-year period between 2020 and 2030, including the remaining useful lives of existing technology in use during that period;

C. The time frames for permitting, financing and construction for commercially viable renewable technologies in the State and region;

D. The policy and regulatory options and structures that may influence the speed, predictability and cost to ratepayers associated with the development of renewable energy technologies in this State and the amount of renewable energy generated;

E. Policies and regulations in other states and the region, including an analysis of the dynamics between and among the various states, provinces

and this State, and the importance and role of generating 80% of electricity from renewable capacity resources in achieving the greenhouse reduction limits in Title 38, chapter 3-A in a cost-effective manner; and

F. In coordination with the Department of Environmental Protection, the benefits and costs of incentives provided to generators fueled by municipal solid waste, landfill gas facilities and anaerobic digestion facilities under the State's renewable portfolio requirements. The examination must also consider and make recommendations for further alignment between renewable energy and solid waste policy initiatives.

2. Upon written request of the Governor's Office of Policy and Management or the Governor's Energy Office, the Public Utilities Commission shall provide for the study:

A. Reasonable technical, legal and other assistance, including the provision of requested information; and

B. Funding for staff and consultants in an amount not to exceed \$150,000. Any such costs must be recovered through assessments on transmission and distribution utilities in accordance with Title 35-A, section 116.

3. The Governor's Office of Policy and Management and the Governor's Energy Office shall encourage state agencies, including the Office of the Public Advocate, and other interested parties to submit relevant information, including data, to inform the market assessment study. Not more than 60 days prior to issuance of the report required by this section, the offices shall invite interested parties to provide comments on draft proposed conclusions of the study.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Public Utilities - Administrative Division 0184**

Initiative: Provides an allocation for consulting services related to the analysis of the economic benefit of renewable portfolio requirements and the procurement of renewable energy.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$300,000	\$300,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$300,000	\$300,000

See title page for effective date.

**CHAPTER 478  
S.P. 565 - L.D. 1711**

**An Act To Promote Solar  
Energy Projects and  
Distributed Generation  
Resources in Maine**

**Be it enacted by the People of the State of  
Maine as follows:**

**PART A**

**Sec. A-1. 35-A MRSA §3201, sub-§11-A** is enacted to read:

**11-A. Investor-owned transmission and distribution utility.** "Investor-owned transmission and distribution utility" has the same meaning as in section 3104, subsection 1, paragraph A.

**Sec. A-2. 35-A MRSA §3201, sub-§13-A** is enacted to read:

**13-A. Nameplate capacity.** "Nameplate capacity" means the installed or rated capacity of a power generator.

**Sec. A-3. 35-A MRSA §3209-A**, as amended by PL 2019, c. 16, §1, is further amended to read:

**§3209-A. Net energy billing**

The commission may adopt or amend rules governing net energy billing. Rules adopted or amended under this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. "~~Net energy billing" means a billing and metering practice under which a customer is billed on the basis of the difference between the kilowatt hours delivered by a transmission and distribution utility to the customer over a billing period and the kilowatt hours delivered by the customer to the transmission and distribution utility over the billing period, taking into account accumulated unused kilowatt hour credits from the previous billing period.~~

**1. Definitions.** As used in this section, the following terms have the following meanings.

A. "Customer" means a customer of a transmission and distribution utility in the State.

B. "Distributed generation resource" means an electric generating facility that uses a renewable fuel or technology under section 3210, subsection 2, paragraph B-3 and is located in the service territory of a transmission and distribution utility in the State.

C. "Net energy billing" means a billing and metering practice under which a customer is billed on the basis of the difference between the kilowatt-hours delivered by a transmission and distribution utility to the customer over a billing

period and the kilowatt-hours delivered by the customer to the transmission and distribution utility over the billing period, taking into account accumulated unused kilowatt-hour credits from the previous billing period.

**2. Financial interest required.** The commission shall allow a customer to participate in net energy billing if the customer has a financial interest in a distributed generation resource or in a generation resource that has a net energy billing arrangement on the effective date of this section, including facility ownership, a lease agreement or a power purchase agreement.

**3. Shared financial interest for investor-owned utility customers; limitation.** Multiple customers of an investor-owned transmission and distribution utility that have distinct billing accounts with that utility may share a financial interest in a distributed generation resource under subsection 2. Any number of customers of an investor-owned transmission and distribution utility with a shared financial interest in a distributed generation resource may participate in net energy billing, except that the number of eligible customers or meters is limited to 10 for a shared financial interest in a distributed generation resource located in the service territory of an investor-owned transmission and distribution utility located in an area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine unless the commission determines that the utility's billing system can accommodate more than 10 accounts or meters for the purpose of net energy billing.

**4. System size.** The nameplate capacity of a distributed generation resource that may be used for net energy billing must be less than 5 megawatts, except that, if a municipality is the customer participating in net energy billing, the nameplate capacity of a distributed generation resource located in that municipality that may be used for the net energy billing may be 5 megawatts or more, as long as less than 5 megawatts of metered electricity from the resource is used for net energy billing.

**Sec. A-4. 35-A MRSA §3209-B** is enacted to read:

**§3209-B. Commercial and institutional net energy billing**

The commission shall establish by rule, in accordance with this section, a net energy billing program for commercial and institutional customers of investor-owned utilities.

**1. Definitions.** As used in this section, the following terms have the following meanings.

A. "Commercial and institutional net energy billing program" or "program" means the net energy

billing program established pursuant to this section.

B. "Commercial or institutional customer" or "customer" means a nonresidential customer of an investor-owned transmission and distribution utility in the State.

C. "Distributed generation resource" has the same meaning as in section 3209-A, subsection 1. paragraph B.

D. "Net energy billing" means the system of bill credits available under the program as described in subsection 5.

**2. Financial interest.** The program must allow a commercial or institutional customer to participate in the program if the customer has a financial interest in a distributed generation resource, including facility ownership, a lease agreement or a power purchase agreement.

**3. System size.** The nameplate capacity of a distributed generation resource that may be used for net energy billing under this section must be less than 5 megawatts.

**4. Shared financial interest; limitation.** Multiple commercial or institutional customers that have distinct billing accounts with an investor-owned transmission and distribution utility may share a financial interest in a distributed generation resource under subsection 2. Any number of commercial or institutional customers may participate in net energy billing with a shared interest in a distributed generation resource, except that the number of customers or meters is limited to 10 for a shared interest in a distributed generation resource located in the service territory of an investor-owned transmission and distribution utility located in an area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine unless the commission determines that the utility's billing system can accommodate more than 10 accounts or meters for the purpose of net energy billing.

**5. Tariff rate; bill credits.** The commission shall establish by rule a tariff rate for customers participating in the program. The initial tariff rate must be established no later than December 1, 2019.

A. The tariff rate must equal the standard offer service rate established under section 3212 that is applicable to the customer receiving the credit plus 75% of the effective transmission and distribution rate for the rate class that includes the smallest commercial customers of the investor-owned transmission and distribution utility.

B. A customer participating in the program must receive for electricity delivered to the electric grid

from a distributed generation resource in which the customer has a financial interest a bill credit based on the tariff rate to apply against the costs of electricity delivered to the customer by the investor-owned transmission and distribution utility.

C. A bill credit under the program as described in paragraph B may be applied to any portion of a customer's electricity bill. Credits that remain unused at the end of any billing period may be carried forward for up to one year from the end of that billing period.

D. A customer participating in the program who remains eligible to participate in the program must be allowed to receive a bill credit based on the tariff rate for a period of no less than 20 years from the date of first receiving the credit.

**6. Rules.** The commission shall adopt rules to implement this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. A-5. Reports.** By December 1, 2021, the Public Utilities Commission shall provide a report to the joint standing committee of the Legislature having jurisdiction over energy matters on the status of metering and billing system capabilities for investor-owned transmission and distribution utilities in the State. The report must include capabilities of systems to reliably offer time-differentiated rates for delivery and supply of energy; the commission's level of confidence in metering and billing systems to provide accurate information to utilities, consumers and the commission; the capacity of systems to accommodate rates for bidirectional flow of power for customers with distributed energy resources; and the degree to which systems are being used to achieve the smart grid policy goals under the Maine Revised Statutes, Title 35-A, section 3143. The commission shall report on any changes to rates or rules or other changes the commission intends to adopt to increase the effectiveness of systems under this paragraph and may make recommendations to the joint standing committee.

The joint standing committee of the Legislature having jurisdiction over energy matters may report out legislation based on any recommendations under this section to the Second Regular Session of the 130th Legislature.

**Sec. A-6. Evaluation.** The Public Utilities Commission shall evaluate net energy billing under the Maine Revised Statutes, Title 35-A, section 3209-A when the total amount of generation capacity involved in net energy billing in the State reaches 10% of the total maximum load of transmission and distribution utilities in the State or 3 years after the effective date of this Act, whichever comes first. The commission shall evaluate the effectiveness of net energy bill-

ing in achieving state policy goals and providing benefits to ratepayers and submit a report to the joint standing committee of the Legislature having jurisdiction over energy matters with its findings. The joint standing committee may report out legislation based on the recommendations.

**Sec. A-7. Rules.** Notwithstanding Public Law 2019, chapter 16, section 2, the Public Utilities Commission may adopt rules prior to July 1, 2020 to implement the changes made by this Act to Title 35-A, section 3209-A. Notwithstanding Title 35-A, section 3209-A, rules adopted for this purpose prior to July 1, 2020 are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A.

## PART B

**Sec. B-1. 35-A MRSA c. 34-C** is enacted to read:

### CHAPTER 34-C

#### DISTRIBUTED GENERATION

##### §3481. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Bid rate.** "Bid rate" means the rate proposed under a qualified bid for the output of a distributed generation resource in response to a competitive procurement solicitation.

**2. Clearing price.** "Clearing price" means the highest bid rate accepted by the commission for a procurement under this chapter.

**3. Commercial or institutional customer.** "Commercial or institutional customer" means a non-residential customer of an investor-owned transmission and distribution utility in the State.

**4. Credit rate.** "Credit rate" means the per-kilowatt-hour rate used to calculate the monetary value of a distributed generation resource. The credit rate is equal to the per-kilowatt-hour rate in the long-term contracts entered into between a standard buyer or a transmission and distribution utility and a project sponsor and must be the same for all subscribers of a particular shared distributed generation resource.

**5. Distributed generation resource.** "Distributed generation resource" means an electric generating facility with a nameplate capacity of less than 5 megawatts that uses a renewable fuel or technology under section 3210, subsection 2, paragraph B-3 and is located in the service territory of a transmission and distribution utility in the State.

**6. Energy storage system.** "Energy storage system" means a commercially available technology that uses mechanical, chemical or thermal processes for

absorbing energy and storing it for a period of time for use at a later time.

**7. Investor-owned transmission and distribution utility.** "Investor-owned transmission and distribution utility" has the same meaning as in section 3104, subsection 1, paragraph A.

**8. Kilowatt.** "Kilowatt" means 1,000 watts, measured in alternating current.

**9. Kilowatt-hour.** "Kilowatt-hour" means one kilowatt of power sustained for one hour.

**10. Megawatt.** "Megawatt" means 1,000,000 watts, measured in alternating current. When used in reference to a generation resource, a megawatt is measured by the generator's nameplate capacity.

**11. Nameplate capacity.** "Nameplate capacity" means the installed or rated capacity of a power generator.

**12. Offer.** "Offer" means a proposal to install and operate a distributed generation resource of a specified capacity in exchange for a contract with a standard buyer designated pursuant to section 3483.

**13. Output.** "Output" means energy, capacity, renewable energy certificates and all other environmental attributes and market products that are available or may become available from a distributed generation resource.

**14. Project sponsor.** "Project sponsor" means an entity or its successor or assignee that owns or operates:

A. A shared distributed generation resource on behalf of subscribers; or

B. A commercial or institutional distributed generation resource.

**15. Qualified bid.** "Qualified bid" means a bid to supply the output from a distributed generation resource that the commission determines meets the minimum qualification requirements established by rule.

**16. Rate.** "Rate" means a price per kilowatt-hour of delivered energy as measured by a revenue grade meter, as defined by the commission by rule, at a distributed generation resource's point of connection to the electric grid.

**17. Shared distributed generation resource.** "Shared distributed generation resource" means a distributed generation resource that is selected in a procurement under section 3486 the beneficial use of the output of which is owned by or allocated to subscribers.

**18. Subscriber.** "Subscriber" means a retail customer of a transmission and distribution utility that owns or has the right to a subscription and that has

identified an account to which the subscription is attributed.

**19. Subscription.** "Subscription" means a proportional interest in a shared distributed generation resource. Each subscription must be sized to represent at least one kilowatt of the resource's generating capacity.

**§3482. Specific measures to support distributed generation**

**1. Procurements.** The commission shall procure distributed generation resources in the shared distributed generation and commercial or institutional distributed generation market segments using the targets and procurement methods described in this chapter.

**2. Participation in wholesale markets.** The commission and investor-owned transmission and distribution utilities shall take all commercially reasonable steps to promote the participation of distributed generation resources in serving the State's energy needs and in the wholesale electricity, capacity and ancillary service markets.

**3. Change in tax treatment.** If a change in federal tax laws, regulations or policy materially modifies the burdens or costs to customers or utilities associated with the procurements under this chapter, the commission shall issue a report to the joint standing committee of the Legislature having jurisdiction over energy matters describing the impact of these changes and recommending any actions necessary to maintain the benefits of the procurements under this chapter.

**4. Timely interconnection.** The commission shall ensure the timely review and execution of interconnection requests and the timely completion of work needed for the safe, reliable and cost-effective interconnection of distributed generation resources. The commission shall establish by rule requirements for investor-owned transmission and distribution utilities to interconnect distributed generation resources to the grid and financial penalties to ensure timely actions by those utilities to achieve the procurements under sections 3485 and 3486.

**§3483. Standard buyer**

A standard buyer designated pursuant to this section shall aggregate the output of the portfolio of distributed generation resources procured pursuant to this chapter and sell or use the output of the resources in a manner that maximizes the value of the portfolio of the resources to all ratepayers.

**1. Designation of standard buyer.** Each investor-owned transmission and distribution utility serves as the standard buyer in its service territory, except that the commission may designate another entity to serve as the standard buyer if the commission determines that the designation is in the best interest of customers in the service territory. The commission

shall oversee the activities of the standard buyer to ensure compliance with this chapter.

**2. Obligations of standard buyer.** A standard buyer shall:

A. Serve as counterparty to long-term contracts with project sponsors pursuant to section 3486;

B. If the standard buyer is not an investor-owned transmission and distribution utility, reimburse an investor-owned transmission and distribution utility for any bill credit or payment to a subscriber or project sponsor pursuant to section 3486;

C. Establish reasonable measurement and verification requirements for distributed generation resources;

D. Provide information needed to allocate costs and benefits pursuant to subsection 3; and

E. Provide aggregate data regarding the output of distributed generation resources pursuant to sections 3485 and 3486.

**3. Standard buyer cost allocation.** The commission and each standard buyer designated pursuant to subsection 1 shall implement a transparent mechanism to track and recover or distribute the eligible costs and benefits under this subsection incurred by procuring distributed generation resources pursuant to this chapter. These eligible costs and benefits must be reviewed by the commission annually and allocated to and recovered from customers of the investor-owned transmission and distribution utility in whose territory the distributed generation resource is located through a process established by rule of the commission. The process established by the commission must be similar to the allocation of costs and benefits of long-term energy contracts in section 3210-F. Eligible costs and benefits include:

A. Incremental costs of serving as the standard buyer;

B. All payments or bill credits to customers, subscribers and project sponsors under each procurement pursuant to sections 3485 and 3486; and

C. All revenue from sale of the output of distributed generation resources procured pursuant to this chapter.

**4. Entities other than the standard buyer.** The commission shall ensure that the rules and procedures established under this chapter provide opportunities for entities other than the standard buyer to aggregate and sell the output of distributed generation resources in the applicable markets.

**§3484. Procurement methods**

**1. Initial competitive procurement.** The following standards and methods apply to the initial competitive procurement of distributed generation

resources associated with commercial or institutional customer accounts under section 3485 and of shared distributed generation resources under section 3486:

A. On or before January 1, 2020, the commission shall adopt rules for each initial competitive solicitation of the first block of distributed generation resources under sections 3485 and 3486. The rules must include the form of contract provided under subsection 7;

B. The commission shall accept bids for 30 calendar days beginning on or before July 1, 2020 and review the bids based on the requirements under subsections 4, 5 and 6. The commission may select qualified bids in excess of the first block if the commission determines that the incremental procurement is in the public interest. If the commission selects qualified bids in excess of the first block, the commission shall reduce the quantity procured in subsequent block procurements. If the commission selects bids totaling less than the first block in the initial competitive procurement, the quantity procured in subsequent block procurements must increase by the difference between the first block and the number of megawatts submitted in the initial competitive procurement. If pursuant to subsections 4 and 5 no bids are accepted, the commission shall:

(1) Conduct a new initial competitive procurement under this subsection within 9 months; and

(2) Study the reasons for the inability of the procurement to secure the target amount and submit a report of its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over energy matters;

C. The commission shall issue a public notice of the initial competitive procurement results no later than 30 calendar days after the bid acceptance period has ended. The public notice must include the name, sponsor, size and location of each selected project and the awarded contract price; and

D. The applicable standard buyer shall enter into a contract with the selected project or projects for a term of 20 years at a specified contract rate equal to the clearing price to be paid as a bill credit to the commercial or institutional customer or the subscribers of a shared distributed generation resource, as applicable.

2. Subsequent block contract rate procurements. Subsequent to the initial competitive procurement under subsection 1, the remaining procurement under sections 3485 and 3486 must proceed pursuant to the following:

A. The commission shall procure 4 additional blocks of contracted distributed generation resources to meet the overall procurement goal specified in section 3485 for commercial or institutional distributed generation resources and in section 3486 for shared distributed generation resources. Each procurement block size equals 1/4 of the difference between the overall procurement goal and the quantity procured under subsection 1. These blocks are numbered sequentially, starting with 2. Subsequent procurements are assigned to a particular block, starting with procurement block 2 and finishing with procurement block 5;

B. The block contract rate for procurement block 2 must equal 97% of the clearing price determined in subsection 1. Each successive procurement block must have a block contract rate equal to 97% of the preceding block;

C. Block 2 must be opened immediately following the initial competitive procurement for bids qualifying under subsection 4;

D. The applicable standard buyer shall enter into a contract with each qualified project for a term of 20 years at a specified contract rate equal to the block contract rate of the procurement block then open and paid as a bill credit to the commercial or institutional customer or the subscribers of a shared distributed generation resource, as applicable;

E. Each contract awarded pursuant to this subsection reduces the available capacity in the current procurement block. If an awarded contract exceeds the remaining capacity of its procurement block, then that block is closed and the next block opened and the contract rate is set at the block contract rate for the block filled by this award and any overprocurement in one block is subtracted from the quantity available in the next block. If a contract award exceeds the capacity of procurement block 5, the entire quantity of the offer is awarded at the block contract rate for procurement block 5 and no further contracts may be awarded except under subsection 7; and

F. The commission may by rule establish incentives in the procurement of distributed generation resources including, but not limited to, incentives to support resources that pair with energy storage systems, development of dual-use projects, siting of resources that provide locational benefits to the distribution system and other siting criteria developed in consultation with the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry.

3. Failure to complete timely procurement. If any procurement block remains unfilled for more than 12 months from the time the previous block was filled:

A. The commission shall suspend procurements under subsection 2 pending completion of the process described in this subsection;

B. The commission shall review and may amend the rules adopted under subsection 1, paragraph A or the standard contract under subsection 7 for a new competitive procurement of long-term contracts for the output of at least the first block of distributed generation resources as part of the procurement goal in section 3485, subsection 1 or section 3486, subsection 1. The commission shall publish any amendments and a new bid acceptance period for not less than 6 months and not more than 9 months;

C. The commission shall accept bids for 30 calendar days from the date established in paragraph B and review the bids based on the requirements set forth in subsections 4, 5 and 6 and the adopted rules. The commission may select qualified bids in excess of the first block if the commission determines that the incremental procurement is in the public interest and the incremental procurement reduces the quantity procured in subsequent procurements;

D. The commission shall issue a public notice of the procurement results no later than 30 calendar days after the bid acceptance period under paragraph C has ended. The public notice must include the name, sponsor, size and location of each selected project and the awarded contract price;

E. The applicable standard buyer shall enter into a contract with the project or projects selected under paragraph C for a term of 20 years at a specified contract rate equal to the highest selected offer rate as adjusted under subsection 6 to be paid as a bill credit to the commercial or institutional customer or the subscribers of a shared distributed generation resource, as applicable;

F. The commission shall reopen procurements under subsection 2 unless no contracts are awarded under paragraph E. The quantity procured under paragraph C must be subtracted from the current procurement block and the block contract rate for that procurement block must be set at the clearing price set under paragraph E. The block contract rate for each subsequent procurement block must be set at 97% of the newly established rate for the preceding procurement block; and

G. If no contracts are awarded under paragraph E, the commission shall:

- (1) Conduct another competitive solicitation under this subsection with the bid acceptance period to open approximately 12 months after the bid acceptance period determined in paragraph B; and

- (2) Examine the reasons for the inability of the procurement to secure the target amount and submit a report of its findings and any recommended legislation to the joint standing committee of the legislature having jurisdiction over energy matters.

**4. Bid or offer qualification.** The commission shall establish minimum requirements for bids or offers in a solicitation under this section, including:

A. Demonstration of site control;

B. A fully executed interconnection service agreement with an investor-owned transmission and distribution utility;

C. Demonstration that all required federal, state and local approvals and nonministerial permits for the project have been obtained. For the purposes of this paragraph, "nonministerial permit" means a permit for which one or more officials consider various factors and exercise discretion in deciding whether to issue or deny the permit;

D. The capacity to make a financial assurance deposit at the time a contract is signed; and

E. The following requirements based on the procurement type:

- (1) For a commercial or institutional distributed generation resources procurement, if a participating commercial or institutional customer is not the party making the bid, an agreement from a customer that would receive bill credits under section 3485, subsection 2; and

- (2) For a shared distributed generation resources procurement, demonstration of experiencing fulfilling the obligation to subscribers of shared distributed generation resources.

The commission may by rule require a bidder to pay a reasonable bidding fee to defray administrative costs.

**5. Ensuring competition.** Prior to each solicitation under subsections 1 to 3, the commission shall establish standards to ensure that the solicitation has a sufficient number of unique bidders and quantity of qualified bids to be determined competitive. If the commission concludes that a solicitation is not competitive, the commission may reduce the target procurement quantities to produce the greatest quantity that may be procured consistent with this subsection and shall defer to subsequent solicitations the capacity reduced in the solicitation.

**6. Bid selection.** Following a review of bids received in the solicitations under subsections 1 to 3, and after any adjustment to the target quantity under subsection 5, the commission shall select one or more winning bids that, in the aggregate, meet the target procurement quantity. If there are multiple qualified

bids at the same offer rate, the commission shall give preference to the qualified bid or bids that minimize the cost to the standard buyers or, if there is no difference in cost, to the bid that was submitted first.

In evaluating bids in a competitive solicitation, the commission shall evaluate a qualified bid for a project that is located on previously developed or impacted land at 90% of the offered rate. For the purposes of this subsection, "previously developed or impacted land" means areas covered by impervious surfaces, capped landfills or brownfield sites as defined by the Department of Environmental Protection. If a bid under this subsection is accepted, the contract rate for each accepted bid for a project located on previously developed or impacted land must be paid a rate equal to the clearing price.

**7. Standard contract and milestones.** Prior to a solicitation, the commission shall provide, in consultation with the standard buyer or standard buyers, a standard contract that commits the standard buyer and a project sponsor to commercially reasonable behavior and includes provisions including an interconnection fee list and interconnection schedule to ensure that the project proceeds to commercial operation on a reasonable timeline. The standard contracts for all standard buyers must be substantially identical to the extent commercially reasonable.

A qualified project must be commercially operable within 18 months of being awarded a contract. The commission may grant an extension for good cause. If a project fails to meet a milestone, the project sponsor is in default and the sponsor's contract must be cancelled. The capacity associated with a cancelled project must be added to the currently open procurement block. If procurement block 5 has been filled and procurements closed, the defaulted quantity must be added to procurement block 5 and new offers must be accepted under subsection 2.

**§3485. Commercial or institutional distributed generation resources procurement**

**1. Procurement amounts.** By July 1, 2024, the commission shall procure 125 megawatts of the output of distributed generation resources associated with commercial or institutional customer accounts by conducting an initial competitive solicitation for the first block of 25 megawatts pursuant to section 3484 to establish market-based, declining block contract rates to procure the remaining 100 megawatts.

**2. Determination of bill credit.** The bill credit allocated to a commercial or institutional customer must be based on the total kilowatt-hours of energy production of the distributed generation resource for the previous month. For each billing month, the value of the credit must be calculated by multiplying the number of kilowatt-hours by the contract rate. A payment to a commercial or institutional customer

must be credited against the customer's monthly electricity bill in accordance with section 3487. The monthly energy production must be determined by a revenue-grade meter installed and paid for by the participating commercial or institutional customer.

**3. Exemption.** A commercial or institutional customer is not considered a public utility or competitive electricity provider solely as a result of entering into a contract with a standard buyer under this section.

**§3486. Shared distributed generation resources procurement**

**1. Procurement amounts.** By July 1, 2024, the commission shall procure 250 megawatts of the output of shared distributed generation resources by conducting an initial competitive solicitation for the first block of 50 megawatts pursuant to section 3484 to establish market-based, declining block contract rates to procure the remaining 200 megawatts.

**2. Payment and minimum subscription.** The project sponsor and subscribers of a distributed generation resource that receives a contract under this section must receive the contract rate for the output of a shared distributed generation resource that is fully subscribed. For any portion not subscribed, the project sponsor must receive the wholesale rate obtained by the standard buyer for resale of the shared distributed generation resource output. Requirements for minimum subscriptions include:

A. At least 50% of the total nameplate capacity of a shared distributed generation resource must be subscribed by subscriptions of 25 kilowatts or less or at least 20% of the total nameplate capacity must be subscribed by subscriptions of 25 kilowatts or less if subscriptions from a municipality or units of municipal government account for more than 30% of the total nameplate capacity, unless subscriptions from a municipality or units of municipal government account for more than 50% of the total nameplate capacity of a shared distributed generation resource; and

B. At least:

(1) Ten percent of the total nameplate capacity of a shared distributed generation resource must be subscribed by households with low or moderate income or by organizations serving households with low or moderate income if the subscriptions serve to directly reduce the electricity costs for households with low or moderate income; or

(2) If a municipality or unit of municipal government accounts for more than 50% of the subscriptions to a shared distributed generation resource, 5% of the total nameplate capacity of the shared distributed generation

resource must be subscribed by households with low or moderate income or by organizations serving households with low or moderate income if the subscriptions serve to directly reduce the electricity costs for households with low or moderate income.

Subscriptions from municipalities or units of municipal government may not account for more than 70% of the nameplate capacity of a shared distributed generation resource. For the purposes of this subsection, "household with low or moderate income" means a household that provides proof of participation in a utility, municipal, state or federal income-based assistance program or a household that provides proof of household income up to 80% of the median income for the county or metropolitan area where the household is located.

**3. Determination of subscriber bill credit.** The bill credit allocated to each subscriber from a shared distributed generation resource must be based on the subscriber's percentage interest of the total production of the shared distributed generation resource for the previous month. For each billing month, the value of the credit allocated to a subscriber must be calculated by multiplying the number of kilowatt-hours constituting the subscriber's share by the contract rate. On a monthly basis, the project sponsor shall provide to the investor-owned transmission and distribution utility in a standardized and electronic format a list of subscribers and subscriber information required to calculate the bill credit to be provided to each subscriber. A credit to a subscriber must be applied against the subscriber's monthly electricity bill in accordance with section 3487 no later than one billing month following the month during which the energy was generated by the shared distributed generation resource. The investor-owned transmission and distribution utility shall provide a monthly record to the project sponsor of the credit applied to a subscriber within a month after the credits are applied to the subscriber's bill.

The monthly output available for allocation as subscribed or unsubscribed energy must be determined by a revenue-grade meter installed and paid for by the project sponsor.

**4. Exemption.** A project sponsor or subscriber is not considered a public utility or competitive electricity provider solely as a result of the project sponsor's or subscriber's interest or participation in a shared distributed generation resource.

**5. Renewable energy credits.** Prior to a project sponsor's entering into a contract with a subscriber under this section, the commission shall provide to the sponsor a standard disclosure to be distributed by the sponsor to all participating subscribers that describes the effect of selling the renewable attributes of exported electricity to the standard buyer and explains how a subscriber may participate in the voluntary renewable

energy credit market. The commission shall establish a mechanism to allow a subscriber with a share of less than 25 kilowatts to purchase renewable energy credits up to the amount of and of a substantially equivalent type to that which the subscriber has sold to the standard buyer at a price equal to 80% of market value.

**6. Consumer protection.** The commission shall establish by rule consumer protection standards to protect subscribers from fraud and other unfair and deceptive business practices. The commission may impose administrative penalties under chapter 15 upon a project sponsor and may order restitution for any party injured by a violation for which a penalty may be assessed pursuant to chapter 15.

The commission through its own counsel or through the Attorney General may apply to the Superior Court of any county of the State to enforce any lawful order made or action taken by the commission pursuant to this subsection, and the court may issue any preliminary or final order that the court determines proper.

**7. Disclosures.** Prior to the sale or resale of a subscription in a shared distributed generation resource or proposed shared distributed generation resource, a project sponsor selling or reselling the subscription shall provide a disclosure to potential subscribers that includes the following:

A. A good faith estimate of the annual kilowatt-hours to be delivered by the shared distributed generation resource based on the size of the subscriber's interest;

B. A plain language explanation of the terms under which the bill credit under section 3487 will be calculated;

C. A plain language explanation of the contract provisions regulating the disposition or transfer of the subscription; and

D. A plain language explanation of the costs and benefits to the potential subscriber, based on the subscriber's current usage for the term of the proposed contract.

The commission may establish a standard disclosure to be provided to potential subscribers by a project sponsor to disclose the information under this subsection and other information as the commission determines necessary to protect the interests of potential subscribers.

**8. Transfer of subscriptions.** A subscriber may transfer or assign a subscription to the associated project sponsor or to any person or entity that qualifies to be a subscriber in the shared distributed generation resource. A project sponsor must provide a process for assignment or transfer of a subscription. A project sponsor may not impose transfer fees on a subscriber that moves to a different location within the same utility service territory.

**9. Project sponsor report.** One year after commercial operation of a shared distributed generation resource commences, the project sponsor must submit to the commission a report detailing compliance with this subsection and subsections 3, 5, 7 and 8.

**§3487. Bill credits; utility costs paid by project sponsor**

**1. Credit assigned to a customer's bill.** If the value of a credit to be applied to a customer's bill under this chapter is less than the amount owed by the customer at the end of the applicable billing period, the customer must be billed for the difference between the amount shown on the bill and the value of the available credit. If the value of the credit to be applied to a customer's bill under this chapter is greater than the amount owed by the customer at the end of the billing period, the remaining value of the credit must carry over from month to month.

**2. Utility costs paid by project sponsor.** If a project sponsor pays an investor-owned transmission and distribution utility's costs associated with billing and collection from a subscriber, at the request of the project sponsor the utility shall bill the subscriber on behalf of the project sponsor. Costs under this subsection are subject to review by the commission.

**§3488. Rules**

The commission shall adopt rules to implement this chapter. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. B-2. Rulemaking timeline.** By January 1, 2020, the Public Utilities Commission shall adopt rules in accordance with the Maine Revised Statutes, Title 35-A, section 3488 to implement the provisions of Title 35-A, sections 3484, 3485 and 3486.

**Sec. B-3. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Public Utilities - Administrative Division 0184**

Initiative: Provides allocation for one Staff Attorney position and 2 Utility Analyst positions and associated All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$309,168	\$428,719
All Other	\$25,815	\$22,939
	\$334,983	\$451,658
OTHER SPECIAL REVENUE FUNDS TOTAL		

**Public Utilities - Administrative Division 0184**

Initiative: Provides funding for consulting services.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$400,000	\$400,000
	\$400,000	\$400,000
OTHER SPECIAL REVENUE FUNDS TOTAL		
<b>PUBLIC UTILITIES COMMISSION</b>		
DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$734,983	\$851,658
	\$734,983	\$851,658
DEPARTMENT TOTAL - ALL FUNDS		

See title page for effective date.

**CHAPTER 479**

**S.P. 336 - L.D. 1116**

**An Act To Strengthen the Lead Poisoning Control Act**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** immediately amending the Lead Poisoning Control Act is required to ensure the safety of children; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §1314-A,** as enacted by PL 1991, c. 810, §1, is amended to read:

**§1314-A. Goal**

The goal of the State in the area of lead poisoning is to eradicate childhood lead poisoning by the year ~~2010~~ 2030 through the elimination of potential sources of environmental lead. By January 1, ~~1997~~ 2025, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over ~~human resource~~ health and human services matters

regarding progress made toward this goal. The report must include any recommendations the department may have to revise the goal, along with any necessary legislation.

**Sec. 2. 22 MRSA §1317-D, sub-§4**, as enacted by PL 2001, c. 683, §3 and affected by §10, is amended to read:

**4. Testing of children not covered by MaineCare program.** The program must require the testing of blood lead levels of all children not covered by the MaineCare program at one year of age and 2 years of age ~~unless, in the professional judgment of the provider of primary health care, in conjunction with the use of the lead poisoning risk assessment tool, the child's level of risk does not warrant a blood lead level test.~~ The drawing of blood for the testing may be done in the health care provider's office or may be referred to another laboratory.

**Sec. 3. 22 MRSA §1322-F, sub-§4**, as amended by PL 2007, c. 628, Pt. A, §6, is further amended to read:

**4. Contingent repeal.** This section is repealed when the Commissioner of Health and Human Services certifies that a period of 24 months has elapsed since the Department of Health and Human Services identified a child with an elevated blood lead level through screening by health care providers under section 1317-C. The Commissioner of Health and Human Services shall provide notice to the Secretary of the Senate, the Clerk of the House of Representatives and the Office of the Revisor of Statutes when this condition has been met. For purposes of this subsection, "elevated blood lead level" means a confirmed level of blood lead ~~of 10 that is equal to or exceeds 5 micrograms per deciliter or a level of blood lead defined by the federal Department of Health and Human Services, Centers for Disease Control and Prevention, whichever is lower.~~

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 27, 2019.

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## CHAPTER 480

### S.P. 214 - L.D. 701

#### An Act To Modernize the National School Lunch Program and the School Breakfast Program

Be it enacted by the People of the State of  
Maine as follows:

**Sec. 1. 20-A MRSA §6601-A**, as enacted by PL 2017, c. 238, §1, is amended to read:

#### **§6601-A. Free or reduced-price school meals; Internet-based school meal applications**

The department shall ~~make information available to public schools regarding contract for the development and implementation of an~~ Internet-based ~~application for eligible students~~ application for free or reduced-price meals under the National School Lunch Program under 7 Code of Federal Regulations, Part 210 and the School Breakfast Program under 7 Code of Federal Regulations, Part 220. The department shall make available to public schools the Internet-based application for free or reduced-price meals developed under this section. A public school may make ~~an~~ the Internet-based application available for school meal applications. If a public school implements ~~an~~ the Internet-based application process under this section, the public school shall ~~make available a~~ continue to distribute paper application applications for school meals to ~~any student, parent or legal guardian who requests one all students.~~ A public school implementing the Internet-based application is solely responsible for processing that school's online applications.

**Sec. 2. Internet-based application development.** The Department of Education shall make the Internet-based application for free or reduced-price school meals under the Maine Revised Statutes, Title 20-A, section 6601-A available by October 1, 2019. The department may contract with a 3rd-party vendor to develop and implement the Internet-based application.

**Sec. 3. Transfer of funds.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer to the unappropriated surplus of the General Fund \$650,000 no later than June 30, 2020 and \$150,000 no later than June 30, 2021 from the Medical Use of Marijuana Fund, established in the Maine Revised Statutes, Title 22, section 2430.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

#### EDUCATION, DEPARTMENT OF

##### Alternative Breakfast Delivery Service Program N318

Initiative: Provides one-time funding in fiscal year 2019-20 only to school administrative units that start or expand alternative breakfast delivery services that provide breakfast after the start of the school day. A school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year qualifies for funding. The department is required to develop guidelines to allocate and disburse the funding to participating schools. Guidelines must be devel-

oped within 90 days following the effective date of this Act. Funding appropriated to this program does not lapse but must be carried forward into the next fiscal year to be used only for the purpose for which it was provided.

GENERAL FUND	2019-20	2020-21
All Other	\$500,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$500,000</b>	<b>\$0</b>

**School Finance and Operations Z078**

Initiative: Provides ongoing funds for the cost to contract for the services of a vendor to deliver and maintain an Internet-based application for free or reduced-price meals under the National School Lunch Program and the School Breakfast Program to school administrative units that choose to participate.

GENERAL FUND	2019-20	2020-21
All Other	\$150,000	\$150,000
<b>GENERAL FUND TOTAL</b>	<b>\$150,000</b>	<b>\$150,000</b>

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$650,000	\$150,000
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$650,000</b>	<b>\$150,000</b>

See title page for effective date.

**CHAPTER 481  
S.P. 287 - L.D. 997**

**An Act To Promote Social and  
Emotional Learning and  
Development for Young  
Children**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 34-B MRSA c. 15, sub-c. 2** is enacted to read:

**SUBCHAPTER 2  
EARLY CHILDHOOD CONSULTATION  
PROGRAM**

**§15011. Statewide voluntary early childhood  
consultation program**

Beginning September 1, 2020, the commissioner shall implement a statewide voluntary early childhood consultation program to provide support, guidance and training to improve the abilities and skills of early care and education teachers and providers working in public elementary schools, child care facilities as defined in Title 22, section 8301-A, subsection 1-A, paragraph B, family child care settings and Head Start programs serving infants and children who are 8 years of age or younger who are experiencing challenging behaviors that put the infants or children at risk of learning difficulties and removal from early learning and education settings, and to improve the abilities and skills of families and foster parents with infants or children who are 8 years of age or younger in the home who are experiencing challenging behaviors that put the infants or children at risk of learning difficulties and removal from early learning and education settings. Any record about a child created as a result of a consultation under this section must be made available to the parents or guardians of that child and may not become part of that child's education record. Fifty percent of the costs related to the program implemented under this section must be paid from funds provided to the department under the federal child and development block grant authorized under the federal Child Care and Development Block Grant Act of 1990.

**Sec. 2. Maine Revised Statutes headnote enacted; revision clause.** In the Maine Revised Statutes, Title 34-B, chapter 15, after the chapter headnote, the headnote "subchapter 1, children's mental health program" is enacted and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 3. Early childhood consultation program.** By September 1, 2020, the Department of Health and Human Services shall develop, establish and implement an early childhood consultation program under the Maine Revised Statutes, Title 34-B, chapter 15, subchapter 2, referred to in this section as "the program," to enable trained consultants with expertise in the areas of early childhood development and mental health to work on-site with early care and education teachers and providers working with children to aid them in the use of low-cost or no-cost evidence-based strategies that reduce challenging behaviors in children and promote social-emotional growth; to provide guidance to parents about effective ways to address their children's behavioral difficulties; and to connect children and families to programs, resources and supports that will assist them in their development and success, while addressing barriers to

accessing these resources and supports. The department shall design the program in consultation with the national Center of Excellence for Infant and Early Childhood Mental Health Consultation, a project funded by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, the Children's Cabinet established in Title 5, chapter 439 and key stakeholders in the State, including mental health professionals delivering mental health consultation within the State. In developing the program, the department shall:

1. Develop standards and guidelines to ensure that the program is implemented with primary consideration given to the core elements of evidence-based services as adapted for the State's unique rural character. The guidelines must include effective strengths-based strategies and plans that support children's success across learning environments. The standards must include knowledge of research-informed infant and early childhood mental health practices, family circumstances that affect children's behavior and mental health, developmental science and milestones, mental health, trauma-informed approaches, adverse childhood experiences, sensory processing issues, poverty, disability and community supports, resources and services available to a child and the child's family to alleviate family stress;

2. Explore enhancing cross-sector professional development capacity in the State through partnerships with entities such as the national Center of Excellence for Infant and Early Childhood Mental Health Consultation;

3. Develop and implement a plan for consultants to provide individualized on-site coaching as requested by teachers, caregivers and families. The plan may include professional development in the form of group training and communities of practice that include professionals, such as home visitors or child welfare staff, who work with young children and families. The plan must reinforce and extend the supports provided by early childhood mental health consultants to people providing professional development in early childhood and public school settings;

4. Develop a system for collecting and analyzing implementation data and selected outcomes to identify areas for improvement, promote accountability and provide continuous quality improvement and service delivery to improve child outcomes by providing feedback, including feedback from department staff and community consultation staff. Data collected must include specific data related to age, gender, race and disability;

5. Develop and implement a plan for establishing, training and certifying a roster of community-based qualified mental health consultants with the specialized knowledge, skills and experience to effectively coach families, teachers, providers and program direc-

tors to promote a child's social and emotional health and reduce challenging behaviors. Early childhood consultants must be mental health professionals licensed under the Maine Revised Statutes, Title 32, section 3831, subsection 2; section 7053, subsection 1, paragraph A; or section 13858, subsection 2 or 3. The training must include training related to the following: trauma; adverse childhood experiences; resilience; trauma-informed practices; child development from birth to 8 years of age including appropriate developmental and behavioral expectations; effects of substance use; sensory processing issues; needs of children with disabilities, including special education law; the State's child protection and foster care system; other disciplines such as occupational therapy, speech therapy, physical therapy and mental health therapy; and public and private supports and services, including the Women, Infants and Children Special Supplemental Food Program of the federal Child Nutrition Act of 1966; the Child Development Services System under Title 20-A, section 7209; the divisions within the Department of Health and Human Services concerned with children's behavioral health services; case management; and entitlement programs. Consultants must also receive training that is regionally appropriate to understand the programs, resources and supports in their region or community in order to link children, families and professionals to them. The training must also include training in cultural competence to ensure consultants understand the needs of the ethnically diverse communities they may be serving and how to form relationships to provide the unique services needed to support those populations;

6. Develop and implement a plan for supervision of early childhood consultation and outreach staff that includes administrative, clinical and reflective supervision; and

7. Develop and implement a plan in conjunction with staff from the Child Development Services System under the Maine Revised Statutes, Title 20-A, section 7209 for how early childhood consultants can support children, families and staff who intersect with the Child Development Services System, particularly as the plan relates to children who are referred for behavior issues.

**Sec. 4. Early implementation.** The Department of Health and Human Services shall provide support, guidance and training under the Maine Revised Statutes, Title 34-B, chapter 15, subchapter 2 in 5 locations prior to implementation of the statewide voluntary early childhood consultation program in Title 34-B, chapter 15, subchapter 2.

**Sec. 5. Report.** The Department of Health and Human Services shall submit a report by January 1, 2021 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the status of the statewide voluntary

early childhood consultation program in the Maine Revised Statutes, Title 34-B, chapter 15, subchapter 2 and the program's ability to provide support and guidance to families, early care and education teachers and providers working with children. The joint standing committee may submit legislation related to the report to the First Regular Session of the 130th Legislature.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Early Childhood Consultation Program N323**

Initiative: Allocates funds necessary to design and implement a statewide voluntary early childhood consultation program beginning September 1, 2020.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$424,040	\$440,341
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FEDERAL BLOCK GRANT	\$424,040	\$440,341
FUND TOTAL		

**Early Childhood Consultation Program N323**

Initiative: Provides ongoing funds for one Regional Education Representative position and one Office Associate II position and related All Other funding necessary to design and implement a statewide voluntary early childhood consultation program beginning September 1, 2020.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$109,446	\$182,876
All Other	\$314,594	\$257,465
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GENERAL FUND TOTAL	\$424,040	\$440,341

**HEALTH AND HUMAN  
SERVICES,  
DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$424,040	\$440,341
FEDERAL BLOCK GRANT FUND	\$424,040	\$440,341

DEPARTMENT TOTAL -	\$848,080	\$880,682
ALL FUNDS		

See title page for effective date.

**CHAPTER 482**

**H.P. 1082 - L.D. 1480**

**An Act To Modify Retirement  
Plans for Fire Investigators  
and Sergeants**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 5 MRSA §17851-A, sub-§1, ¶K,** as amended by PL 2001, c. 409, §1, is further amended to read:

K. The State Fire Marshal or a ~~state fire marshal investigator or~~ state fire marshal inspector in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter ~~or, until June 30, 2020, a state fire marshal investigator in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter;~~ and

**Sec. 2. 5 MRSA §17851-B** is enacted to read:

**§17851-B. Special plan for fire marshal  
investigators and fire marshal sergeants**

**1. Establishment and applicability.** Effective July 1, 2020, there is established a special retirement plan for fire marshal investigators and fire marshal sergeants, referred to in this section as "the special plan." The special plan applies to a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant.

**2. Qualification for benefits.** A member employed in any of the positions specified in subsection 1 qualifies for a service retirement benefit after completing 20 years of creditable service in that capacity, whether or not the creditable service included in determining that the 20-year requirement has been met was earned under the special plan established in this section or prior to its establishment.

**3. Purchase of service credit to be used for qualification for benefits.** This subsection governs the use of purchased service credit in order to qualify for benefits under this section. For the purpose of meeting the qualification requirement of subsection 2:

A. Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included if the time to which the refund relates was served in any one or a combination of the positions specified in subsection 1, regardless of whether the time was

served before or after the establishment of the special plan; and

B. Service credit purchased other than as provided under paragraph A is not included.

**4. Computation of benefits.** The amount of the service retirement benefit for members qualified under subsection 2 is 1/2 of the person's average final compensation and an additional 2% of the person's average final compensation for each year of membership service not included in determining qualification under subsection 2.

**5. Contributions.** Notwithstanding any other provision of subchapter 3, after June 30, 2020, a member in a position specified in subsection 1 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 20 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**Fire Marshal - Office of 0327**

Initiative: Provides funding for the increase in employer retirement contributions as a result of establishing a new special retirement plan for state fire marshal investigators, state fire marshal senior investigators and state fire marshal sergeants within the Office of the Fire Marshal.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$6,520	\$6,652
<b>GENERAL FUND TOTAL</b>	<b>\$6,520</b>	<b>\$6,652</b>

**Fire Marshal - Office of 0327**

Initiative: Allocates funds for the increase in employer retirement contributions due to certain employees of the Office of the Fire Marshal moving from the 1998 Special Plan to a newly created "20 year and out" plan.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$50,858	\$51,453
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$50,858</b>	<b>\$51,453</b>

<b>PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
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<b>GENERAL FUND</b>	<b>\$6,520</b>	<b>\$6,652</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$50,858</b>	<b>\$51,453</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$57,378</b>	<b>\$58,105</b>
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**RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES**

**Retirement System - Retirement Allowance Fund 0085**

Initiative: Provides one-time funding for the unfunded actuarial liability created as a result of establishing a new special retirement plan for state fire marshal investigators, state fire marshal senior investigators and state fire marshal sergeants within the Office of the Fire Marshal.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$125,001	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$125,001</b>	<b>\$0</b>

**Retirement System - Retirement Allowance Fund 0085**

Initiative: Allocates one-time funding for the unfunded actuarial liability created as a result of establishing a new special retirement plan for state fire marshal investigators, state fire marshal senior investigators and state fire marshal sergeants within the Office of the Fire Marshal.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$974,999	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$974,999</b>	<b>\$0</b>

<b>RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
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<b>GENERAL FUND</b>	<b>\$125,001</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$974,999</b>	<b>\$0</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$1,100,000</b>	<b>\$0</b>
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SECTION TOTALS	2019-20	2020-21
GENERAL FUND	\$131,521	\$6,652
OTHER SPECIAL REVENUE FUNDS	\$1,025,857	\$51,453
SECTION TOTAL - ALL FUNDS	\$1,157,378	\$58,105

See title page for effective date.

**CHAPTER 483  
S.P. 20 - L.D. 67**

**An Act To Ensure Access to Justice for Victims of Sexual Assault**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §8, sub-§1**, as amended by PL 1999, c. 438, §1, is repealed and the following enacted in its place:

1. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, except that the following prosecutions may be commenced at any time:

A. A prosecution for murder or criminal homicide in the first or 2nd degree; or

B. If the victim had not attained the age of 16 years at the time of the crime, a prosecution for incest; unlawful sexual contact; sexual abuse of a minor; or rape or gross sexual assault, formerly denominated as gross sexual misconduct.

**Sec. 2. 17-A MRSA §8, sub-§2**, as amended by PL 2013, c. 392, §1, is repealed and the following enacted in its place:

2. Except as provided in subsection 1 or 2-A, a prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed and a prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed.

**Sec. 3. 17-A MRSA §8, sub-§2-A**, as enacted by PL 2013, c. 392, §2, is amended to read:

**2-A.** A prosecution for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault must be commenced within 8 20 years after it is committed.

This subsection does not apply to a Class D crime enhanced to a Class C crime pursuant to section 1252, subsection 4-A.

**Sec. 4. Application.** This Act applies to the following Class A, Class B or Class C crimes committed on or after the effective date of this Act or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this Act: gross sexual assault under the Maine Revised Statutes, Title 17-A, section 253; and unlawful sexual contact under Title 17-A, section 255-A.

See title page for effective date.

**CHAPTER 484  
H.P. 1259 - L.D. 1772**

**An Act To Secure Transitions to Economic Prosperity for Maine Families and Children**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §3762, sub-§3, ¶B**, as amended by PL 2017, c. 256, §1; c. 284, Pt. NNNNNNN, §10; c. 290, §1; and c. 412, §2, is further amended to read:

B. The department may use funds, insofar as resources permit, provided under and in accordance with the United States Social Security Act or state funds appropriated for this purpose or a combination of state and federal funds to provide assistance to families under this chapter. In addition to assistance for families described in this subsection, funds must be expended for the following purposes:

(1) To continue the pass-through of the first \$50 per month of current child support collections and the exclusion of the \$50 pass-through from the budget tests and benefit calculations;

(2) To provide financial assistance to noncitizens legally admitted to the United States who are receiving assistance under this subsection as of July 1, 2011. Recipients of assistance under this subparagraph are limited to the categories of noncitizens who would be eligible for the TANF programs but for their status as aliens under PRWORA. Eligibility for the TANF program for these categories of noncitizens must be determined using the criteria applicable to other recipients of assistance from the TANF program. Any household receiving assistance as of July 1, 2011 may continue to receive assistance, as long as that household remains eligible, without regard to interruptions in coverage or gaps in eligibility for service. A noncitizen legally

admitted to the United States who is neither receiving assistance on July 1, 2011 nor has an application pending for assistance on July 1, 2011 that is later approved is not eligible for financial assistance through a state-funded program unless that noncitizen is:

- (a) Elderly or disabled, as described under the laws governing supplemental security income in 42 United States Code, Sections 1381 to 1383f (2010);
  - (b) A victim of domestic violence;
  - (c) Experiencing other hardship, such as time necessary to obtain proper work documentation, as defined by the department by rule. Rules adopted by the department under this division are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; or
  - (d) Unemployed but has obtained proper work documentation, as defined by the department by rule. Rules adopted by the department under this division are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A;
- (3) To provide benefits to 2-parent families with children using the same eligibility requirements as apply to families headed by a single custodial parent or caretaker relative;
- (4) To provide an assistance program for needy children, 19 to 21 years of age, who are in full-time attendance in secondary school. The program is operated for those individuals who qualify for TANF under the United States Social Security Act, except that they fail to meet the age requirement, and is also operated for the parent or caretaker relative of those individuals. Except for the age requirement, all provisions of TANF, including the standard of need and the amount of assistance, apply to the program established pursuant to this subparagraph;
- (5) To provide assistance for a pregnant woman who is otherwise eligible for assistance under this chapter, except that she has no dependents under 19 years of age. An individual is eligible for the monthly benefit for one eligible person if the medically substantiated expected date of the birth of her child is not more than 90 days following the date the benefit is received;
- (6) To provide a special housing allowance for TANF families whose shelter expenses for rent, mortgage or similar payments, homeowners insurance and property taxes equal or exceed 50% of their monthly income

excluding any income disregarded pursuant to subparagraph (7-D), divisions (a) and (b). The special housing allowance is limited to \$300 per month for each family. For purposes of this subparagraph, "monthly income" means the total of the TANF monthly benefit and all income countable under the TANF program, plus child support received by the family, excluding the \$50 pass-through payment;

~~(7) In determining benefit levels for TANF recipients who have earnings from employment, the department shall disregard from monthly earnings the following:~~

~~(a) One hundred and eight dollars;~~

~~(b) Fifty percent of the remaining earnings that are less than the federal poverty level; and~~

~~(c) All actual child care costs necessary for work, except that the department may limit the child care disregard to \$175 per month per child or \$200 per month per child under 2 years of age or with special needs;~~

(7-A) In determining eligibility and benefit levels, the department may apply a gross income test only to applicants and not to recipients;

(7-C) In determining financial eligibility for applicants who have earnings from employment, the department shall disregard from monthly earnings the following:

(a) One hundred and eight dollars;

(b) Fifty percent of the remaining earnings that are less than the federal poverty level; and

(c) All actual child care costs necessary for work, except that the department may limit the child care disregard to \$175 per month per child or \$200 per month per child under 2 years of age or with special needs;

(7-D) In determining benefit levels, the department shall disregard the following amounts from the monthly earnings of recipients:

(a) One hundred percent of all earned income for the first 3 months of employment. Any month in which the disregard under this division does not increase the recipient's benefit above that which it would be if the disregard in division (c) is applied does not count as a

month in which earned income is disregarded under this division;

(b) Seventy-five percent of all earned income for the 4th to 6th months of employment. Any month in which the disregard under this division does not increase the recipient's benefit above that which it would be if the disregard in division (c) is applied does not count as a month in which earned income is disregarded under this division;

(c) One hundred and eight dollars and 50% of the remaining earnings that are less than the federal poverty level for any month of employment in which a disregard in division (a) or (b) is not applied; and

(d) All actual child care costs necessary for work, except that the department may limit the child care disregard to \$175 per month per child or \$200 per month per child under 2 years of age or with special needs;

(7-E) For any period during which a household's food supplement assistance is reduced as a result of earnings and receipt of the earned income disregard applied under subparagraph (7-D), division (a) or (b), the household must receive additional food supplement assistance in an amount that will, in addition to the food supplement assistance for which the household remains eligible, provide the household with a minimum of \$50 in food supplement assistance. Additional food supplement assistance under this subparagraph is a noncash benefit and may be used to purchase only those food items permitted under the food supplement program;

(8) In cases when the TANF recipient has no child care cost, the monthly TANF benefit is the maximum payment level or the difference between the countable earnings and the standard of need established by rule adopted by the department, whichever is lower;

(9) In cases when the TANF recipient has child care costs, the department shall determine a total benefit package, including TANF cash assistance, determined in accordance with subparagraph (7) (7-D) and additional child care assistance, as provided by rule, necessary to cover the TANF recipient's actual child care costs up to the maximum amount specified in section 3782-A, subsection 5, paragraph B. The benefit amount must be paid as provided in this subparagraph.

(a) Before the first month in which child care assistance is available to an ASPIRE-TANF recipient under this paragraph and periodically thereafter, the department shall notify the recipient of the total benefit package and the following options of the recipient: to receive the total benefit package directly; or to have the department pay the recipient's child care assistance directly to the designated child care provider for the recipient and pay the balance of the total benefit package to the recipient.

(b) If an ASPIRE-TANF recipient notifies the department that the recipient chooses to receive the child care assistance directly, the department shall pay the total benefit package to the recipient.

(c) If an ASPIRE-TANF recipient does not respond or notifies the department of the choice to have the child care assistance paid directly to the child care provider from the total benefit package, the department shall pay the child care assistance directly to the designated child care provider for the recipient. The department shall pay the balance of the total benefit package to the recipient;

(10) Child care assistance under this paragraph must be paid by the department in a prompt manner that permits an ASPIRE-TANF recipient to access child care necessary for work; and

(11) The department shall adopt rules pursuant to Title 5, chapter 375 to implement this subsection. Rules adopted pursuant to this subparagraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 22 MRSA §3762, sub-§8, ¶F**, as enacted by PL 2011, c. 655, Pt. S, §2, is amended to read:

F. The department may provide limited transitional food benefits to meet the needs of food supplement benefit recipients living with one or more dependent children under 18 years of age who are working at least 30 hours per week or who are working at least 20 hours per week if one or more dependent child is under 6 years of age. The benefit may not exceed ~~\$50~~ \$100 per month per family.

**Sec. 3. 22 MRSA §3762, sub-§18**, as enacted by PL 2011, c. 380, Pt. PP, §2, is amended to read:

**18. Lifetime limit on assistance.** Beginning January 1, 2012, a family may not receive TANF as-

sistance for longer than 60 months except in those cases in which the department has determined that the family qualifies for an exemption or extension under rules adopted by the department. When an adult has received TANF assistance for 60 months, unless the adult has been exempted or granted an extension by the department, the family unit in which the adult is a member is ineligible for assistance. The department shall consider conditions or situations beyond the control of the adult recipient, including but not limited to a physical or mental condition that prevents the adult from obtaining or retaining gainful employment, being a victim of domestic violence, participating in good standing in an approved education program or a program that is expected to lead to gainful employment, being the caretaker relative in the household who is not the parent of the child or children in the assistance unit and who is required to remain at home to care for a dependent in the assistance unit and loss of employment by the adult following termination of TANF under this subsection. The department shall grant an extension to a household for each month in which a family received TANF assistance and an earnings disregard under subsection 3, paragraph B, subparagraph (7-D), division (a) or (b). This extension does not apply to a TANF recipient who has reached the 60-month time limit prior to October 1, 2019.

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 22 MRSA §3769-G** is enacted to read:

**§3769-G. Temporary Assistance for Needy Families block grant; whole family economic security initiatives**

**1. Use of block grant funds.** In fiscal year 2020-21 and annually thereafter, the department shall provide up to \$2,000,000 in funds provided under the Temporary Assistance for Needy Families block grant to community action agencies designated pursuant to section 5324 or other community-based organizations the department finds qualified pursuant to subsection 3 to assist parents with children as the parents pursue stable employment or education intended to lead to employment. The block grant funds must be used to administer services to families with children with income less than 200% of the nonfarm income official poverty line.

**2. Required services.** Services provided by a community-based organization the department finds qualified pursuant to subsection 3 must include education, including, but not limited to, assisting family members to acquire postsecondary degrees or other credentials, and the provision of health, social and economic support.

**3. Qualifications.** In order to be qualified under this section, a community action agency designated pursuant to section 5324 or a community-based organization must demonstrate to the department that it has the resources and capacity to implement evidence-based practices to provide the services required under this section. The department shall annually review contracts awarded under this section on the basis of tangible performance measures; participant satisfaction and well-being; and fiscal and administrative accountability.

**4. Rules.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 5. 22 MRSA §3788, sub-§7-A** is enacted to read:

**7-A. Basic skills education.** The department shall make available to individuals participating in the ASPIRE-TANF program basic skills education, including programs that assist individuals in obtaining a high school diploma or its equivalent or comparable credential. The time spent by an ASPIRE-TANF participant in basic skills education must be counted toward the first 20 hours of the participant's required weekly work participation, except that this subsection is suspended for any period for which it would cause the State to fail to meet the work participation rate requirements pursuant to 42 United States Code, Section 607, subsection (a). The department shall ensure that the State's work verification plan required under federal law for validating work participation activities of ASPIRE-TANF participants includes basic skills education in the definition of vocational educational training when it is a necessary part of a participant's vocational educational training plan.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Additional Support for People in Retraining and Employment 0146**

Initiative: Provides allocations for additional support services for the new population added due to the changes in the Temporary Assistance for Needy Families program.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$3,217,548	\$4,290,064
FEDERAL BLOCK GRANT	\$3,217,548	\$4,290,064
FUND TOTAL		

**Temporary Assistance for Needy Families 0138**

Initiative: Provides allocations for community action agencies to expand the services to assist parents to find stable employment.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$1,500,000	\$2,000,000
FEDERAL BLOCK GRANT FUND TOTAL	\$1,500,000	\$2,000,000

**Temporary Assistance for Needy Families 0138**

Initiative: Provides allocations to change the income disregard and to no longer count earnings disregards against the 60-month limit in the Temporary Assistance for Needy Families program.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$3,166,293	\$4,221,724
FEDERAL BLOCK GRANT FUND TOTAL	\$3,166,293	\$4,221,724

**Temporary Assistance for Needy Families 0138**

Initiative: Provides deallocations to account for the reduction in transitional benefits due to changes in the Temporary Assistance for Needy Families program.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	(\$3,311,876)	(\$4,415,834)
FEDERAL BLOCK GRANT FUND TOTAL	(\$3,311,876)	(\$4,415,834)

**Temporary Assistance for Needy Families 0138**

Initiative: Provides allocations to replace Supplemental Nutrition Assistance Program benefits due to increased income disregard in the Temporary Assistance for Needy Families program.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$249,075	\$332,100
FEDERAL BLOCK GRANT FUND TOTAL	\$249,075	\$332,100

HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF

DEPARTMENT TOTALS	2019-20	2020-21
FEDERAL BLOCK GRANT FUND	\$4,821,040	\$6,428,054
DEPARTMENT TOTAL - ALL FUNDS	\$4,821,040	\$6,428,054

See title page for effective date.

**CHAPTER 485**

**H.P. 1261 - L.D. 1774**

**An Act To Reduce Child Poverty by Leveraging Investments so Families Can Thrive**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §3109 is enacted to read:

**§3109. Promoting accountable public programs that reduce poverty, alleviate hardship and increase sustainable employment for low-income families with children**

The department shall implement a system of accountability to measure access to and the performance of certain programs administered by the department under this Subtitle to ensure that those programs are working effectively to improve the health and well-being of program participants.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Federal poverty level" has the same meaning as in section 3762, subsection 1, paragraph C.

B. "Food supplement" means the federal supplemental nutrition assistance program administered by the State pursuant to section 3104.

C. "TANF" has the same meaning as in section 3762, subsection 1, paragraph E.

D. "WIC" means the Women, Infants and Children Special Supplemental Food Program described in section 3107.

**2. Identify measures of child and family economic security.** Beginning October 15, 2019 and annually thereafter, the department shall obtain and compile the following data for the State regarding child and family economic security from those sources reasonably available to the department, including, but not limited to, data collected and maintained by the department, data available from the Department of Labor and the Department of Administrative and Fi-

nancial Services, Bureau of Revenue Services or other state or federal agencies and such other data as can reasonably be obtained from other public or private sources upon request. The data must include:

A. The ratio of families with children receiving TANF cash assistance to the number of families with children and income at or below 100% of the federal poverty level in the current year and in the previous 4 years;

B. The percentage of children under 5 years of age receiving TANF cash assistance that also receive assistance from WIC in the current year and in the previous 4 years;

C. The percentage of children under 5 years of age receiving food supplement assistance that also receive assistance from WIC in the current year and in the previous 4 years;

D. For all families for whom TANF cash assistance has terminated:

(1) The number and percentage of families with no quarterly earnings from unsubsidized employment:

(a) At the time participation in the program was terminated;

(b) During the 2nd quarter after participation in the program was terminated; and

(c) During the 4th quarter after participation in the program was terminated;

(2) The number and percentage of families with quarterly earnings from unsubsidized employment that are below 50% of the federal poverty level:

(a) At the time participation in the program was terminated;

(b) During the 2nd quarter after participation in the program was terminated; and

(c) During the 4th quarter after participation in the program was terminated;

(3) The number and percentage of families with quarterly earnings from unsubsidized employment that are at least 50% but below 100% of the federal poverty level:

(a) At the time participation in the program was terminated;

(b) During the 2nd quarter after participation in the program was terminated; and

(c) During the 4th quarter after participation in the program was terminated;

(4) The number and percentage of families with quarterly earnings from unsubsidized employment that are at least 100% but below 150% of the federal poverty level:

(a) At the time participation in the program was terminated;

(b) During the 2nd quarter after participation in the program was terminated; and

(c) During the 4th quarter after participation in the program was terminated;

(5) The number and percentage of families with quarterly earnings from unsubsidized employment that are at least 150% but below 200% of the federal poverty level:

(a) At the time participation in the program was terminated;

(b) During the 2nd quarter after participation in the program was terminated; and

(c) During the 4th quarter after participation in the program was terminated;

(6) The number and percentage of families with quarterly earnings from unsubsidized employment that are at least 200% of the federal poverty level:

(a) At the time participation in the program was terminated;

(b) During the 2nd quarter after participation in the program was terminated; and

(c) During the 4th quarter after participation in the program was terminated;

(7) The mean and median income of families with no quarterly earnings from unsubsidized employment:

(a) At the time participation in the program was terminated;

(b) During the 2nd quarter after participation in the program was terminated; and

(c) During the 4th quarter after participation in the program was terminated; and

(8) The number and percentage of families receiving income from the federal supplemental security income program or federal social security disability benefits:

(a) At the time participation in the program was terminated;

(b) During the 2nd quarter after participation in the program was terminated; and

(c) During the 4th quarter after participation in the program was terminated;

E. Cumulative data on the highest level of educational attainment of adult parents or caretaker relatives receiving TANF cash assistance and cumulative data on the highest level of educational attainment of adult parents or caretaker relatives whose participation in the program was terminated in the prior year;

F. The ratio of persons receiving food supplement assistance to the total number of potentially eligible persons; the ratio of persons 60 years of age or older receiving food supplement assistance to the total number of potentially eligible persons 60 years of age or older; the ratio of nonelderly persons with a disability receiving food supplement assistance to the total number of potentially eligible nonelderly persons with a disability; and the ratio of children under 18 years of age receiving food supplement assistance to the total number of potentially eligible children under 18 years of age;

G. The number and percentage of adult parents or caretaker relatives who have children in the household and who are receiving food supplement assistance, grouped by highest level of educational attainment of the adult parent or caretaker relative;

H. The ratio of people participating in the MaineCare program, by eligibility group, to the total number of potentially eligible persons within each group;

I. The number and percentage of applications received by the department for the MaineCare program and the children's health insurance program as defined in section 3174-X, subsection 1, paragraph A, by eligibility group, that are processed in less than 24 hours; that are processed within one to 7 days; that are processed within 8 to 30 days; that are processed within 31 to 45 days; and that are processed more than 45 days after receipt;

J. The average waiting times, by month, for a person calling the department's call center to speak to a person, not including an interactive voice response system; and

K. The number and percentage, by month, of telephone calls to the department's call center that are terminated by a caller prior to the caller's speaking to a person, not including an interactive voice response system.

**3. Measuring the effect of department initiatives to improve child and family economic security; report.** The department shall examine and use the

data related to program measures compiled pursuant to subsection 2 and consider how department programming can contribute to improvements in child and family economic security, including increased ability to meet basic needs, improved educational levels and increased incomes. Beginning January 15, 2021, and annually thereafter, the department shall present the data collected pursuant to subsection 2 along with an assessment of how these measures can be improved through department programming to the joint standing committee of the Legislature having jurisdiction over health and human services matters for the committee's review. The department shall also identify any obstacles to improving the economic security for children, families and individuals and make recommendations for addressing those obstacles, which may include improved coordination between agencies of State Government. The committee's review must include the opportunity for public comment on the department's presentation and the committee may introduce any legislation that it considers necessary to address barriers faced by the department in improving economic security for children, families and individuals in this State.

**Sec. 2. 22 MRSA §3174-G**, as amended by IB 2017, c. 1, Pt. A, §§1 to 3, is further amended to read:

**§3174-G. Medicaid coverage of certain elderly and disabled individuals, children and pregnant women; transitional Medicaid**

**1. Delivery of services.** The department shall provide for the delivery of federally approved Medicaid services to the following persons:

A. A qualified woman during her pregnancy and up to 60 days following delivery when the woman's family income is equal to or below 200% of the nonfarm income official poverty line;

B. An infant under one year of age when the infant's family income is equal to or below 200% of the nonfarm income official poverty line, except that the department may adopt a rule that provides that infants in families with income over 185% and equal to or below 200% of the nonfarm income official poverty line who meet the eligibility requirements of the Cub Care program established under section 3174-T are eligible to participate in the Cub Care program instead of Medicaid. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

C. A qualified elderly or disabled person when the person's family income is equal to or below 100% of the nonfarm income official poverty line;

D. A child one year of age or older and under 19 years of age when the child's family income is equal to or below 200% of the nonfarm income official poverty line, except that the department

may adopt a rule that provides that children described in this paragraph in families with income over 150% and equal to or below 200% of the nonfarm income official poverty line who meet the eligibility requirements of the Cub Care program established under section 3174-T are eligible to participate in the Cub Care program instead of Medicaid. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

E. On or before September 30, 2012, the parent or caretaker relative of a child described in paragraph B or D when the child's family income is equal to or below 200% of the nonfarm income official poverty line, subject to adjustment by the commissioner under this paragraph and, beginning October 1, 2012, the parent or caretaker relative of a child described in paragraph B or D when the child's family income is equal to or below 133% of the nonfarm income official poverty line, subject to adjustment by the commissioner under this paragraph. Medicaid services provided under this paragraph must be provided within the limits of the program budget. Funds appropriated for services under this paragraph must include an annual inflationary adjustment equivalent to the rate of inflation in the Medicaid program. On a quarterly basis, the commissioner shall determine the fiscal status of program expenditures under this paragraph. If the commissioner determines that expenditures will exceed the funds available to provide Medicaid coverage pursuant to this paragraph, the commissioner must adjust the income eligibility limit for new applicants to the extent necessary to operate the program within the program budget. If, after an adjustment has occurred pursuant to this paragraph, expenditures fall below the program budget, the commissioner must raise the income eligibility limit to the extent necessary to provide services to as many eligible persons as possible within the fiscal constraints of the program budget, as long as on or before September 30, 2012 the income limit does not exceed 200% of the nonfarm income official poverty line and, beginning October 1, 2012, the income limit does not exceed 133% of the nonfarm income official poverty line;

F. A person 20 to 64 years of age who is not otherwise covered under paragraphs A to E when the person's family income is below or equal to 125% of the nonfarm income official poverty line, as long as the commissioner adjusts the maximum eligibility level in accordance with the requirements of the paragraph.

(2) If the commissioner reasonably anticipates the cost of the program to exceed the budget of the population described in this paragraph, the commissioner shall lower the

maximum eligibility level to the extent necessary to provide coverage to as many persons as possible within the program budget.

(3) The commissioner shall give at least 30 days' notice of the proposed change in maximum eligibility level to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters;

G. A person who is a noncitizen legally admitted to the United States to the extent that coverage is allowable by federal law if the person is:

(1) A woman during her pregnancy and up to 60 days following delivery; or

(2) A child under 21 years of age; and

H. No later than 180 days after the effective date of this paragraph, a person under 65 years of age who is not otherwise eligible for assistance under this chapter and who qualifies for medical assistance pursuant to 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) when the person's income is at or below 133% plus 5% of the nonfarm income official poverty line for the applicable family size. The department shall provide such a person, at a minimum, the same scope of medical assistance as is provided to a person described in paragraph E.

Cost sharing, including copayments, for coverage established under this paragraph may not exceed the maximum allowable amounts authorized under section 3173-C, subsection 7.

No later than 90 days after the effective date of this paragraph, the department shall submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services ensuring MaineCare eligibility for people under 65 years of age who qualify for medical assistance pursuant to 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII).

The department shall adopt rules, including emergency rules pursuant to Title 5, section 8054 if necessary, to implement this paragraph in a timely manner to ensure that the persons described in this paragraph are enrolled for and eligible to receive services no later than 180 days after the effective date of this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

For the purposes of this subsection, the "nonfarm income official poverty line" is that applicable to a family of the size involved, as defined by the federal Department of Health and Human Services and updated

annually in the Federal Register under authority of 42 United States Code, Section 9902(2). For purposes of this subsection, "program budget" means the amounts available from both federal and state sources to provide federally approved Medicaid services.

**1-B. Funding.** State funds necessary to implement subsection 1-C must include General Fund appropriations and Other Special Revenue allocations from the Fund for a Healthy Maine to the elderly low-cost drug program operated pursuant to section 254-D, including rebates received in that program from pharmaceutical manufacturers, that are no longer needed in that program as a result of the Medicaid waiver obtained pursuant to subsection 1-C.

**1-C. Prescription drug waiver program.** Except as provided in paragraph G, the department shall apply to the federal Centers for Medicare and Medicaid Services for a waiver or amend a pending or current waiver under the Medicaid program authorizing the department to use federal matching dollars to enhance the prescription drug benefits available to persons who qualify for the elderly low-cost drug program established under section 254-D. The program created pursuant to the waiver is the prescription drug waiver program, referred to in this subsection as the "program."

A. As funds permit, the department has the authority to establish income eligibility levels for the program up to and including 200% of the federal nonfarm income official poverty level, except that for individuals in households that spend at least 40% of income on unreimbursed direct medical expenses for prescription medications, the income eligibility level is increased by 25%.

B. To the extent reasonably achievable under the federal waiver process, the program must include the full range of prescription drugs provided under the Medicaid program on the effective date of this subsection and must limit copayments and cost sharing for participants. If cost sharing above the nominal cost sharing for the Medicaid program is determined to be necessary, the department may use a sliding scale to minimize the financial burden on lower-income participants.

C. Coverage under the program may not be less beneficial to persons who meet the qualifications of former section 254 than the coverage available under that section on September 30, 2001.

D. In determining enrollee benefits under the program, to the extent possible, the department shall give equitable treatment to coverage of prescription medications for cancer, Alzheimer's disease and behavioral health.

E. The department is authorized to provide funding for the program by using funds appropriated

or allocated to provide prescription drugs under sections 254-D and 258.

F. The department is authorized to amend the waiver or adjust program requirements as necessary to take advantage of enhanced federal matching funds that may become available.

G. If, upon thorough analysis, the department determines that a waiver under this subsection is not feasible or would not significantly benefit participants in the elderly low-cost drug program, the department may decide not to pursue the waiver. Within 30 days of a decision not to proceed with a waiver and before taking action on that decision, the department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and shall provide a detailed analysis of the reasons for reaching that decision.

**1-D. Enrollment fee.** The department may assess an annual enrollment fee of \$25 for participation in the MaineCare program for a family including a parent or caretaker relative of a child described in subsection 1, paragraph B or D when the family's income exceeds 150% of the nonfarm income official poverty line.

**2. Resource test.** The department may not apply a resource test to those children and pregnant women who are made eligible under this section, unless these persons also receive Temporary Assistance for Needy Families or United States Supplemental Security Income benefits.

**3. Benefits authorized.** The scope of medical assistance to be provided within this section ~~shall~~ **must** be that authorized by the Federal Sixth Omnibus Budget Reconciliation Act, Public Law 99-509.

**4. Transitional Medicaid.** The department shall administer a program of transitional Medicaid to families receiving benefits under Section 1931 of the federal Social Security Act in accordance with 42 United States Code, Section 1396r-6 and this subsection. The amount, duration and scope of services provided under this subsection must be the same as that provided to a parent or caretaker relative of a child described in subsection 1, paragraph B or D.

A. The department shall provide transitional Medicaid for a 12-month extension period in accordance with 42 United States Code, Section 1396r-6, Subsection (a), Paragraph (5) to families whose eligibility for Medicaid assistance terminated due to an increase in earned income, an increase in hours of employment or a loss of a time-limited earnings disregard.

B. The department shall provide transitional Medicaid for 4 months to families whose eligibility for Medicaid assistance terminated due to an

increase in the amount of child support received by the family.

**Sec. 3. 22 MRSA §3762, sub-§3, ¶B**, as amended by PL 2017, c. 256, §1; c. 284, Pt. NNNNNNN, §10; c. 290, §1; and c. 412, §2, is further amended to read:

B. The department may use funds, insofar as resources permit, provided under and in accordance with the United States Social Security Act or state funds appropriated for this purpose or a combination of state and federal funds to provide assistance to families under this chapter. In addition to assistance for families described in this subsection, funds must be expended for the following purposes:

(1) To continue the pass-through of the first \$50 per month of current child support collections and the exclusion of the \$50 pass-through from the budget tests and benefit calculations;

(2) To provide financial assistance to noncitizens legally admitted to the United States who are receiving assistance under this subsection as of July 1, 2011. Recipients of assistance under this subparagraph are limited to the categories of noncitizens who would be eligible for the TANF programs but for their status as aliens under PRWORA. Eligibility for the TANF program for these categories of noncitizens must be determined using the criteria applicable to other recipients of assistance from the TANF program. Any household receiving assistance as of July 1, 2011 may continue to receive assistance, as long as that household remains eligible, without regard to interruptions in coverage or gaps in eligibility for service. A noncitizen legally admitted to the United States who is neither receiving assistance on July 1, 2011 nor has an application pending for assistance on July 1, 2011 that is later approved is not eligible for financial assistance through a state-funded program unless that noncitizen is:

(a) Elderly or disabled, as described under the laws governing supplemental security income in 42 United States Code, Sections 1381 to 1383f (2010);

(b) A victim of domestic violence;

(c) Experiencing other hardship, such as time necessary to obtain proper work documentation, as defined by the department by rule. Rules adopted by the department under this division are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; or

(d) Unemployed but has obtained proper work documentation, as defined by the department by rule. Rules adopted by the department under this division are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A;

(3) To provide benefits to 2-parent families with children using the same eligibility requirements as apply to families headed by a single custodial parent or caretaker relative;

(4) To provide an assistance program for needy children, 19 to 21 years of age, who are in full-time attendance in secondary school. The program is operated for those individuals who qualify for TANF under the United States Social Security Act, except that they fail to meet the age requirement, and is also operated for the parent or caretaker relative of those individuals. Except for the age requirement, all provisions of TANF, including the standard of need and the amount of assistance, apply to the program established pursuant to this subparagraph;

(5) To provide assistance for a pregnant woman who is otherwise eligible for assistance under this chapter, except that she has no dependents under 19 years of age. An individual is eligible for the monthly benefit for one eligible person if the medically substantiated expected date of the birth of her child is not more than 90 days following the date the benefit is received;

(6) To provide a special housing allowance for TANF families whose shelter expenses for rent, mortgage or similar payments, homeowners insurance and property taxes equal or exceed 50% of their monthly income. The special housing allowance is limited to \$300 per month for each family. For purposes of this subparagraph, "monthly income" means the total of the TANF monthly benefit and all income countable under the TANF program, plus child support received by the family, excluding the \$50 pass-through payment;

(7) In determining benefit levels for TANF recipients who have earnings from employment, the department shall disregard from monthly earnings the following:

(a) One hundred and eight dollars;

(b) Fifty percent of the remaining earnings that are less than the federal poverty level; and

(c) All actual child care costs necessary for work, except that the department may

limit the child care disregard to \$175 per month per child or \$200 per month per child under 2 years of age or with special needs;

~~(7-A) In determining eligibility and benefit levels, the department may apply a gross income test only to applicants and not to recipients;~~

(7-C) In determining financial eligibility and benefit levels for TANF applicants and TANF recipients, the department shall deduct the income less any applicable income disregards from the standard of need and may not apply any other income test;

(8) In cases when the TANF recipient has no child care cost, the monthly TANF benefit is the maximum payment level or the difference between the countable earnings and the standard of need established by rule adopted by the department, whichever is lower;

(9) In cases when the TANF recipient has child care costs, the department shall determine a total benefit package, including TANF cash assistance, determined in accordance with subparagraph (7) and additional child care assistance, as provided by rule, necessary to cover the TANF recipient's actual child care costs up to the maximum amount specified in section 3782-A, subsection 5, paragraph B. The benefit amount must be paid as provided in this subparagraph.

(a) Before the first month in which child care assistance is available to an ASPIRE-TANF recipient under this paragraph and periodically thereafter, the department shall notify the recipient of the total benefit package and the following options of the recipient: to receive the total benefit package directly; or to have the department pay the recipient's child care assistance directly to the designated child care provider for the recipient and pay the balance of the total benefit package to the recipient.

(b) If an ASPIRE-TANF recipient notifies the department that the recipient chooses to receive the child care assistance directly, the department shall pay the total benefit package to the recipient.

(c) If an ASPIRE-TANF recipient does not respond or notifies the department of the choice to have the child care assistance paid directly to the child care provider from the total benefit package, the department shall pay the child care assistance directly to the designated child care

provider for the recipient. The department shall pay the balance of the total benefit package to the recipient;

(10) Child care assistance under this paragraph must be paid by the department in a prompt manner that permits an ASPIRE-TANF recipient to access child care necessary for work; and

(11) The department shall adopt rules pursuant to Title 5, chapter 375 to implement this subsection. Rules adopted pursuant to this subparagraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 22 MRSA §3762, sub-§8, ¶A,** as amended by PL 1999, c. 731, Pt. OO, §2, is repealed.

**Sec. 5. 22 MRSA §3769-B,** as amended by PL 1999, c. 401, Pt. S, §4, is repealed.

**Sec. 6. 22 MRSA §3790, sub-§§3-A and 3-B** are enacted to read:

**3-A. Coordination with state educational institutions and programs.** The department shall deem a referral from an educational institution or program that is part of the University of Maine System; the Maine Community College System; Jobs for Maine's Graduates, established in Title 20-A, chapter 226; an adult education program established in Title 20-A, chapter 315; or the career centers established by the Department of Labor as an application for the Parents as Scholars Program as long as, in accordance with department rules, it is submitted by a qualified person at the institution or program on a form provided by the department for this purpose and signed by the prospective student expressing a desire to enroll in the Parents as Scholars Program. The department shall notify these institutions and programs of the opportunity to refer prospective students in accordance with this subsection and make available to prospective students and these institutions and programs referral forms to serve as an application for purposes of this subsection.

**3-B. Campus-based student support and navigation; working group.** The commissioner or the commissioner's designee shall convene a working group to make recommendations to the department regarding the most effective means to establish or supplement personalized professional guidance, support and navigation services for participants in the Parents as Scholars Program in order to promote program completion and student success. The working group includes the Chancellor of the University of Maine System or the chancellor's designees; the President of the Maine Community College System or the president's designees; members of advocacy or other organizations with expertise in policy related to supports and other assistance needed to help adults with low incomes successfully achieve higher education creden-

tials or degrees; low-income students currently or previously enrolled in the University of Maine System or Maine Community College System; and other members determined appropriate by the commissioner. The working group shall also make recommendations to the department as to how the department may best contribute, through administration of the Parents as Scholars Program and the Higher Opportunity for Pathways to Employment Program established under chapter 1054-C, to the goal established in Title 26, section 2006, subsection 1, paragraph K. The department shall provide up to \$250,000 annually to educational institutions or programs identified under subsection 3-A to implement services identified to achieve the purposes under this section. These funds must be provided under the TANF block grant available under Title IV-A of the United States Social Security Act. The commissioner or the commissioner's designee shall convene the first meeting of the working group no later than November 1, 2019.

**Sec. 7. Working group to improve performance of Department of Health and Human Services programs and systems to alleviate poverty, food insecurity and hardship.** The Commissioner of Health and Human Services or the commissioner's designee shall convene a working group to review and make recommendations to improve the operations of systems and programs administered by the Department of Health and Human Services providing services to persons in need. The commissioner or the commissioner's designee shall convene the first meeting of the working group no later than November 1, 2019.

**1. Members.** The working group consists of at least 12 members, in addition to department staff as the commissioner determines appropriate, including persons that now receive or previously received assistance from department core safety net programs; members of advocacy organizations with expertise in policy or legal matters related to programs administered by the department; providers of health care or social services serving persons receiving assistance from the department; and persons with technological expertise who could assist with recommendations related to creating efficiencies in program enrollment, recertification and improved program integration. The working group may create subgroups to work on specific issues or initiatives and may include persons who are not working group members.

**2. Duties.** In developing its recommendations under this section, the working group shall:

A. Review opportunities to simplify operations and improve business processes that facilitate cross-enrollment and linkages connecting eligible persons enrolled in one program to other core services available to them related to health care, nutrition and help meeting basic needs;

B. Examine the potential for improved electronic data sharing between department programs to streamline and promote efficiencies in verification processes required for eligibility and recertification determinations;

C. Review state policy and procedural options available under federal law to improve or increase access to services to reduce food insecurity and improve the health and well-being of persons in the State living in poverty;

D. Investigate ways to transform the department into a more holistic and person-centered and better coordinated human services system with an approach that puts the varying needs of persons and families first and ensures more efficient access, clarity of information and respectful interactions;

E. Determine the extent to which the department could facilitate enrollment for families and persons receiving its services in programs administered by other agencies of State Government, including low-income home energy assistance benefits and the property tax fairness credit under the Maine Revised Statutes, Title 36, section 5219-KK; and

F. Make recommendations related to improvement targets for reduced levels of poverty and food insecurity and improved health outcomes to be considered by the department as it establishes improvement targets pursuant to the Maine Revised Statutes, Title 22, section 3109, subsection 3.

**3. Report.** No later than February 15, 2020, the Commissioner of Health and Human Services shall submit a report including the recommendations developed pursuant to this section, including any suggested legislation, to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services.

**Sec. 8. Funding.** Any additional costs to the State resulting from the implementation of this Act must be paid from funds provided to the Department of Health and Human Services under the Temporary Assistance for Needy Families block grant available under Title IV-A of the United States Social Security Act or from resources representing the State's maintenance of effort in order to qualify for federal funds and may not result in an additional net cost to the General Fund.

**Sec. 9. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Additional Support for People in Retraining and Employment 0146**

Initiative: Provides allocations for expected additional participants in the Additional Support for People in Retraining and Employment program.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$3,010,368	\$4,013,824
FEDERAL BLOCK GRANT FUND TOTAL	\$3,010,368	\$4,013,824

**Temporary Assistance for Needy Families 0138**

Initiative: Provides allocations for campus-based student support and navigation.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$187,500	\$250,000
FEDERAL BLOCK GRANT FUND TOTAL	\$187,500	\$250,000

**Temporary Assistance for Needy Families 0138**

Initiative: Provides allocations due to the elimination of the gross income test.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$575,060	\$766,746
FEDERAL BLOCK GRANT FUND TOTAL	\$575,060	\$766,746

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
FEDERAL BLOCK GRANT FUND	\$3,772,928	\$5,030,570
DEPARTMENT TOTAL - ALL FUNDS	\$3,772,928	\$5,030,570

See title page for effective date.

**CHAPTER 486  
S.P. 52 - L.D. 165**

**An Act To Prohibit the Use of Handheld Phones and Devices While Driving**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 4 MRSA §20**, as amended by PL 2011, c. 131, §1, is further amended to read:

**§20. Provide for collection of fines and fees from money collected**

The Chief Justice of the Supreme Judicial Court shall plan and implement arrangements for the collection of overdue fines and fees due the state courts, the costs of which may be paid from money collected. These arrangements may include but are not limited to: Employing special project clerks, assistants and other staff; contracting with state agencies; contracting for special or private debt collection services; purchasing necessary equipment; and compensating state, county and municipal law enforcement agencies for services provided.

The Chief Justice of the Supreme Judicial Court may implement arrangements for the use of fines and fees collected under Title 29-A, section 2121 to pay the costs of processing traffic violations under that section and handling the fines or fees. These arrangements may include employing an assistant clerk.

**Sec. 2. 23 MRSA §4210-G** is enacted to read:  
**§4210-G. Supplemental Transportation Fund**

**1. Fund created.** The Supplemental Transportation Fund, referred to in this section as "the fund," is established as a nonlapsing fund in the Department of Transportation.

**2. Use of funds.** Money deposited into the fund may be used by the Department of Transportation for transportation-related projects and services.

**3. Source of funds.** Money deposited in the fund includes, but is not limited to, fine revenue transferred into the fund pursuant to Title 29-A, section 2121, subsection 4. The Supplemental Transportation Fund may accept funds from other sources.

**Sec. 3. 29-A MRSA §101, sub-§§26-C, 35-B and 80-B** are enacted to read:

**26-C. Handheld electronic device.** "Handheld electronic device" means any handheld electronic device or portable electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, a device for sending or receiving electronic mail, a text messaging device or a computer. "Handheld electronic device" does not include a:

A. Device for communication over a citizens band radio service as defined in 47 Code of Federal Regulations, Section 95.303, the multi-use radio service as defined in 47 Code of Federal Regulations, Section 95.2703 or a land mobile radio service as defined in 47 Code of Federal Regulations, Section 90.7; or

B. Personal medical device necessary to monitor or regulate a person's medical condition, including but not limited to an insulin pump or heart monitor.

35-B. Mobile telephone. "Mobile telephone" means a device used to access a wireless telephone service.

80-B. Text messaging. "Text messaging" means reading or manually composing electronic communications, including text messages, instant messages and electronic mail, using a handheld electronic device. "Text messaging" does not include using a global positioning or navigation system.

Sec. 4. 29-A MRSA §1304, sub-§1, ¶I, as amended by PL 2015, c. 113, §1, is further amended to read:

I. A person who has been issued a learner's permit may not operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to when the motor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign. For the purpose of this paragraph, the following terms have the following meanings:

A person who has been issued a learner's permit may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone while in the operator's seat of a motor vehicle if the person has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

(1) "Handheld electronic device" means any handheld electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, device for sending or receiving electronic mail, text messaging device or computer.

(2) "Mobile telephone" means a device used to access a wireless telephone service.

(3) "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the

motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

(4) "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device.

A person who violates this paragraph commits a traffic infraction.

Sec. 5. 29-A MRSA §1311, sub-§1, ¶C, as amended by PL 2015, c. 113, §2, is further amended to read:

C. Operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to when the motor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign.

A person under 18 years of age who has been issued a driver's license may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone while in the operator's seat of a motor vehicle if the person has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

For the purpose of this paragraph, the following terms have the following meanings:

(1) "Handheld electronic device" means any handheld electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, device for sending or receiving electronic mail, text messaging device or computer.

(2) "Mobile telephone" means a device used to access a wireless telephone service.

(3) "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

(4) "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device.

**Sec. 6. 29-A MRSA §1311, sub-§2**, as amended by PL 2011, c. 654, §3, is further amended to read:

**2. Period of restrictions.** ~~Except as provided in section 2116 and subject~~ Subject to extension pursuant to subsection 3, the license restrictions in subsection 1 are in effect for a period of 270 days from license issuance. The period of license restrictions may extend beyond the person's 18th birthday.

**Sec. 7. 29-A MRSA §1551, sub-§11-A**, as enacted by PL 2013, c. 72, §4, is amended to read:

**11-A. Portable electronic device.** "Portable electronic device" means an electronic device that is portable in nature, including but not limited to a device for sending or receiving e-mail, a text messaging device, a ~~cellular~~ mobile telephone and a computer.

**Sec. 8. 29-A MRSA §2116**, as amended by PL 2015, c. 113, §§4 and 5, is repealed.

**Sec. 9. 29-A MRSA §2119**, as amended by PL 2013, c. 188, §1 and c. 381, Pt. B, §28, is further amended to read:

**§2119. Text messaging while operating motor vehicle; prohibition**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings:

A. ~~"Cellular telephone" means a device used to access wireless telephone service.~~

B. ~~"Portable electronic device" means any portable electronic device that is not part of the operating equipment of a motor vehicle, including but not limited to an electronic game, device for sending or receiving e-mail, text messaging device, cellular telephone and computer.~~

C. ~~"Text messaging" means reading or manually composing electronic communications, including text messages, instant messages and e-mails, using a portable electronic device. "Text messaging" does not include using a global positioning or navigation system.~~

D. ~~"Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.~~

**2. Prohibition.** A person may not operate a motor vehicle on a public way while engaging in text messaging, including but not limited to when the mo-

tor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign.

A person may engage in text messaging while in the operator's seat of a motor vehicle if the person has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

Nothing in this section prohibits a person employed as a commercial driver or a school bus driver from using a handheld electronic device or mobile telephone within the scope of the person's employment as permitted under Federal Motor Carrier Safety Administration regulations.

**3. Penalties.** The following penalties apply to a violation of this section.

A. A person who violates this section commits a traffic infraction for which a fine of not less than \$250 may be adjudged.

B. A person who violates this section after previously having been adjudicated as violating this section within a 3-year period commits a traffic infraction for which a fine of not less than \$500 may be adjudged, and the Secretary of State shall suspend the license of that person without right to hearing. The minimum periods of license suspension are:

(1) Thirty days, if the person has 2 adjudications for a violation of this section within a 3-year period;

(2) Sixty days, if the person has 3 adjudications for a violation of this section within a 3-year period; and

(3) Ninety days, if the person has 4 or more adjudications for a violation of this section within a 3-year period.

For the purposes of this paragraph, an adjudication has occurred within a 3-year period if the date of the new conduct is within 3 years of the date of a docket entry of adjudication of a violation of this section.

**Sec. 10. 29-A MRSA §2121** is enacted to read:

**§2121. Use of mobile telephones and handheld electronic devices while operating motor vehicles prohibited**

**1. Prohibition.** A person may not operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to the use of a handheld electronic device or mobile telephone while the vehicle is temporarily stationary because of traffic, a traffic light or a stop sign, unless:

A. The person, other than a person who is operating with a learner's permit issued pursuant to section 1304, is using a mobile telephone or handheld electronic device in order to communicate with law enforcement or emergency services personnel under emergency circumstances. For the purposes of this paragraph, "emergency circumstances" means circumstances in which there is an immediate threat to the health or well-being of any person;

B. The person is using a mobile telephone or handheld electronic device in hands-free mode as permitted under subsection 2; or

C. The person is employed as a commercial driver or a school bus driver and is using a handheld electronic device or mobile telephone within the scope of the person's employment as permitted under Federal Motor Carrier Safety Administration regulations.

A person who has pulled a motor vehicle to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone.

**2. Hands-free mode.** A person who has attained 18 years of age and is not operating with an intermediate license issued pursuant to section 1311 or a learner's permit issued pursuant to section 1304 may use a mobile telephone or handheld electronic device while operating a motor vehicle if the mobile telephone or handheld electronic device is being used in hands-free mode.

The operator of a motor vehicle may use a hand to activate or deactivate a feature or function of a mobile telephone or handheld electronic device that is in hands-free mode and mounted or affixed to the vehicle in a location that does not interfere with the operator's view of the road if the feature or function activated requires only a single swipe, tap or push of the operator's finger.

For the purposes of this section, "hands-free mode" means the manner of use of a mobile telephone or handheld electronic device without use of either hand by employing an internal feature of, or an attachment to, the telephone or device.

**3. Penalty.** A person who violates this section commits a traffic infraction for which a fine of not less than \$50 for the first offense and not less than \$250 for a 2nd or subsequent offense may be adjudged.

**4. Supplemental Transportation Fund.** All fines collected under this section, other than amounts paid pursuant to Title 4, section 20, must be deposited into the Supplemental Transportation Fund established under Title 23, section 4210-G.

Nothing in this section requires the deposit into the Supplemental Transportation Fund of any penalty or surcharge imposed by a court, including but not limited to a surcharge imposed pursuant to Title 4, section 18-A or 1057.

**Sec. 11. Appropriations and allocations.**

The following appropriations and allocations are made.

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides allocations for one limited-period Assistant Clerk position through June 19, 2021.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$19,285	\$77,138
All Other	\$5,500	\$0
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$24,785	\$77,138

**JUDICIAL DEPARTMENT**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$24,785</b>	<b>\$77,138</b>
	<hr/>	<hr/>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$24,785</b>	<b>\$77,138</b>

**TRANSPORTATION, DEPARTMENT OF Supplemental Transportation Fund N336**

Initiative: Establishes the Supplemental Transportation Fund with a base allocation.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

**TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$500</b>	<b>\$500</b>
	<hr/>	<hr/>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$500</b>	<b>\$500</b>

SECTION TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$25,285	\$77,638
SECTION TOTAL - ALL FUNDS	\$25,285	\$77,638

See title page for effective date.

**CHAPTER 487  
H.P. 169 - L.D. 206**

**An Act To Raise the University of Maine System Debt Ceiling**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §10952, sub-§7**, as amended by PL 2005, c. 386, Pt. U, §1, is further amended to read:

**7. Borrow money.** To borrow money pursuant to this chapter and issue evidences of indebtedness to finance the acquisition, construction, reconstruction, improvement or equipping of any one project, or more than one, or any combination of projects, or to refund evidences of indebtedness hereafter issued or to refund general obligation debt of the State, or to refund any such refunding evidences of indebtedness or for any one, or more than one, or all of those purposes, or any combination of those purposes, and to provide for the security and payment of those evidences of indebtedness and for the rights of the holders of them, except that any borrowing pursuant to this chapter, exclusive of borrowing to refund evidences of indebtedness, to refund general obligation debt of the State, or to fund issuance costs or necessary reserves, may not exceed in the aggregate principal amount outstanding at any time ~~\$220,000,000~~ \$350,000,000, and except that no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the legislative Office of Fiscal and Program Review for review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 30 days before closing on such borrowing for the project or projects is to be initiated;

See title page for effective date.

**CHAPTER 488  
H.P. 221 - L.D. 297**

**An Act To Strengthen Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §3088-A** is enacted to read:

**§3088-A. Support for underserved populations**

Within the limits of its available resources, the department may enter into contracts with organizations representing individuals with a brain injury and their families, bringing together state and national expertise to provide core brain injury support for underserved populations of individuals with an acquired brain injury, including, but not limited to, individuals who experienced an opioid drug overdose resulting in anoxic or hypoxic brain injury, who are veterans, who are victims of domestic violence, who are experiencing homelessness, who are ineligible for MaineCare and who have a newly acquired brain injury. For the purposes of this section, "core brain injury support" includes, but is not limited to, resource facilitation, brain injury support groups, outreach designed for individuals who have a newly acquired brain injury, access to a joint state and national helpline, information and resource education and family caregiver training. The department may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 489  
H.P. 455 - L.D. 627**

**An Act Regarding Portable Electronic Device Content, Location Information and Tracking Devices**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 15 MRSA §56, sub-§1, ¶A**, as enacted by PL 2017, c. 144, §3, is amended to read:

A. "Adverse result" means:

- (1) Immediate danger of death or serious physical injury to any person;
- (2) Flight from prosecution;

- (3) Destruction of or tampering with evidence;
- (4) Intimidation of a potential witness;
- (5) ~~Potentially~~ Seriously jeopardizing an investigation; ~~or~~
- (6) Undue delay of a trial; ~~or,~~
- ~~(7) Other significantly detrimental consequence.~~

**Sec. 2. 15 MRSA §56, sub-§4**, as enacted by PL 2017, c. 144, §3, is amended to read:

**4. Application for expedited production of records.** Notwithstanding the 14-day period specified in subsection 2 or 3 for production of the records, if an applicant for a search warrant believes that delaying production is reasonably likely to cause an adverse result, the applicant may request that the court require the production of the records sooner than 14 days after service pursuant to this subsection.

A. The applicant shall demonstrate to the court the specific adverse result or results, as specified in subsection 1, paragraph A, subparagraphs (1) to ~~(7)~~ (6), that delaying production for 14 days is reasonably likely to cause.

B. If the court finds that the delay may cause an adverse result, the court shall state the adverse result specified in subsection 1, paragraph A, subparagraphs (1) to ~~(7)~~ (6) and may require the provider to produce the records in a specified number of days.

C. If the court specifies that the provider has less than 14 days to produce the record and the adverse result finding is listed in subsection 1, paragraph A, subparagraphs (1) to (4), the provider must respond within the time specified by the court.

D. If the court specifies that the provider has less than 14 days to produce the record and the only adverse result findings are results listed in subsection 1, paragraph A, subparagraphs (5) to ~~(7)~~ (6), the provider must notify the law enforcement officer serving the warrant that compliance within that period specified by the court is not practicable and must state the date within 14 days from service by which the provider will respond. The law enforcement officer shall file the provider's response with the court, and, upon a demonstration of good cause by the provider, the response period may be extended by the court to no more than 14 days from the date of service of the warrant. As used in this paragraph, good cause includes, but is not limited to, impracticability of timely response, difficulty of identifying and retrieving the data requested and the volume of data or number of sources sought.

**Sec. 3. 16 MRSA c. 3, sub-c. 9-A** is enacted to read:

### SUBCHAPTER 9-A

#### TRACKING DEVICE INFORMATION

##### §638. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Adverse result.** "Adverse result" means:

A. Immediate danger of death or serious physical injury to any person;

B. Flight from prosecution;

C. Destruction of or tampering with evidence;

D. Intimidation of a potential witness;

E. Seriously jeopardizing an investigation; or

F. Undue delay of a trial.

**2. Law enforcement officer.** "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, or to perform probation functions or who is an adult probation supervisor.

**3. Tracking device.** "Tracking device" means an electronic or mechanical device the primary purpose of which is to track the movement of a person or object. "Tracking device" does not include devices covered in subchapters 10 and 11.

##### §639. Authority to install and monitor a tracking device

**1. Application.** This subchapter only applies to tracking devices that are placed by law enforcement officers.

**2. Installation and monitoring.** A law enforcement officer may install and monitor a tracking device only in accordance with a valid search warrant issued by a duly authorized justice, judge or justice of the peace using procedures established pursuant to Title 15, section 55 or 56 or as otherwise provided in this subchapter.

**3. Authorization of use.** A court empowered to issue a search warrant or other order for the installation of a tracking device may authorize the use of that device within the jurisdiction of the court and outside that jurisdiction if the device is installed within the jurisdiction of the court.

**4. Time period.** A justice, judge or justice of the peace may issue a search warrant authorizing the installation and monitoring of a tracking device pursuant to this section. The warrant must require the installa-

tion of the tracking device within 14 days of the issuance of the warrant and allow the tracking device to be monitored for a period of 30 days following installation. A justice, judge or justice of the peace may grant an extension of the monitoring period for an additional 30 days upon a finding of continuing probable cause.

#### **§640. Notice**

**1. Service of notice.** Unless the court determines under subsection 3 that no notice is required, within 14 calendar days after the use of the tracking device has ended, the law enforcement officer who executed the warrant shall serve a copy of the warrant on the person who was tracked or whose property was tracked. The time period provided in this subsection may be extended for good cause shown.

**2. Means of providing notice.** The notice required under subsection 1 must be made by:

A. Delivering a copy to the person who was tracked or whose property was tracked;

B. Leaving a copy at the person's residence or usual place of abode with an individual of suitable age and discretion who resides at that location; or

C. Mailing a copy to the person's last known address.

**3. Notification not required.** A law enforcement officer acting pursuant to section 639 may include in the application for a warrant a request for an order to waive the notification required under this section. The court may issue an order waiving notification if the court determines that there is reason to believe that notification will have an adverse result.

**Sec. 4. 16 MRSA §641, sub-§1,** as enacted by PL 2013, c. 402, §1, is amended to read:

**1. Adverse result.** "Adverse result" means:

A. Immediate danger of death or serious physical injury to any person;

B. Flight from prosecution;

C. Destruction of or tampering with evidence;

D. Intimidation of a potential witness;

E. ~~Potentially~~ Seriously jeopardizing an investigation; ~~or~~

F. Undue delay of a trial; ~~or~~

G. ~~Other significantly detrimental consequence.~~

**Sec. 5. 16 MRSA §641, sub-§6,** as enacted by PL 2013, c. 402, §1, is amended to read:

**6. Portable electronic device.** "Portable electronic device" means a ~~portable~~ portable device that is portable and electric that enables access to, or use of, an electronic communication service or remote computing service.

**Sec. 6. 16 MRSA §641, sub-§7-A** is enacted to read:

**7-A. Serious physical injury.** "Serious physical injury" means:

A. Bodily injury that creates a substantial risk of death, serious, permanent disfigurement or loss or substantial impairment of the function of a bodily member or organ or extended convalescence for recovery of physical health; or

B. Any harm potentially caused by a violation of Title 17-A, chapter 11 or Title 17-A, section 282, 301, 302 or 303.

**Sec. 7. 16 MRSA §643, first ¶,** as enacted by PL 2013, c. 402, §1, is amended to read:

Notice must be given to the owner or user of a portable electronic device whose content information was obtained by a government entity. The notice requirements of this section do not apply if the government entity is unable to identify the owner or user of a portable electronic device.

**Sec. 8. 16 MRSA §643, sub-§1,** as enacted by PL 2013, c. 402, §1, is amended to read:

**1. Timing and content of notice.** Unless the court determines under subsection 2 that no notice is required, the government entity shall provide notice to the owner or user that content information was obtained by the government entity from ~~that owner's or user's portable electronic device~~ a provider of electronic communication service or remote computing service within 3 days of obtaining the content information. The notice must be made by service or delivered by registered or first-class mail, e-mail or any other means reasonably calculated to be effective as specified by the court issuing the warrant. The notice must contain the following information:

A. The nature of the law enforcement inquiry, with reasonable specificity;

B. The content information of the owner or user that was supplied to or requested by the government entity and the date on which it was provided or requested; and

~~C. If content information was obtained from a provider of electronic communication service or other 3rd party, the~~ The identity of the provider of electronic communication service or ~~the 3rd party~~ remote computing service from whom the information was obtained.

**Sec. 9. 16 MRSA §644, sub-§§1 and 3,** as enacted by PL 2013, c. 402, §1, are amended to read:

**1. Consent of owner or user.** When disclosure of portable electronic device content information is not prohibited by federal law, a government entity may obtain the information without a warrant with the in-

formed, affirmative consent of the owner or user of the portable electronic device concerned, except when the device is known or believed by the owner or user to be in the possession of a 3rd party ~~known to~~ authorized to possess the device by the owner or user.

**3. Emergency.** When a government entity cannot, with due diligence, obtain a warrant in time to address an emergency that involves or is believed to involve ~~an imminent threat to life or safety~~ danger of death or serious physical injury to any person, a government entity may obtain the content information from a portable electronic device without a warrant, and a provider of electronic communication service or remote computing service may disclose such information to the requesting government entity without a warrant.

**Sec. 10. 16 MRSA §647, sub-§1**, as reallocated by RR 2013, c. 1, §28, is amended to read:

**1. Adverse result.** "Adverse result" means:

- A. Immediate danger of death or serious physical injury to any person;
- B. Flight from prosecution;
- C. Destruction of or tampering with evidence;
- D. Intimidation of a potential witness;
- E. ~~Substantially~~ Seriously jeopardizes an investigation; or
- F. Undue delay of a trial.

**Sec. 11. 16 MRSA §647, sub-§3**, as reallocated by RR 2013, c. 1, §28, is amended to read:

**3. Electronic device.** "Electronic device" means a device that is electric and that enables access to, or use of, an electronic communication service, remote computing service or location information service.

**Sec. 12. 16 MRSA §647, sub-§8-A** is enacted to read:

**8-A. Serious physical injury.** "Serious physical injury" means:

- A. Bodily injury that creates a substantial risk of death, serious, permanent disfigurement or loss or substantial impairment of the function of a bodily member or organ or extended convalescence necessary for recovery of physical health; or
- B. Any harm potentially caused by a violation of Title 17-A, chapter 11 or Title 17-A, section 282, 301, 302 or 303.

**Sec. 13. 16 MRSA §648**, as amended by PL 2017, c. 144, §5, is further amended by adding at the end a new paragraph to read:

This subchapter does not apply to tracking devices, as defined in section 638, placed by law enforcement officers.

**Sec. 14. 16 MRSA §649, sub-§1, ¶C**, as reallocated by RR 2013, c. 1, §30, is amended to read:

C. If location information was obtained from a provider of electronic communication service ~~or~~, location information service or remote computing service or other 3rd party, the identity of the provider of electronic communication service ~~or~~, location information service or remote computing service or the 3rd party from whom the information was obtained.

**Sec. 15. 16 MRSA §649, sub-§3**, as amended by PL 2013, c. 588, Pt. A, §21, is further amended to read:

**3. Preclusion of notice to owner or user subject to warrant for location information.** A government entity acting under section 648 may include in its application for a warrant a request for an order directing a provider of electronic communication service, remote computing service or location information service to which a warrant is directed not to notify any other person of the existence of the warrant. The court may issue the order if the court determines that there is reason to believe that notification of the existence of the warrant will have an adverse result.

**Sec. 16. 16 MRSA §650, sub-§§2 and 4**, as reallocated by RR 2013, c. 1, §31, are amended to read:

**2. Consent of owner or user.** With the informed, affirmative consent of the owner or user of the electronic device concerned, except when the device is known or believed by the owner or user to be in the possession of a 3rd party ~~known to~~ authorized to possess the device by the owner or user;

**4. Danger of death or serious injury.** If the government entity reasonably believes that an emergency involving ~~immediate~~ imminent danger of death or serious physical injury to a person requires the disclosure, without delay, of location information concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, and the possessor of the location information, in good faith, believes that an emergency involving danger of death or serious physical injury to a person requires the disclosure without delay.

Within a reasonable period of time after seeking disclosure pursuant to this subsection, the government entity seeking the location information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose location information was sought is believed to be important in addressing the emergency.

**Sec. 17. 16 MRSA §650-A, sub-§1**, as reallocated by RR 2013, c. 1, §32, is amended to read:

**1. Conditions of use of location information in proceeding.** Location information obtained pursuant to this subchapter or evidence derived from that information may be received in evidence or otherwise disclosed in a trial, hearing or other proceeding only if each party, not less than 10 days before the trial, hearing or proceeding, has been furnished with a copy of the statement of emergency filed under section 650, subsection 4 or the warrant and accompanying application under which the information was obtained.

**Sec. 18. Right To Know Advisory Committee; warrants for tracking devices and content and location information.** The Right To Know Advisory Committee shall review the law concerning the application for and issuance of search warrants authorizing the installation and monitoring of tracking devices and seeking content and location information under the Maine Revised Statutes, Title 16, chapter 3, subchapters 9-A, 10 and 11 and shall make recommendations concerning the public's right to know aggregate information about warrants, including warrants in which the application for the warrant included a request for an order to waive notice of the issuance of the warrant. The Right To Know Advisory Committee shall include in its report submitted by January 15, 2020, pursuant to Title 1, section 411, subsection 10, a summary of its review and any recommendations.

See title page for effective date.

**CHAPTER 490**

**H.P. 487 - L.D. 666**

**An Act To Protect Pregnant Workers**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §4553, sub-§8-E** is enacted to read:

**8-E. Pregnancy-related condition.** "Pregnancy-related condition" means a known limitation of an employee's ability to perform the functions of a job due to pregnancy, childbirth or related medical conditions, including but not limited to lactation.

**Sec. 2. 5 MRSA §4572-A,** as amended by PL 1995, c. 393, §14, is further amended to read:

**§4572-A. Unlawful employment discrimination on the basis of sex**

**1. Sex defined.** For the purpose of this Act, the word "sex" includes pregnancy and medical conditions ~~which that~~ result from pregnancy.

**2. Pregnant persons who are able to work.** It ~~shall be~~ is unlawful employment discrimination in

violation of this Act, except where based on a bona fide occupational qualification, for an employer, employment agency or labor organization to treat a pregnant ~~woman~~ person who is able to work in a different manner from other persons who are able to work.

**2-A. Accommodations for pregnancy-related conditions.** Accommodations for pregnancy-related conditions are set forth in this subsection.

A. Nothing in this section may be construed to indicate or deem that a pregnancy-related condition necessarily constitutes a disability.

B. It is unlawful employment discrimination in violation of this Act for an employer, employment agency or labor organization to fail upon request to provide a reasonable accommodation to any employee with a pregnancy-related condition, unless the employer, employment agency or labor organization can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer, employment agency or labor organization.

C. Reasonable accommodations for a pregnancy-related condition may include, but are not limited to providing more frequent or longer breaks; temporary modification in work schedules, seating or equipment; temporary relief from lifting requirements; temporary transfer to less strenuous or hazardous work; and provisions for lactation in compliance with Title 26, section 604.

**3. Pregnant persons who are not able to work.** It ~~shall also be~~ is unlawful employment discrimination in violation of this Act, except where based on a bona fide occupational qualification, for an employer, employment agency or labor organization to treat a pregnant ~~woman~~ person who is not able to work because of a disability or illness resulting from pregnancy, or from medical conditions ~~which that~~ result from pregnancy, in a different manner from other employees who are not able to work because of other disabilities or illnesses.

**4. Employer not responsible for additional benefits.** Nothing in this section may be construed to mean that an employer, employment agency or labor organization is required to provide sick leave, a leave of absence, medical benefits or other benefits to a ~~woman~~ person because of pregnancy or other medical conditions that result from pregnancy, if the employer, employment agency or labor organization does not also provide sick leaves, leaves of absence, medical benefits or other benefits for the employer's other employees and is not otherwise required to provide those leaves or benefits under other state or federal laws. Reasonable accommodations for pregnancy-related conditions are not additional benefits.

See title page for effective date.

**CHAPTER 491**  
**H.P. 524 - L.D. 719**

**An Act Regarding Adult Use  
Marijuana**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §2158-B** is enacted to read:

**§2158-B. Food, food additives and food products  
containing adult use marijuana not  
adulterated**

Notwithstanding any provision of law to the contrary, food, food additives or food products that contain adult use marijuana are not considered to be adulterated under this subchapter based solely on the inclusion of adult use marijuana. For the purposes of this section, "adult use marijuana" has the same meaning as in Title 28-B, section 102, subsection 1.

**Sec. 2. 28-B MRSA §205, sub-§4**, as amended by PL 2019, c. 231, Pt. B, §1, is further amended to read:

**4. Issuance of active license upon certification of local authorization and payment of applicable license fee.** The Except as otherwise provided in this subsection, the department shall issue an active license to an applicant that has been issued a conditional license pursuant to subsection 3 and that meets all applicable requirements of this subsection. Prior to issuance of an active license pursuant to this subsection, the department shall require an applicant that has been issued a conditional license to submit information necessary for the department to determine that the applicant continues to meet all applicable requirements for conditional licensure under this subchapter. The department may refuse to issue an active license to an applicant if the department determines that the applicant no longer meets all applicable requirements for conditional licensure under this subchapter.

A. Within 10 days of receiving certification of local authorization from a municipality as required by section 402, subsection 3, paragraph B or, in the case of a marijuana establishment to be located in the unorganized and deorganized areas, from the Maine Land Use Planning Commission as required by section 403, subsection 3, paragraphs B and C, the department shall notify the applicant that certification of local authorization has been confirmed and that, in order for the department to issue an active license, the applicant must:

- (1) Pay the applicable license fee required pursuant to section 207;
- (2) Submit a facility plan that specifies the location, size and layout of the marijuana es-

tablishment within the municipality or, in the case of a marijuana establishment to be located in the unorganized and deorganized areas, within the town, plantation or township in which the marijuana establishment will be located;

(3) If the application is for a license to operate a cultivation facility, submit updated operating and cultivation plans as required under section 302 based upon the actual premises to be licensed, except that, if no changes to the original operating and cultivation plans submitted by the applicant are necessary based upon the actual premises to be licensed, then the applicant may satisfy this requirement by resubmitting the original operating and cultivation plans and noting on those plans that no changes are necessary;

(4) If the application is for any license except a license to operate a testing facility, register with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of adult use marijuana and adult use marijuana products imposed under Title 36, section 1811; and

(5) If the application is for a license to operate a cultivation facility, register with the State Tax Assessor pursuant to Title 36, section 4922 to collect and remit the excise tax on the sale of adult use marijuana imposed under Title 36, chapter 723.

B. The department shall prepare and furnish to applicants, municipalities and the Maine Land Use Planning Commission a certification form by which the municipality may certify to the department that the applicant has obtained local authorization as required by section 402, subsection 3, paragraph B or, in the case of a marijuana establishment to be located in the unorganized and deorganized areas, the Maine Land Use Planning Commission may certify to the department that the applicant has obtained local authorization as required by section 403, subsection 3, paragraphs B and C.

C. Upon receipt of payment of the applicable license fee and any other documentation required under paragraph A, the department shall issue an active license to the applicant. The license must specify the date of issuance of the license, the period of licensure, the date of expiration of the license, the name of the licensee and the address of the licensed premises.

**Sec. 3. 28-B MRSA §503, sub-§10**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**10. Rules.** The department shall adopt rules regarding the provisional licensure, licensure, certifica-

tion and accreditation of testing facilities and the testing of marijuana and marijuana products by testing facilities pursuant to this chapter, including, but not limited to, rules establishing acceptable testing and research practices for testing facilities, including, but not limited to, provisions relating to testing practices, methods and standards; remediation and retesting procedures; quality control analysis; equipment certification and calibration; chemical identification; testing facility record-keeping, documentation and business practices; disposal of used, unused and waste marijuana and marijuana products; and reporting of test results. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 28-B MRSA §510**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**§510. Limited access areas**

~~A Except as provided in subsection 1, a person may not enter or remain in any limited access area unless the person displays an individual identification card issued by the department pursuant to section 106. A licensee shall ensure that all areas of ingress and egress to limited access areas within its licensed premises are conspicuously marked and that a person is not allowed to enter or remain in any limited access area without displaying the person's individual identification card issued by the department pursuant to section 106.~~

**1. Contractors.** A licensee may allow a person to enter or remain in any limited access area without displaying an individual identification card if the person is a contractor of the licensee, including, but not limited to, an electrician, a plumber, an engineer or an alarm technician, whose scope of work will not involve the handling of marijuana or marijuana products; the person signs a visitor entry log provided and maintained by the licensee and is issued a visitor identification badge by the licensee; and, if the person is working in a limited access area with immediate access to marijuana or marijuana products, the person is supervised at all times by the licensee or an employee of the licensee.

**2. Licensee compliance.** A licensee shall ensure that all areas of ingress to and egress from limited access areas within its licensed premises are conspicuously marked and that a person is not allowed to enter or remain in any limited access area without displaying the person's individual identification card issued by the department pursuant to section 106.

**Sec. 5. 28-B MRSA §703, sub-§1, ¶D**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

D. Must have a universal symbol stamped or embossed on each serving of the product, except that the department may determine by rule that, for a

particular type of product, such stamping or embossing is impracticable and is not required;

**Sec. 6. 28-B MRSA §803-A** is enacted to read:

**§803-A. Administrative holds**

In accordance with the provisions of this section, the department may impose an administrative hold on a licensee if, as a result of an inspection or investigation of the licensee by the department or a criminal justice agency, the department determines there are reasonable grounds to believe the licensee or an agent or employee of the licensee has committed or is committing a violation of the provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's license.

**1. Notice.** The department shall provide to a licensee subject to an administrative hold notice of the imposition of that hold, which must:

A. Include a concise statement of the basis for the administrative hold;

B. Detail the marijuana, marijuana products or marijuana plants subject to the administrative hold;

C. Describe any operational restrictions to be placed on the licensee's license during the duration of the administrative hold; and

D. Indicate actions that must be taken by the licensee as a result of the administrative hold.

An administrative hold takes effect at the time that the notice under this subsection is provided by the department to the licensee.

**2. Licensee actions.** A licensee subject to an administrative hold must physically segregate in a limited access area any marijuana, marijuana products or marijuana plants subject to the hold, as detailed in the notice under subsection 1, from any other marijuana, marijuana products or marijuana plants not subject to the hold. For the duration of the administrative hold, the licensee may not sell, give away, transfer, transport, dispose of or destroy any marijuana, marijuana products or marijuana plants subject to the hold, but may, as applicable, cultivate, harvest, manufacture or otherwise maintain the marijuana, marijuana products or marijuana plants subject to the hold unless specifically restricted by the department from engaging in such activities pursuant to subsection 1, paragraph C.

**3. Operational responsibilities and restrictions.** A licensee subject to an administrative hold shall, for the duration of the hold, maintain the licensee's licensed premises and otherwise continue to operate the licensee's licensed marijuana establishment in accordance with the provisions of this chapter, the rules adopted pursuant to this chapter and the terms, condi-

tions or provisions of the licensee's license and the provisions of the administrative hold. Except as specifically restricted by the department pursuant to a notice under subsection 1, the licensee may, for the duration of the administrative hold and as applicable to the licensee's license type, cultivate, manufacture, test or sell any marijuana, marijuana products or marijuana plants not subject to the administrative hold.

**4. Termination; duration.** The department may terminate an administrative hold at any time following the imposition of the hold, except that a hold under this section may not be imposed for a period exceeding 30 consecutive days from the date notice is provided to the licensee in accordance with subsection 1. Notice of termination of an administrative hold must be provided by the department to the licensee subject to the hold.

**5. Department action; administrative hold not required prior to imposition of penalty.** Subsequent to the termination of an administrative hold under subsection 4, the department, in accordance with the applicable provisions of this subchapter and the rules adopted pursuant to this subchapter, may impose a monetary penalty on the licensee that was subject to the hold or suspend or revoke the licensee's license for a violation of the provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's license.

The department is not required to impose an administrative hold on a licensee prior to imposing a monetary penalty on a licensee or suspending or revoking the licensee's license in accordance with the applicable provisions of this subchapter and the rules adopted pursuant to this subchapter for a violation of the provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's license.

**Sec. 7. 28-B MRSA §804**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**§804. Rules**

The department shall adopt rules governing the imposition of administrative holds, monetary penalties, suspensions and revocations under this subchapter, which must include, but are not limited to, provisions relating to notice and conduct of hearings consistent with the Maine Administrative Procedure Act and provisions relating to the disposition of unauthorized marijuana and marijuana products of a licensee.

**Sec. 8. Department of Administrative and Financial Services, office of marijuana policy; approval of final adoption.** Final adoption of Chapter 1: Adult Use Marijuana Program, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, office of marijuana policy that was submitted to the Legislature for review pursuant to the Maine Revised Statutes,

Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in the section labeled "General" to:

A. Clarify in the first paragraph of that section that the rule establishes the requirements for licensure as a marijuana establishment, including the fees, application and licensing processes and requirements for the cultivation, manufacture, testing and sale of adult use marijuana and adult use marijuana products; that the activities described in the rule may be considered a violation of federal law; that persons cultivating, manufacturing, testing, selling, purchasing or otherwise receiving adult use marijuana or adult use marijuana products may be subject to federal sanctions for what may otherwise be considered authorized conduct in the State and that compliance with the rule does not exempt licensees, their employees or customers from possible federal prosecution; and that the department is not responsible or liable for the actions of licensed marijuana establishments under the rule; and

B. Delete the 2nd, 3rd, 4th and 5th paragraphs of that section regarding the availability and location of copies of the Code of Federal Regulations, the Maine Revised Statutes and the Code of Maine Rules;

2. The rule must be amended in section 1.1 to clarify that the department, acting through its office of marijuana policy, has developed the following rule in accordance with the statutory authority provided in Title 28-B, section 104 for the purpose of implementing, administering and enforcing the provisions of Title 28-B, chapter 1;

3. The rule must be amended, as necessary, in sections 1.3(1), 2.4.7, 2.4.9(B)(2), 12.1.3, 12.2.2(B)(1) and 12.2.3(B)(15) and any other relevant sections to substitute for the broad reference to the Maine Revised Statutes a reference to Title 28-B specifically;

4. The rule must be amended in section 1.3(4) to delete the definition for "age restricted retail area." The rule must be amended, as necessary, in sections 2.2.1(C)(6), 2.4.7(A), 3.2, 3.3.4(A), 3.4.1(C)(5), 3.6.4(E) and 3.9.4(A) and any other relevant sections to incorporate that deletion and to otherwise provide that, consistent with Title 28-B, section 507, the entry of persons under 21 years of age into the licensed premises of a marijuana establishment is prohibited;

5. The rule must be amended in sections 1.3(5), 1.3(14) and 1.3(58) to delete definitions for "analytical batch," "commissioner" and "nursery plant canopy";

6. The rule must be amended in sections 1.3(16), 1.3(33), 2.3.1(D)(1) and 12.1.3 and any other relevant

sections to delete references to the phrase "the rules adopted pursuant to this chapter." The rule must be amended as necessary and where appropriate to substitute for the term "this chapter" the term "this rule";

7. The rule must be amended in section 1.3(29) to define the term "inherently hazardous substance," consistent with the statutory definition in Title 28-B, section 102, subsection 20, rather than the term "inherently hazardous materials." The rule must be amended in sections 2.4.9(D) and 2.6.5(A)(1) and any other relevant sections to incorporate that amended definition;

8. The rule must be amended, as necessary, in sections 1.3(35), 2.7.1 and 3.2.3 and any other relevant sections to clarify that, consistent with Title 28-B, section 510, entry into limited access areas is authorized only for persons displaying an individual identification card and for contractors of a licensee and is not authorized for any other persons;

9. The rule must be amended in sections 1.3(37), 2.6.5(A)(3)(a), 3.5.1(C)(3) and 12.2.2(B)(1) and any other relevant sections to reference the Maine Land Use Planning Commission;

10. The rule must be amended, as appropriate, in sections 1.3(40), 3.8.2(A)(1), 3.8.2(B) and 3.8.5(C)(2) and any other relevant sections to substitute for the term "cannabis" the term "marijuana";

11. The rule must be amended in sections 1.3(47) and 1.3(83) to delete definitions for "marijuana items" and "usable marijuana." The rule must be amended, as necessary, in sections 1.3(28), 1.3(65), 3.4.1(E), 3.6.2(D), 3.6.6(E), 3.9.3, 3.9.5, 4.2.2, 4.2.4(B), 5.1(A), 5.2, 8.1, 11.1.1, 11.1.2, 12.2.3(B)(6), 12.5(D) and 12.7(B) and any other relevant sections to substitute for those deleted terms the terms "marijuana," "marijuana concentrate" and "marijuana products," as appropriate, and in a manner consistent with the definitions of those terms in sections 1.3(41), 1.3(42) and 1.3(49);

12. The rule must be amended in section 1.3(51) to define "marijuana trim," consistent with the statutory definition in Title 28-B, section 102, subsection 35, to mean any part of a marijuana plant, whether processed or unprocessed, that is not marijuana flower or a marijuana seed;

13. The rule must be amended in section 1.3(55) to delete the definition for "minor," and the rule must be amended, as necessary, in sections 3.8.2(A), 3.9.3(E), 5.2(A)(1), 5.2(B)(5), 12.2.2(B)(7) and 12.2.3(B)(8) and any other relevant sections to substitute the terms "person under 21 years of age" or "persons under 21 years of age" as appropriate;

14. The rule must be amended in sections 1.3(60), 1.3(61) and 1.3(80) to delete definitions for "other interested parties," "party of control" and "true party of interest." The rule must be amended, as nec-

essary and appropriate, in sections 2.4.2, 2.4.3, 2.5.1, 2.6.5(A)(7), 2.7.2(B), 2.8.3(B), 2.10, 3.1, 12.1.2(D), 12.3.2(A), 12.3.4(A) and 12.3.5(C)(3) and any other relevant sections to substitute for those deleted terms the statutory terminology in Title 28-B, chapter 1, subchapter 2 regarding the characterization of ownership interests, to incorporate the statutory application of the general licensing criteria in Title 28-B, section 202 to the ownership interests in a license, to incorporate the statutory requirements in Title 28-B, section 202 regarding the disclosure of direct and indirect financial interests in a license and to otherwise amend the rule consistent with the characterization of ownership interests in a license in Title 28-B, chapter 1, subchapter 2 and the application of the provisions of Title 28-B, chapter 1, subchapter 2 to those ownership interests;

15. The rule must be amended in section 1.3(63) to define "plant canopy," consistent with the statutory definition in Title 28-B, section 102, subsection 41, to mean the total surface area within the licensed premises of a cultivation facility that is authorized by the department for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants;

16. The rule must be amended in section 1.3(64) to define "premises" to mean the designated area within a structure or structures and land specified in a license application that is owned, leased or otherwise held under the control of the applicant or licensee where conduct related to the cultivation, manufacture, testing or sale of adult use marijuana and adult use marijuana products occurs. The premises must be a contiguous area and may be occupied by only one marijuana establishment unless otherwise permitted by statute or this rule, except that nothing in this definition may be construed to prohibit the siting of multiple marijuana establishments in the same building or property as long as each marijuana establishment operates in a space physically distinct from any other marijuana establishment;

17. The rule must be amended in 1.3(65) to delete the definition for "process," and the rule must be amended, as necessary, in sections 1.3(35), 2.4.8(B), 2.7.1(A)(1), 2.7.1(C), 3.3.1, 3.3.4, 10, 11.3.2(A)(1),

12.6.1(C) and 12.7(A)(5) and any other relevant sections to substitute the term "cultivation," as appropriate, for the term "process";

18. The rule must be amended in section 1.3(69) to define "provisional license" to mean a license issued by the department pursuant to Title 28-B, section 503, subsection 2, paragraph B, subparagraph (2) that authorizes testing of marijuana and marijuana products by a testing facility that has met all requirements for an active license under this rule and that has applied for but not yet obtained certification, registration or accreditation from an approved organization. The rule must be amended, as necessary, in any other relevant sections to ensure correct use of that defined term;

19. The rule must be amended in section 1.3(70)(a) to substitute for the phrase "This paragraph is repealed effective June 1, 2021" the phrase "This requirement does not apply after May 31, 2021";

20. The rule must be amended in section 1.3 to:

A. Define "certificate of analysis" consistent with the use of that term in sections 3.8.2(F), 3.9.3(Q) and 11;

B. Define "qualifying patient," consistent with the statutory definition in Title 28-B, section 102, subsection 45, to mean a person who possesses a valid certification for the medical use of marijuana pursuant to Title 22, section 2423-B. The rule must be amended, as necessary, in any relevant sections to ensure the correct use of that defined term;

C. Define "registered dispensary," consistent with the statutory definition in Title 28-B, section 102, subsection 46, as having the same meaning as in Title 22, section 2422, subsection 6. The rule must be amended, as necessary, in sections 2.4.4(D), 2.4.8 and 2.4.9 and any other relevant sections to ensure the correct use of that defined term;

D. Define "registered caregiver," consistent with the statutory definition in Title 28-B, section 102, subsection 47, as having the same meaning as in Title 22, section 2422, subsection 11. The rule must be amended, as necessary, in sections 2.4.4(D), 2.4.8 and 2.4.9 and any other relevant sections to ensure the correct use of that defined term; and

E. Define "sample," consistent with the statutory definition in Title 28-B, section 102, subsection 50, to mean:

(1) An amount of marijuana or an amount of a marijuana product provided to a testing facility by a marijuana establishment or other person for testing or research and development purposes in accordance with Title 28-B, chapter 1, subchapter 6;

(2) An amount of adult use marijuana or an amount of an adult use marijuana product collected from a licensee by the department for the purposes of testing the marijuana or marijuana product for product quality control purposes pursuant to Title 28-B, section 512, subsection 2;

(3) An amount of adult use marijuana provided by a cultivation facility to another licensee for business or marketing purposes pursuant to Title 28-B, section 501, subsection 8; or

(4) An amount of adult use marijuana or an amount of an adult use marijuana product provided to another licensee by a products manufacturing facility for business or marketing purposes pursuant to Title 28-B, section 502, subsection 6.

The rule must be amended, as necessary, in any relevant sections to ensure the correct use of that defined term;

21. The rule must be amended in sections 2.1.1, 2.2, 2.4, 3.3.1, 3.9.5, 4.1 and 13 and any other relevant sections to describe "types" of licenses rather than "classes" of licenses;

22. The rule must be amended to delete section 2.1.2 and to amend, as necessary and appropriate, any other sections affected by that deletion;

23. The rule must be amended, as necessary, in sections 2.2.1(C)(7) and 3.9.1(A)(1)(b) to clarify that a nursery cultivation facility, consistent with Title 28-B, section 501, subsection 3, paragraph D, may sell to consumers only immature marijuana plants, seedlings, marijuana seeds and agricultural or gardening supplies relating to the cultivation of marijuana;

24. The rule must be amended, as necessary, in section 2.2.3 and any other relevant sections to clarify that the addition of marijuana to food is not considered adulteration as provided in Title 22, section 2158-B;

25. The rule must be amended, as necessary, in sections 2.2.4 and 3.9 and any other relevant sections to incorporate all statutory prohibitions regarding the items authorized for sale by marijuana stores, and the prohibitions applicable to sales by marijuana stores consistent with Title 28-B, section 504, subsections 1 and 2;

26. The rule must be amended, as necessary, in section 2.3.1(E) and any other relevant sections to substitute for the term "felony" the phrase "a crime punishable by imprisonment for one year or more" and to substitute for the term "misdemeanor" the phrase "a crime punishable by imprisonment for less than one year";

27. The rule must be amended in section 2.3.1(E)(2) and any other relevant sections to clarify

that the applicant shall submit and the department shall consider all applicants' criminal convictions in this State or in another jurisdiction for offenses involving only dishonesty, deception, misappropriation or fraud, but that, consistent with Title 28-B, section 203, subsection 1, any such convictions may not be automatically disqualifying for the purposes of licensure;

28. The rule must be amended, as necessary, in section 2.3.1(E)(7) and (8) and any other relevant sections to clarify that the applicant shall submit and the department shall consider all applicants' tax compliance history, but that, consistent with Title 28-B, section 203, subsection 2, any tax delinquency may not be automatically disqualifying for the purposes of licensure;

29. The rule must be amended in section 2.3.1 to incorporate the statutory requirement in Title 28-B, section 203, subsection 3 that the applicant submit and the department consider information regarding any violations or penalties imposed on the applicant in another jurisdiction regarding the regulated cultivation, manufacture, testing or sale of marijuana or marijuana products, but that any such violations or penalties may not be automatically disqualifying for the purposes of licensure;

30. The rule must be amended, as necessary, in section 2.4.1(B) and any other relevant sections to clarify that a conditional license issued by the department may be used by the applicant to which the license was issued to demonstrate that the applicant has met all applicable requirements for conditional licensure in accordance with Title 28-B, section 205, subsection 3 for the purpose of seeking local authorization;

31. The rule must be amended, as necessary, in section 2.4.3(A)(8) and any other relevant sections to remove authorization for the department to disseminate or disclose criminal history record information obtained through a criminal history record check if requested as part of a law enforcement investigation. The rule must be amended, as necessary, in section 2.4.3 to ensure consistency between the provisions of section 2.4.3 and the provisions of Title 28-B, section 204;

32. The rule must be amended in sections 2.4.4(B) and 12.1.2(F) to substitute for the terms "Maine Electrical Code" and "Maine's Electrical Code" the term "applicable electrical code";

33. The rule must be amended in sections 2.4.4(D), 2.4.8, 2.4.9, 3.4.1(D), 3.6.7, 3.8.6, 12.2.2(B)(3) and 12.3.5(C) and any other relevant sections to substitute the terms "marijuana for medical use," "marijuana products for medical use," "marijuana concentrate for medical use," "marijuana plants for medical use," "marijuana cultivation for medical use" and other similar terminology, as appropriate and as

consistent with the use of such terminology in Title 22, chapter 558-C and in Title 28-B, for any incorrect terminology in those sections;

34. The rule must be amended, as necessary, in sections 2.4.8, 2.4.9 and 3.9 and any other relevant sections to incorporate the statutory prohibition in Title 28-B, section 504, subsection 5 on the use of a shared facility for the sale of adult use marijuana and adult use marijuana products and the sale of marijuana and marijuana products for medical use;

35. The rule must be amended in section 2.4.9(A) to substitute for the term "registered medical marijuana manufacturing facility" the term "manufacturing facility registered in accordance with Title 22, section 2423-F";

36. The rule must be amended in section 2.5.1 to clarify that the department verifies that each marijuana establishment, excluding testing facilities, satisfies the residency requirements of Title 28-B, section 202, subsection 2 and this rule. The rule must be amended in section 2.5.1(C) to clarify that the department may refuse to issue a conditional license to an applicant at its discretion until it is satisfied that the applicant has satisfied the residency requirements of Title 28-B, section 202, subsection 2 and this rule;

37. The rule must be amended, as necessary, in section 2.5.5 and any other relevant sections to clarify that any denial of an application for a conditional license must be for good cause consistent with Title 28-B, section 206;

38. The rule must be amended in section 2.6.2(B) to clarify that upon receipt of a local authorization certification form, the department shall, within 10 calendar days, notify the applicant of any additional information needed for the issuance of an active license or, if applicable, a provisional license;

39. The rule must be amended in section 2.7.2(D) to substitute for the phrase "medical marijuana credential revocation" the phrase "revocation of a registry identification card or registration certificate issued pursuant to Title 22, chapter 558-C";

40. The rule must be amended in section 2.8.1(B) and any other relevant sections to remove authority for the department to authorize inspections by a 3rd party;

41. The rule must be amended, as necessary, in sections 2.8.1(E) and 2.8.2 and any other relevant sections to clarify the application of and the requirements for an increase in cultivation tier upon approval, consistent with Title 28-B, section 303, and the application of and the requirements for an increase in maximum licensed plant canopy upon renewal of a tier 4 cultivation facility license, consistent with Title 28-B, section 304, including, but not limited to, clarification that the increase under Title 28-B, section 304 is available only with respect to a tier 4 cultivation facility

license and is available to a licensee only every 2 years;

42. The rule must be amended, as necessary, in section 2.10 to refer to a transfer of ownership interests instead of a transfer of license, consistent with Title 28-B, section 210;

43. The rule must be amended, as necessary, in section 2 and any other relevant sections to incorporate:

A. A process for revocation or refusal to renew an inactive license, consistent with Title 28-B, section 214;

B. The statutory prohibitions in Title 28-B, section 205, subsection 2, paragraphs A, B and C regarding the limitation on the number of cultivation facility licenses or total authorized plant canopy in common ownership, the limitation on the common ownership of a testing facility license and any other license type or common ownership with a registered caregiver or registered dispensary and the limitation until January 1, 2022 on the number of marijuana store licenses in common ownership; and

C. A process for the termination of a license, consistent with Title 28-B, section 212;

44. The rule must be amended in sections 3.6.3(B)(3) and (4) to substitute for the term "marijuana plant start" the term "seedling";

45. The rule must be amended, as necessary, in sections 3.8.1(G), 5.2(B)(9), 11 and 12.5 and any other relevant sections to remove the term "third-party" in reference to testing facilities or laboratories and to substitute, as appropriate, for the terms "laboratory" or "laboratories" the terms "testing facility" or "testing facilities";

46. The rule must be amended, as necessary, in section 3.8.2(A)(2) and any other relevant sections to incorporate the statutory prohibition in Title 28-B, section 703, subsection 1, paragraph E on the sale of edible marijuana products in the distinct shape of a human, animal or fruit and ensure consistency with Title 28-B, section 703, subsection 1, paragraph E;

47. The rule must be amended, as necessary, in section 3.9.7(B) and any other relevant sections to clarify that reusable exit packaging that is not tamper-evident may be used or sold by a licensee only if marijuana or marijuana products sold to a consumer that are placed in such reusable exit packaging are prepackaged in tamper-evident packaging and that such sale otherwise meets applicable packaging requirements of Title 28-B, section 701, subsection 2. The rule must be amended, as necessary, in sections 11.3, 11.4 and 11.5 and any other relevant sections to ensure consistency with the requirements in Title

28-B, section 701, subsection 2 regarding tamper-evident, child-resistant and opaque packaging;

48. The rule must be amended in section 4.1(B)(11) and any other relevant sections to require a licensee to record in the tracking system data regarding, where applicable, the municipality or municipalities where the marijuana or marijuana product was cultivated, harvested, manufactured, tested, sold to other licensees, sold to consumers and disposed of or destroyed;

49. The rule must be amended, as necessary, in section 5 and any other relevant sections, consistent with the statutory prohibition in Title 28-B, section 702, subsection 1, paragraph B, on advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age and to incorporate the statutory prohibition in Title 28-B, section 702, subsection 1, paragraph C on the use of advertising by a marijuana establishment within 1,000 feet from a school;

50. The rule must be amended, as necessary, in section 6.1.1 and any other relevant sections to clarify that trade samples may not be sold or otherwise provided or conveyed for payment or consideration;

51. The rule must be amended in section 9 to delete the 2nd sentence of the first paragraph and to delete section 9.1(A)(2). The rule must be amended in section 9.1(A)(1) to provide that licensees must notify the Department of Public Safety of a discharge but are not required to notify the Department of Environmental Protection of such discharge. The rule must be amended in section 9.1(B)(1) to provide that the licensee must contact the National Response Center. The rule must be amended in section 9.2(A) to provide that a marijuana plant, marijuana trim, other marijuana and other plant material may be classified as hazardous waste if it is toxic, flammable or a listed waste subject to regulation under Department of Environmental Protection rule Chapter 850;

52. The rule must be amended in the 2nd sentence of section 11 to delete the phrase "if such facility is in operation." The rule must be amended in the 3rd sentence of section 11 to clarify, consistent with Title 28-B, section 602, subsection 1, the department's authority to temporarily waive mandatory testing requirements;

53. The rule must be amended, as necessary, in section 11.1.3(F) and any other relevant sections, consistent with the statutory prohibition in Title 28-B, section 701, subsection 4, paragraph B, on labeling or packaging of marijuana or marijuana products in a manner that is specifically designed to appeal particularly to a person under 21 years of age. The rule must be amended, as necessary, in section 11.1 to incorporate the statutory requirements in Title 28-B, section

701, subsection 1, paragraphs A, B and C that all marijuana and marijuana product labels include the license numbers of the cultivation facility and products manufacturing facility, if applicable, involved with the cultivation and manufacture of the marijuana or marijuana product, an identity statement and health and safety warning labels. The rule must be amended, as necessary, in section 11.1 to incorporate the statutory prohibition in Title 28-B, section 701, subsection 4, paragraph D on labeling or packaging that depicts a human, animal or fruit;

54. The rule must be amended in section 11.2(C) to provide that any statement as to cannabinoid profile or the presence or absence of contaminants must require testing and label verification by a licensed testing facility;

55. The rule must be amended, as necessary, in section 13.6 and any other relevant sections to incorporate, consistent with Title 28-B, section 207, subsection 1, paragraph D, the increased annual license fee for a tier 4 cultivation facility license that has increased its maximum amount of plant canopy pursuant to Title 28-B, section 304;

56. All necessary grammatical, formatting, punctuation or other technical nonsubstantive editing changes must be made to the rule, including, but not limited to, the designation of the rule chapter as "Chapter 1: Adult Use Marijuana Program" and any necessary correction of the description of the units of the rule to ensure proper reference and application of the provisions of the rule; and

57. All other necessary changes must be made to the rule to ensure conformity and consistency throughout the rule and to ensure consistency between the rule and the provisions of this Act and between the rule and the provisions of Title 28-B.

The Department of Administrative and Financial Services, office of marijuana policy is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

See title page for effective date.

**CHAPTER 492**

**H.P. 566 - L.D. 761**

**An Act To Ensure That Incarcerated Individuals Are Eligible for Medicaid during Incarceration and Receive Food Supplement Program Benefits upon Release**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §3104, sub-§17** is enacted to read:

**17. Preenrollment for persons released from a correctional facility.** The department shall apply for and implement a waiver pursuant to 7 Code of Federal Regulations, Part 273 to promote streamlined and timely access to food supplement program benefits for a person who is being released from incarceration. The waiver must:

A. Serve a person who is incarcerated in any state or county correctional facility and who, upon the person's release, is not entering a household that is receiving food supplement program benefits;

B. Permit a person described in paragraph A to submit an application for food supplement program benefits sufficiently in advance of the person's release date to ensure the availability of benefits on that date; and

C. Establish that the release date of a person described in paragraph A is the first day the person is eligible for food supplement program benefits.

**Sec. 2. 22 MRSA §3174-CC**, as enacted by PL 2001, c. 659, Pt. B, §1, is repealed and the following enacted in its place:

**§3174-CC. Medicaid eligibility during incarceration**

**1. Establish procedures.** The department shall establish procedures to ensure that:

A. A person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility as a result of that incarceration and receives assistance with reapplying for benefits if that person's Medicaid coverage expires or is terminated during the term of incarceration; and

B. A person who is not receiving federally approved Medicaid services prior to incarceration but meets the eligibility requirements for Medicaid receives assistance with applying for federally approved Medicaid services.

**2. Presumptive eligibility.** If a MaineCare provider determines that a person who is incarcerated who does not have Medicaid coverage is likely to be eligible for services under this section, the provider must be reimbursed for services provided under this section in accordance with 42 Code of Federal Regulations, Section 435.1101.

**3. Memorandum of understanding.** The department and the Department of Corrections shall enter into a memorandum of understanding in order to provide an incarcerated person with assistance in applying for benefits under this section and section 3104, subsection 17.

The provisions of this section apply even if Medicaid coverage is limited during the period of incarceration. Nothing in this section requires or permits the department to maintain an incarcerated person's Medicaid eligibility if the person no longer meets eligibility requirements.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Office for Family Independence Z020

Initiative: Provides one-time appropriation and allocation for required technology changes to add a presumptive eligibility group when eligibility is determined by a provider other than a hospital.

Table with 3 columns: Fund Name, 2019-20, 2020-21. Rows include GENERAL FUND All Other, GENERAL FUND TOTAL, OTHER SPECIAL REVENUE FUNDS All Other, OTHER SPECIAL REVENUE FUNDS TOTAL.

See title page for effective date.

CHAPTER 493 H.P. 670 - L.D. 906

An Act Concerning Pavement Sealing Products

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §419-E is enacted to read:

§419-E. Coal tar sealant products

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Coal tar" means a viscous substance obtained by the destructive distillation of coal and containing levels of polycyclic aromatic hydrocarbons in excess of 10,000 milligrams per kilogram. "Coal tar" includes, but is not limited to, refined coal tar, high temperature coal tar and coal tar pitch.

B. "Coal tar sealant product" means a surface-applied sealant product that contains coal tar or coal tar pitch volatiles.

C. "Polycyclic aromatic hydrocarbons" means a group of compounds that are by-products of incomplete combustion, that include several carcinogens and that are designated as hazardous substances under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 United States Code, Section 9602(a).

2. Sale of coal tar sealant products prohibited. Beginning October 1, 2023, a person may not sell at wholesale or retail a coal tar sealant product that is labeled as containing coal tar and that is designed to be applied on a driveway or parking area.

3. Application of coal tar sealant products prohibited. Beginning October 1, 2024, a person may not apply on a driveway or parking area a coal tar sealant product that is labeled as containing coal tar and that is designed to be applied on a driveway or parking area.

4. Exemptions. A person may request an exemption from the prohibitions in subsections 2 and 3 by submitting a written request to the commissioner. The request must include the reason an exemption is needed. The commissioner may exempt a person from the prohibitions in subsections 2 and 3 if the commissioner determines that the person is researching the effects of a coal tar sealant product on the environment or the person is developing an alternative technology and the use of a coal tar sealant product is required for research or development.

See title page for effective date.

CHAPTER 494 S.P. 267 - L.D. 913

An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §253, sub-§2, ¶I, as repealed and replaced by PL 2011, c. 691, Pt. A, §13, is amended to read:

I. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other per-

son, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class C crime;

**Sec. 2. 17-A MRSA §255-A, sub-§1, ¶U**, as repealed and replaced by PL 2011, c. 691, Pt. A, §14, is amended to read:

U. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class D crime;

**Sec. 3. 17-A MRSA §255-A, sub-§1, ¶V**, as repealed and replaced by PL 2011, c. 691, Pt. A, §15, is amended to read:

V. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

**Sec. 4. 17-A MRSA §260, sub-§1, ¶K**, as repealed and replaced by PL 2011, c. 691, Pt. A, §16, is amended to read:

K. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class D crime;

See title page for effective date.

**CHAPTER 495**

**S.P. 364 - L.D. 1190**

**An Act To Prohibit the  
Furnishing of Tobacco  
Products to Minors**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 17-A MRSA §554, sub-§1, ¶B**, as amended by PL 2015, c. 358, §3, is further amended to read:

B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under

16 years of age any intoxicating liquor, ~~cigarettes~~, tobacco product as defined in Title 22, section 1551, subsection 3, air rifles, gunpowder, smokeless powder or ammunition for firearms. Violation of this paragraph is a Class D crime;

**Sec. 2. 17-A MRSA §554, sub-§2, ¶A**, as amended by PL 2015, c. 358, §3, is further amended to read:

A. The defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of the child under 16 years of age who furnished the child ~~cigarettes~~, any tobacco product as defined in Title 22, section 1551, subsection 3 or a reasonable amount of intoxicating liquor in the actor's home and presence;

**Sec. 3. 22 MRSA §1580-F** is enacted to read:

**§1580-F. Furnishing or allowing consumption of tobacco products by certain persons prohibited**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Minor" means a person who has not reached the age of 21 years, unless the person has attained 18 years of age as of July 1, 2018.

B. "Tobacco product" has the same meaning as in section 1551, subsection 3.

**2. Offense.** Except as provided in subsection 3, a person who is 21 years of age or older may not knowingly:

A. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver a tobacco product for or to a minor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which a fine of not less than \$500 may be imposed, none of which may be suspended, if the violation involves a minor who is less than 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B within a 6-year period commits a Class D crime for which a fine of not less than \$1,000 may be imposed, none of which may be suspended.

(4) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B 2 or more times within a 6-year period commits a

Class D crime for which a fine of not less than \$1,500 may be imposed, none of which may be suspended; or

B. Allow a minor under that person's control or in a place under that person's control to possess or consume a tobacco product. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which a fine of not less than \$1,000 may be imposed, none of which may be suspended, if the violation involves a minor who is less than 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A within a 6-year period commits a Class D crime for which a fine of not less than \$2,000 may be imposed, none of which may be suspended.

3. Exceptions. This section does not apply to a licensee under chapter 262-A or an agent of that licensee in the scope of employment.

See title page for effective date.

## CHAPTER 496

### H.P. 1085 - L.D. 1483

#### An Act To Clarify the Disposition of Funds Presumed Abandoned in a Lawyer's Trust Account

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 33 MRSA §1952, sub-§§7-A and 7-B** are enacted to read:

**7-A. Lawyer's trust account.** "Lawyer's trust account" means a pooled trust account managed pursuant to rules adopted by the Supreme Judicial Court that earns interest or dividends at an eligible institution in which a lawyer or law firm holds funds on behalf of a client or clients. These funds are small in amount or held for a short period of time, such that the funds cannot earn interest or dividends for the client in excess of the costs incurred to secure such interest or dividends. For the purpose of this subsection, "eligible institution" means a financial organization meeting the requirements in rules adopted by the Supreme Judicial Court.

**7-B. Lawyer's trust account program manager.** "Lawyer's trust account program manager" means

an entity designated by the Supreme Judicial Court to manage the lawyer's trust account program adopted by the Supreme Judicial Court.

**Sec. 2. 33 MRSA §1952, sub-§13, ¶¶F and G,** as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, are amended to read:

F. An amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance or health and disability insurance; ~~and~~

G. An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance or similar benefits; ~~and~~

**Sec. 3. 33 MRSA §1952, sub-§13, ¶H** is enacted to read:

H. Funds in a lawyer's trust account.

**Sec. 4. 33 MRSA §1953, sub-§1, ¶O,** as amended by PL 2003, c. 20, Pt. T, §22, is further amended to read:

O. All other property, including funds in a lawyer's trust account, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs;

**Sec. 5. 33 MRSA §1959, sub-§5** is enacted to read:

**5. Payment of certain funds presumed abandoned in lawyer's trust accounts.** Notwithstanding any other provision in this chapter to the contrary, a lawyer, law firm or financial institution holding funds presumed abandoned in a lawyer's trust account for which no identifying client information can be found shall file a report with the administrator pursuant to section 1958, subsection 1 and then transfer such funds, along with a copy of the report, to the lawyer's trust account program manager to provide funding to organizations whose primary purpose is to provide civil legal aid to low-income residents of the State.

**Sec. 6. 33 MRSA §1979,** as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

#### §1979. Rules

The administrator may adopt rules pursuant to the Maine Administrative Procedure Act necessary to carry out this Act. Rules adopted ~~under~~ pursuant to this section are routine technical rules ~~under~~ as defined in Title 5, chapter 375, subchapter H-A 2-A. In addition, the Supreme Judicial Court may adopt rules for the

provisions of this Act relating to lawyer's trust accounts.

Sec. 7. Transfer of funds. The Treasurer of State shall transfer to the lawyer's trust account program manager as defined in the Maine Revised Statutes, Title 33, section 1952, subsection 7-B an amount equal to funds held on the effective date of this Act in the Unclaimed Property Fund of this State attributable to funds presumed abandoned in a lawyer's trust account for which no identifying client information can be found that were delivered to the Treasurer of State before the effective date of this Act.

See title page for effective date.

CHAPTER 497

H.P. 1109 - L.D. 1516

An Act To Improve Efficiency in Communication in the Court System

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for one part-time Project Manager Associate position to oversee the acquisition, implementation, accuracy and maintenance of an electronic court notification system.

Table with 3 columns: GENERAL FUND, 2019-20, 2020-21. Rows include POSITIONS - LEGISLATIVE COUNT and Personal Services.

Courts - Supreme, Superior and District 0063

Initiative: Provides funding to contract for an electronic court notification system. This includes one-time funding for a licensing fee and extra capacity for server storage and processing, as well as ongoing funding for maintenance and text message support.

Table with 3 columns: GENERAL FUND, 2019-20, 2020-21. Row includes All Other.

JUDICIAL DEPARTMENT

Table with 3 columns: DEPARTMENT TOTALS, 2019-20, 2020-21. Rows include GENERAL FUND and DEPARTMENT TOTAL - ALL FUNDS.

See title page for effective date.

CHAPTER 498

S.P. 481 - L.D. 1544

An Act To Enact the Maine Revised Unclaimed Property Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §8-A, sub-§2, as amended by PL 2003, c. 20, Pt. T, §2, is further amended to read:

2. Unclaimed property. To provide, after reasonable notice to interested parties or their attorneys, for the transfer to the Treasurer of State for disposition as unclaimed property in the manner provided by Title 33, sections 1958 and 1959 chapter 45 of property in the possession or custody of the courts of this State as a result of civil or criminal litigation.

Sec. 2. 8 MRSA §1032, as amended by IB 2009, c. 2, §40, is further amended to read:

§1032. Payment of credits by slot machine or casino operator

A slot machine operator or casino operator shall redeem credits for players who earn credits on a slot machine or table game located on the premises of that slot machine facility or casino in accordance with rules adopted by the board. A slot machine operator or casino operator may not redeem a credit slip more than 365 days from the date of issuance. The funds reserved for the payment of such a credit slip or expired unclaimed jackpot must be retained by the slot machine operator or casino operator and treated as gross slot machine income or gross table game income and do not constitute property subject to the requirements of Title 33, chapter 41 45.

Sec. 3. 9-B MRSA §161, sub-§2, ¶K, as amended by PL 2001, c. 262, Pt. B, §3, is further amended to read:

K. The examination or furnishing of any financial records by a financial institution authorized to do business in this State or credit union authorized to do business in this State to any officer, employee or agent of the Treasurer of State for use solely in

the exercise of that officer's, employee's or agent's duties under Title 33, chapter 44 ~~45~~;

**Sec. 4. 9-B MRSA §428**, as amended by PL 2001, c. 211, §13, is further amended to read:

**§428. Inactive deposits or accounts**

All moneys in unclaimed accounts in each financial institution authorized to do business in this State must be disposed of according to Title 33, chapter 44 ~~45~~.

**Sec. 5. 10 MRSA §3751, last ¶**, as amended by PL 2003, c. 20, Pt. T, §4, is further amended to read:

The contents of an opened safe or box, if unclaimed, must be disposed of according to Title 33, chapter 44 ~~45~~.

**Sec. 6. 10 MRSA §3953**, as amended by PL 2003, c. 20, Pt. T, §5, is further amended to read:

**§3953. Disposal of residue**

After satisfying the lien and the reasonable costs and expenses accrued, the residue must be disposed of according to Title 33, chapter 44 ~~45~~.

**Sec. 7. 10 MRSA §4009**, as amended by PL 2003, c. 20, Pt. T, §6, is further amended to read:

**§4009. Disposal of proceeds**

Money paid into court may be paid over to the person legally entitled to it, on motion and order of the court. If it is not called for at the first term after it is paid into court, it must be presumed unclaimed and disposed of according to Title 33, chapter 44 ~~45~~.

**Sec. 8. 12 MRSA §12661, sub-§3**, as amended by PL 2017, c. 164, §22, is further amended to read:

**3. Removal of abandoned ice fishing shacks.** A person may not leave a structure on another person's land without permission from the landowner. Notwithstanding the provisions of Title 33, chapter 44 ~~45~~ and Title 17, section 2263-A, a landowner on whose property an ice fishing shack is left in violation of this section may remove or destroy the shack. The landowner may recover any costs of removing or destroying the shack from the owner of the shack in a civil action.

**Sec. 9. 13-C MRSA §1440**, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is amended to read:

**§1440. Deposit with Treasurer of State**

Assets of a dissolved corporation that should be transferred to a creditor, claimant or shareholder of the corporation who can not be found or who is not competent to receive the assets must be reduced to cash and deposited with the Treasurer of State or other ap-

propriate state official for safekeeping in accordance with Title 33, chapter 44 ~~45~~. When the creditor, claimant or shareholder furnishes satisfactory proof of entitlement to the amount deposited, the Treasurer of State or other appropriate state official shall pay the creditor, claimant or shareholder or that person's representative that amount.

**Sec. 10. 14 MRSA §2901, last ¶**, as enacted by PL 2003, c. 149, §8, is amended to read:

If the trustee discloses possession of goods, effects or credits of the principal defendant, or by virtue of default is adjudged trustee, and the trustee's funds are not collected or released within 7 years, they must be presumed abandoned under Title 33, chapter 44 ~~45~~ unless the trustee is served with a certificate of the clerk of the appropriate court, between 30 and 90 days prior to such date, evidencing that the principal action is still pending.

**Sec. 11. 14 MRSA §6324**, as amended by PL 2003, c. 20, Pt. T, §10, is further amended to read:

**§6324. Proceeds of sale**

After first deducting the expenses incurred in making the sale, the mortgagee shall disburse the remaining proceeds in accordance with the provisions of the judgment. The mortgagee shall file a report of the sale and the disbursement of the proceeds therefrom with the court and shall mail a copy to the mortgagor at the mortgagor's last known address. This report need not be accepted or approved by the court, provided that the mortgagor or any other party in interest may contest the accounting by motion filed within 30 days of receipt of the report, but any such challenge may be for money only and does not affect the title to the real estate purchased by the highest bidder at the public sale. Any deficiency must be assessed against the mortgagor and an execution must be issued by the court therefor. In the event the mortgagee has been the purchaser at the public sale, any deficiency is limited to the difference between the fair market value of the premises at the time of the public sale, as established by an independent appraisal, and the sum due the mortgagee as established by the court with interest plus the expenses incurred in making the sale. Any surplus must be paid to the mortgagor, the mortgagor's successors, heirs or assigns in the proceeding. If the mortgagor has not appeared personally or by an attorney, the surplus must be paid to the clerk of courts, who shall hold the surplus in escrow for 6 months for the benefit of the mortgagor, the mortgagor's successors, heirs or assigns and, if the surplus remains unclaimed after 6 months, the clerk shall pay the surplus to the Treasurer of State to be credited to the General Fund until it becomes unclaimed under the ~~Uniform~~ Maine Revised Unclaimed Property Act, and report and pay it to the State in accordance with that Act.

**Sec. 12. 23 MRSA §156, next to the last ¶**, as affected by PL 1997, c. 508, Pt. A, §3 and amended by Pt. B, §5, is further amended to read:

After the appeal period from the decree of the State Claims Commission or a judgment of any court has expired, any sum of money directed by a decree of the commission or by a judgment of any court to be paid over that remains unclaimed for 60 days must be disposed of consistent with Title 33, chapter 44 45.

**Sec. 13. 24-A MRSA §3486, sub-§14**, as amended by PL 2003, c. 344, Pt. D, §16, is further amended to read:

14. The provisions of Title 33, chapter 44 45 apply to any unclaimed payment to which a shareholder may be entitled under this section.

**Sec. 14. 24-A MRSA §4551, first ¶**, as amended by PL 2017, c. 129, §1, is further amended to read:

All unclaimed money held and owing by any life insurer doing business in this State must be disposed of according to Title 33, chapter 44 45. Before disposing of any unclaimed money in accordance with Title 33, chapter 44 45, a life insurer doing business in this State shall comply with this section.

**Sec. 15. 25 MRSA §3503-B**, as enacted by PL 2003, c. 77, §1, is amended to read:

**§3503-B. Bicycle disposal**

Notwithstanding section 3503, a local legislative body in a municipality may dispose of unclaimed bicycles in a manner decided by that body and is exempt from Title 33, chapter 44 45 with respect to unclaimed bicycles.

**Sec. 16. 25 MRSA §3504**, as affected by PL 1997, c. 508, Pt. A, §3 and amended by Pt. B, §6, is further amended to read:

**§3504. Deposit of proceeds**

Proceeds of the sale of the property at public auction, less reimbursement to the law enforcement agency and others authorized of the reasonable expenses of custody, must be disposed of according to Title 33, chapter 44 45.

**Sec. 17. 27 MRSA §601, sub-§1**, as amended by PL 2011, c. 263, §1, is further amended to read:

1. **Property to be considered abandoned; definition.** Any tangible property held by a museum within the State that is held for 3 years or more without a written gift or loan agreement, or after expiration of a written loan agreement, and to which a person has not made claim is considered to be abandoned and, notwithstanding Title 33, chapter 44 45, becomes the property of the museum, as long as the estimated market value of the material is less than \$100 or the museum has complied with subsection 2. The estimated

market value must be determined by a qualified appraiser, and a written copy of the determination must be retained in the museum's permanent records.

As used in this section, "museum" means an organization that is operated by a nonprofit corporation, public agency or educational institution primarily for educational, scientific, historic preservation, cultural or aesthetic purposes and that owns, cares for, exhibits, studies, archives and catalogues tangible property and includes, but is not limited to, historical societies, archives and art, history, science and natural history organizations.

**Sec. 18. 29-A MRSA §754, sub-§4, ¶B**, as affected by PL 1997, c. 508, Pt. A, §3 and amended by Pt. B, §7, is further amended to read:

B. After expiration of the 30-day notice period, the Secretary of State may dispose of the vehicle at public auction or report the vehicle as abandoned under Title 33, chapter 44 45.

**Sec. 19. 30-A MRSA §3106, sub-§1, ¶A**, as enacted by PL 1999, c. 667, §1, is amended to read:

A. "Covered property" means all tangible property, other than tangible property described in Title 33, section 1954 2065, located in or on real estate acquired by a political subdivision through tax delinquency proceedings pursuant to Title 36 or through any similar procedure created by statute for the collection of unpaid taxes, assessments, expenses or charges. "Covered property" includes all tangible property, other than tangible property described in Title 33, section 1954 2065, located in or on real estate that has been determined to be a dangerous building pursuant to Title 17, chapter 91, subchapter 4.

**Sec. 20. 30-A MRSA §3862, sub-§3**, as amended by PL 2003, c. 20, Pt. T, §17, is further amended to read:

3. **Proceeds.** After using the proceeds from the sale to satisfy the lien and any costs that may accrue, the keeper shall dispose of any remainder according to Title 33, chapter 44 45.

**Sec. 21. 33 MRSA c. 41**, as amended, is repealed.

**Sec. 22. 33 MRSA c. 45** is enacted to read:

**CHAPTER 45**

**MAINE REVISED UNCLAIMED PROPERTY ACT**

**SUBCHAPTER 1**

**GENERAL PROVISIONS**

**§2051. Short title**

This chapter may be known and cited as "the Maine Revised Unclaimed Property Act."

**§2052. Definitions**

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

**1. Administrator.** "Administrator" means the Treasurer of State.

**2. Administrator's agent.** "Administrator's agent" means a person with which the administrator contracts to conduct an examination under subchapter 10 on behalf of the administrator. "Administrator's agent" includes an independent contractor of the person and each individual participating in the examination on behalf of the person or contractor.

**3. Apparent owner.** "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued or owing by the holder.

**4. Business association.** "Business association" means a corporation, joint stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safe-keeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship or other business entity, whether or not for profit.

**5. Confidential information.** "Confidential information" means records, reports and information that are confidential under section 2212.

**6. Domicile.** "Domicile" means:

A. For a corporation, the state of its incorporation;

B. For a business association, other than a corporation, whose formation requires a filing with a state, the state of its filing;

C. For a federally chartered entity, the state of its home office; and

D. For any other holder, the state of its principal place of business.

**7. Electronic.** "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

**8. E-mail.** "E-mail" means a communication by electronic means that is automatically retained and stored and may be readily accessed or retrieved.

**9. Financial organization.** "Financial organization" means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization or credit union.

**10. Game-related digital content.** "Game-related digital content" means digital content that ex-

ists only in an electronic game or electronic game platform. "Game-related digital content":

A. Includes:

(1) Game-play currency such as a virtual wallet, even if denominated in United States currency; and

(2) The following if for use or redemption only within the game or platform or another electronic game or electronic game platform:

(a) Points accrued through game play, which may be referred to as gems, tokens, gold and similar names; and

(b) Digital codes; and

B. Does not include an item that the issuer:

(1) Permits to be redeemed for use outside a game or platform for:

(a) Money; or

(b) Goods or services that have more than minimal value; or

(2) Otherwise monetizes for use outside a game or platform.

**11. Gift obligation.** "Gift obligation" means a record evidencing an obligation of a business association arising from a transaction between the business association and a consumer to provide goods or services at a future date for a specified amount shown in the record.

A. A gift obligation:

(1) Is a bearer instrument not associated with an account holder or individual;

(2) May be decreased in value only by redemption for merchandise, goods or services; and

(3) Unless required by law, may not be redeemed for or converted into money or otherwise monetized.

B. "Gift obligation" does not include account credits or account balances, including credits or balances funded by gift obligations.

**12. Holder.** "Holder" means a person obligated to hold property subject to this Act for the account of, or to deliver or pay to, the owner.

**13. Insurance company.** "Insurance company" means an association, corporation or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life,

malpractice, marine, mortgage, surety, wage protection and workers' compensation insurance.

**14. Loyalty obligation.** "Loyalty obligation" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate or promotional program that may be used or redeemed only to obtain goods or services or a discount on goods or services. "Loyalty obligation" does not include:

- A. A record that may be redeemed for money or otherwise monetized by the issuer;
- B. A gift obligation; or
- C. A stored-value obligation.

**15. Mineral.** "Mineral" means gas, oil, coal, oil shale, other gaseous, liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources and any other substance defined as a mineral by law of this State other than this Act.

**16. Mineral proceeds.** "Mineral proceeds" means an amount payable for extraction, production or sale of minerals or, on the abandonment of the amount, an amount that becomes payable after abandonment. "Mineral proceeds" includes an amount payable:

- A. For the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty and delay rental;
- B. For the extraction, production or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment and production payment; and
- C. Under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement and farm-out agreement.

**17. Money order.** "Money order" means a payment order for a specified amount of money. "Money order" includes an express money order and a personal money order on which the remitter is the purchaser. "Money order" does not include a bank money order or any other instrument sold by a financial organization if the seller has obtained the name and address of the payee.

**18. Municipal bond.** "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.

**19. Net obligation value.** "Net obligation value" means the original purchase price or original issued value of a stored-value or gift obligation, plus amounts added to the original price or value, if applicable, mi-

nus amounts used and any service charge, fee or dormancy charge permitted by law.

**20. Nonfreely transferable security.** "Nonfreely transferable security" means a security that cannot be delivered to the administrator by the Depository Trust and Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. "Nonfreely transferable security" includes a worthless security.

**21. Owner.** "Owner" means a person that has a legal, beneficial or equitable interest in property subject to this Act or the person's legal representative when acting on behalf of the person. "Owner" includes:

- A. A depositor, for a deposit;
- B. A beneficiary, for a trust other than a deposit in trust;
- C. A creditor, claimant or payee, for other property; and
- D. The lawful bearer of a record that may be used to obtain money, a reward or a thing of value.

**22. Payroll card.** "Payroll card" means a record that evidences a payroll card account as defined in Regulation E, 12 Code of Federal Regulations, Part 1005, as amended.

**23. Person.** "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity, whether or not for profit.

**24. Property.** "Property" means tangible property described in section 2065 or a fixed and certain interest in intangible property held, issued or owed in the course of a holder's business or by a government or governmental subdivision, agency or instrumentality. "Property":

- A. Includes all income from or increments to the property;
- B. Includes property referred to as or evidenced by:
 
  - (1) Money, interest or a dividend, check, draft, deposit or payroll card;
  - (2) A credit balance, customer's overpayment, stored-value obligation, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds or unidentified remittance;
  - (3) A security, except for:
 
    - (a) A worthless security; or

(b) A security that is subject to a lien, legal hold or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold or restriction restricts the holder's or owner's ability to receive, transfer, sell or otherwise negotiate the security;

(4) A bond, debenture, note or other evidence of indebtedness;

(5) Money deposited to redeem a security, make a distribution or pay a dividend;

(6) An amount due and payable under an annuity contract or insurance policy; and

(7) An amount distributable from a trust or custodial fund established under a plan to provide a health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance or similar benefit; and

C. Does not include a loyalty obligation or game-related digital content.

**25. Putative holder.** "Putative holder" means a person believed by the administrator to be a holder, until the person pays or delivers to the administrator property subject to this Act or the administrator or a court makes a final determination that the person is or is not a holder.

**26. Record.** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. "Record," with regard to records of a holder, includes records maintained by a 3rd party that has contracted with the holder.

**27. Security.** "Security" means:

A. A security as defined in Title 11, Article 8-A;

B. A security entitlement as defined in Title 11, Article 8-A, including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:

(1) Registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;

(2) Payable to the order of the person; or

(3) Specifically indorsed to the person; or

C. An equity interest in a business association not included in paragraph A or B.

**28. Sign.** "Sign" means, with present intent to authenticate or adopt a record:

A. To execute or adopt a tangible symbol; or

B. To attach to or logically associate with the record an electronic symbol, sound or process.

**29. State.** "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

**30. Stored-value obligation.** "Stored-value obligation" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services or money will be provided to the owner of the record in the amount of the value or amount shown in the record. "Stored-value obligation":

A. Includes a record that contains or consists of a microprocessor chip, magnetic strip or other means for the storage of information, that is pre-funded and the value or amount of which is decreased on each use and increased by payment of additional consideration; and

B. Does not include a loyalty obligation, a gift obligation or game-related digital content.

**31. United States savings bond.** "United States savings bond" means property, tangible or intangible, in the form of a savings bond issued by the United States Treasury whether in paper form, electronic form or paperless form, along with all the proceeds of the savings bond.

**32. Utility.** "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise or license for the following public services:

A. Transmission of communications or information;

B. Production, storage, transmission, sale, delivery or furnishing of electricity, water, steam or gas; or

C. Provision of sewage or septic services or trash, garbage or recycling disposal.

**33. Worthless security.** "Worthless security" means a security of which the cost of liquidation and delivery to the administrator would exceed the value of the security on the date a report is due under this Act.

#### **§2053. Inapplicability to foreign transaction**

This Act does not apply to property held, due and owing in a foreign country if the transaction out of which the property arose was a wholly foreign transaction.

#### **§2054. Rulemaking**

The administrator may adopt rules to implement and administer this Act. Rules adopted pursuant to

this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

## **SUBCHAPTER 2**

### **PRESUMPTION OF ABANDONMENT**

#### **§2061. When property presumed abandoned**

Subject to section 2070, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified:

1. **Traveler's check.** A traveler's check, 15 years after issuance;

2. **Money order.** A money order, 7 years after issuance;

3. **State or municipal bond.** A state or municipal bond, bearer bond or original issue discount bond, 3 years after the date the bond matures or is called or the obligation to pay the principal of the bond arises, whichever is earlier;

4. **Debt of a business association.** A debt of a business association, 3 years after the obligation to pay arises;

5. **Payroll card or demand, savings or time deposit.** A payroll card or demand, savings or time deposit, including a deposit that is automatically renewable, 3 years after the maturity of the deposit, except that a deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at or about the time of the renewal;

6. **Money or credit owed.** Money or a credit owed to a customer as a result of a retail business transaction, 3 years after the obligation arose;

7. **Amount owed on insurance policy or annuity contract.** An amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, 3 years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant;

A. With respect to an amount owed on a life or endowment insurance policy, 3 years after the earlier of the date:

(1) The insurance company has knowledge of the death of the insured; and

(2) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and

B. With respect to an amount owed on an annuity contract, 3 years after the date the insurance company has knowledge of the death of the annuitant;

8. **Distributable property.** Property distributable by a business association in the course of dissolution, one year after the property becomes distributable;

9. **Property held by a court.** Property held by a court, including property received as proceeds of a class action, one year after the property becomes distributable;

10. **Property held by a government.** Property held by a government or governmental subdivision, agency or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one year after the property becomes distributable;

11. **Wages, commissions, bonuses or reimbursements.** Wages, commissions, bonuses or reimbursements to which an employee is entitled or other compensation for personal services, one year after the amount becomes payable;

12. **Deposit or refund owed by a utility.** A deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable;

13. **Prearranged funeral or burial plan.** Notwithstanding subsection 5, property contained in a prearranged funeral or burial plan described in Title 32, section 1401, including deposits containing funds from such a plan, 3 years after the death of a person on whose behalf funds were paid into the plan;

14. **Nonactivated stored-value obligation or electronic payment medium.** Funds represented by a nonactivated stored-value obligation or other nonactivated electronic payment medium that require activation for use, one year after the funds would have otherwise first been available to the owner; and

15. **Property not specified.** Property not specified in this section or sections 2062 to 2072, 3 years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises, whichever is earlier.

#### **§2062. When tax-deferred retirement account presumed abandoned**

1. **Presumed abandoned after 3 years.** Subject to section 2070, property held in a pension account or retirement account that qualifies for tax deferral under the income tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner 3 years after the later of:

A. The later of the following dates:

(1) Except as in subparagraph (2), the date a communication sent by the holder by first class United States mail to the apparent own-

er is returned to the holder as undeliverable by the United States Postal Service; and

(2) If the returned communication is resent within 30 days, the date the resent communication was returned as undeliverable by the United States Postal Service; and

B. The earlier of the following dates:

(1) The date the apparent owner becomes 70 1/2 years of age; and

(2) If the federal Internal Revenue Code of 1986, as amended, requires distribution to avoid a tax penalty, the date the holder:

(a) Receives confirmation of the death of the apparent owner in the ordinary course of its business; or

(b) Confirms the death of the apparent owner under subsection 2.

**2. Confirmation of death of apparent owner.**

If a holder in the ordinary course of its business receives notice or an indication of the death of an apparent owner and subsection 1, paragraph B applies, the holder shall attempt not later than 90 days after receipt of the notice or indication to confirm whether the apparent owner is deceased.

**3. Confirmation of apparent owner's interest.**

If the holder does not send communications to the apparent owner of an account described in subsection 1 by first class United States mail on at least an annual basis, the holder shall attempt to confirm the apparent owner's interest in the property by sending the apparent owner an e-mail not later than 2 years after the apparent owner's last indication of interest in the property. However, the holder promptly shall attempt to contact the apparent owner by first class United States mail if:

A. The holder does not have information needed to send the apparent owner an e-mail or the holder believes that the apparent owner's e-mail address in the holder's records is not valid;

B. The holder receives notification that the e-mail was not received; or

C. The apparent owner does not respond to the e-mail within 30 days after the e-mail was sent.

**§2063. When other tax-deferred account presumed abandoned**

**1. Presumed abandoned after 3 years.** Subject to section 2070 and except for property described in section 2062, property held in an account or plan, including a health savings account, that qualifies for tax deferral under the income tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner 3 years after the earlier of:

A. The date, if determinable by the holder, specified in the income tax laws and regulations of the United States by which distribution of the property must begin to avoid a tax penalty, with no distribution having been made; and

B. Thirty years after the date the account or plan was opened.

**2. Presumed abandoned after 2 years.** If the owner is deceased, property under subsection 1 is presumed abandoned 2 years from the earliest of:

A. The date of the distribution or attempted distribution of the property;

B. The date of the required distribution as stated in the plan or trust agreement governing the plan; and

C. The date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty.

**§2064. When custodial account for minor presumed abandoned**

**1. Presumed abandoned after 3 years.** Subject to section 2070, and except as provided in subsection 3, property held in an account established under a state's Uniform Gifts to Minors Act or Uniform Transfers to Minors Act, if it is unclaimed by or on behalf of the minor on whose behalf the account was opened, is presumed abandoned 3 years after the later of:

A. The date a communication sent by the holder by first class United States mail to the custodian of the minor on whose behalf the account was opened is returned as undeliverable to the holder by the United States Postal Service or, if the communication is resent within 30 days after the date the first communication is returned as undeliverable, the date the first communication was returned as undeliverable; and

B. The date on which the custodian is required to transfer the property to the minor or the minor's estate in accordance with the Uniform Gifts to Minors Act or Uniform Transfers to Minors Act of the state in which the account was opened.

**2. Confirmation of custodian's interest.** If the holder does not send communications to the custodian of the minor on whose behalf an account described in subsection 1 was opened by first class United States mail on at least an annual basis, the holder shall attempt to confirm the custodian's interest in the property by sending the custodian an e-mail not later than 2 years after the custodian's last indication of interest in the property. However, the holder promptly shall attempt to contact the custodian by first class United States mail if:

A. The holder does not have information needed to send the custodian an e-mail or the holder believes that the custodian's e-mail address in the holder's records is not valid;

B. The holder receives notification that the e-mail was not received; or

C. The custodian does not respond to the e-mail within 30 days after the e-mail was sent.

**3. If undeliverable, presumed abandoned after 3 years.** If first class United States mail sent under subsection 2 is returned as undeliverable to the holder by the United States Postal Service, the property is presumed abandoned 3 years after the later of:

A. The date a 2nd consecutive communication to contact the custodian by first class United States mail is returned to the holder as undeliverable by the United States Postal Service; and

B. The date established by subsection 1, paragraph C.

**4. No longer subject to section.** When the property in the account described in subsection 1 is transferred to the minor on whose behalf the account was opened or to the minor's estate, the property in the account is no longer subject to this section.

**§2065. When contents of safe deposit box presumed abandoned**

Tangible property held in a safe deposit box or other safekeeping depository in this State in the ordinary course of the holder's business and proceeds resulting from the sale of the property permitted by other law are presumed abandoned if the property and proceeds remain unclaimed by the owner for more than 3 years after expiration of the lease or rental period on the box or other depository.

**§2066. When stored-value obligation presumed abandoned**

**1. Presumed abandoned after 3 years.** Subject to section 2070, the net obligation value of a stored-value obligation is presumed abandoned on the latest of 3 years after:

A. December 31st of the year in which the obligation is issued or additional funds are deposited into it;

B. The most recent indication of interest in the obligation by the apparent owner; and

C. A verification or review of the balance by or on behalf of the apparent owner.

**2. Amount presumed abandoned.** The amount presumed abandoned in a stored-value obligation is the net obligation value at the time it is presumed abandoned.

**3. No period of limitation, charges or fees; exceptions, disclosure.** Notwithstanding section 2112, fees, charges or a period of limitation may not be imposed on stored-value obligations, except that the issuer may charge a transaction fee for the initial issuance and for each occurrence of adding value to an existing stored-value obligation. These fees must be disclosed in a separate writing prior to the initial issuance or referenced on the stored-value obligation.

**4. Redemption; balance in cash.** If a stored-value obligation is redeemed in person and a balance of less than \$5 remains following redemption, at the consumer's request the merchant redeeming the stored-value obligation must refund the balance in cash to the consumer. This subsection does not apply to a stored-value obligation with an initial value of \$5 or less, or a stored-value obligation that is not purchased but provided as a promotion or as a refund for merchandise returned without a receipt.

**§2067. When gift obligation presumed abandoned**

**1. Presumed abandoned after 2 years.** Subject to section 2070, a gift obligation is presumed abandoned 2 years after December 31st of the year in which the obligation arises or the most recent transaction involving the obligation occurs, whichever is later.

**2. Amount unclaimed is 60%.** The amount unclaimed of a gift obligation is 60% of the net obligation value at the time it is presumed abandoned.

**3. Not presumed abandoned; sales by a single issuer under \$250,000.** A gift obligation is not presumed abandoned if it was sold by a single issuer who in the past calendar year sold no more than \$250,000 in face value of gift obligations. Sales of gift obligations are considered sales by a single issuer if the sales were by businesses that operate either:

A. Under common ownership or control with another business or businesses in the State; or

B. As franchised outlets of a parent business.

**4. No period of limitation for redemption.** A period of limitation may not be imposed on the owner's right to redeem the gift obligation.

**5. No charges or fees; exception, disclosure.** Notwithstanding section 2112, fees or charges may not be imposed on gift obligations, except that the issuer may charge a transaction fee for the initial issuance. The fee must be disclosed in a separate writing prior to the initial issuance or referenced on the gift obligation.

**6. Redemption; balance in cash.** If a gift obligation is redeemed in person and a balance of less than \$5 remains following redemption, at the consumer's request the merchant redeeming the gift obligation must refund the balance in cash to the consumer. This

subsection does not apply to a gift obligation with an initial value of \$5 or less.

**§2068. When security presumed abandoned**

**1. If communications sent at least annually, presumed abandoned after 3 years.** Subject to section 2070, if the holder sends communications to the apparent owner of a security by first class United States mail on at least an annual basis, a security is presumed abandoned 3 years after the later of:

A. The date a communication sent by the holder by first class United States mail to the apparent owner is returned to the holder as undeliverable by the United States Postal Service; and

B. If the communication is resent within 30 days after the first communication is returned, the date the resent communication is returned as undeliverable to the holder by the United States Postal Service.

**2. If no communications sent, duty to confirm owner's interest not later than 2 years.** If the holder does not send communications to the apparent owner of a security by first class United States mail, the holder shall attempt to confirm the apparent owner's interest in the security by sending the apparent owner an e-mail not later than 2 years after the apparent owner's last indication of interest in the security. However, the holder promptly shall attempt to contact the apparent owner by first class United States mail if:

A. The holder does not have information needed to send the apparent owner an e-mail or the holder believes that the apparent owner's e-mail address in the holder's records is not valid;

B. The holder receives notification that the e-mail was not received; or

C. The apparent owner does not respond to the e-mail within 30 days after the e-mail was sent.

**3. If confirmation returned undeliverable, presumed abandoned after 3 years.** If first class United States mail sent under subsection 2 is returned to the holder as undeliverable by the United States Postal Service, the security is presumed abandoned 3 years after the latest indication of interest by the apparent owner in the security.

**§2069. When related property presumed abandoned**

At and after the time property is presumed abandoned under this Act, any other property right or interest accrued or accruing from the property and not previously presumed abandoned is also presumed abandoned.

**§2070. Indication of apparent owner**

**1. Period of abandonment.** The period after which property is presumed abandoned is measured from the later of:

A. The date the property is presumed abandoned under this subchapter; and

B. The latest indication of interest by the apparent owner in the property.

**2. Indication of interest.** Under this Act, an indication of an apparent owner's interest in property includes:

A. A record communicated by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held;

B. An oral communication by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held, if the holder or its agent contemporaneously makes and preserves a record of the fact of the apparent owner's communication;

C. Presentment by the apparent owner of a check or other instrument of payment of a dividend, interest payment or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security or interest in a business association;

D. Activity by the apparent owner in the account in which the property is held, including accessing the account balance, or a request by the apparent owner to increase, decrease or otherwise change the amount or type of property held in the account;

E. A deposit into or withdrawal from an account at a financial organization by the apparent owner, including an automatic withdrawal previously authorized or an automatic reinvestment of dividends or interest;

F. Subject to subsection 4, payment by the apparent owner of a premium on an insurance policy; and

G. For deposits in which the apparent owner has another relationship or account with the holder:

(1) The fact that the apparent owner has indicated interest with respect to the other relationships or accounts; or

(2) The fact that there is a memorandum or other record on file prepared by the holder indicating that the holder has communicated in writing with the apparent owner with regard to the deposit at the address to which communications regarding the other relationships or deposits are regularly sent.

**3. Action of agent.** Action by an agent of an apparent owner, other than the holder acting as the apparent owner's agent, is presumed to be an action on behalf of the apparent owner.

**4. Nonforfeiture provision.** Application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy is not an indication of interest in the policy and does not prevent the policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy otherwise has become entitled to the proceeds before depletion of the cash surrender value of the policy by application of the provision.

**§2071. Deposit account for proceeds of insurance policy or annuity**

If proceeds payable under a life or endowment insurance policy or annuity contract are deposited into an account with check-writing or draft-writing privileges for the beneficiary of the policy or contract and, under a supplementary contract not involving annuity benefits other than death benefits, the proceeds are retained by the insurance company or the financial organization where the account is held, the policy or contract includes the assets in the account.

**§2072. When United States savings bonds are presumed abandoned**

**1. Presumed abandoned.** Notwithstanding section 2061, subsection 9 and sections 2112 and 2131, a United States savings bond subject to this chapter or held or owing in this State by any person is presumed abandoned in this State if:

A. The last known address of the owner of the United States savings bond is in this State; and

B. The United States savings bond has remained unclaimed for 3 years after its date of final maturity.

**2. Escheat; procedure.** United States savings bonds that are presumed abandoned and unclaimed under subsection 1, including bonds in the possession of the administrator, and those lost, stolen or destroyed bonds registered to persons with last known addresses in this State, escheat to the State 3 years after the bonds are presumed abandoned, and all property rights and legal title to and ownership of the United States savings bonds, including all rights, powers and privileges of survivorship of any owner, co-owner or beneficiary, vest solely in the State according to the following procedure.

A. Within 180 days after the 3-year period in this subsection has passed, if no claim has been filed in accordance with this chapter for the United States savings bonds, the administrator shall commence a civil action in the Kennebec County Superior Court or in any other court of competent jurisdiction for a determination that the United

States savings bonds escheat to the State. The administrator may postpone the bringing of such an action until sufficient United States savings bonds have accumulated in the administrator's custody to justify the expense of such a proceeding.

B. The administrator shall make service by publication of the civil action in accordance with the Maine Rules of Civil Procedure, Rule 4 and Title 1, sections 601 and 603.

C. If no person files a claim or appears at the hearing to substantiate a claim or if the court determines that a claimant is not entitled to the property claimed by the claimant, the court, if satisfied by evidence that the administrator has substantially complied with the laws of this State, shall enter a judgment that the United States savings bonds have escheated to the State and all property rights and legal title to and ownership of the United States savings bonds, including all rights, powers and privileges of survivorship of any owner, co-owner or beneficiary, vest solely in the State.

D. The administrator shall redeem the United States savings bonds escheated to the State. When the escheated proceeds have been recovered by the administrator, the administrator shall first pay all costs incident to the collection and recovery of the proceeds from the redemption of the United States savings bonds and then promptly deposit the remaining balance of the proceeds in the Unclaimed Property Fund under section 2141 to be distributed in accordance with law.

**3. Claims after escheat.** Notwithstanding subchapter 9, any person making a claim for a United States savings bond escheated to the State under this section may file a claim with the administrator. Upon being provided sufficient proof of the validity of the person's claim, the administrator may pay the claim and may subtract any expenses and costs incurred by the State in securing full title and ownership of the property by escheat. If payment has been made to a claimant, no action may be maintained by any other claimant or the State or any state officer for or on account of the funds.

**SUBCHAPTER 3**

**RULES FOR TAKING CUSTODY OF PROPERTY PRESUMED ABANDONED**

**§2081. Address of apparent owner to establish priority**

In this subchapter, the following rules apply:

**1. Last known address.** The last known address of an apparent owner, as shown in the records of the holder, is any description, code or other indication of the location of the apparent owner that identifies the

state, even if the description, code or indication of location is not sufficient to direct the delivery of first class United States mail to the apparent owner.

**2. Zip code in this State; exception.** If the zip code associated with the apparent owner is for a post office located in this State, this State is deemed to be the state of the last known address of the apparent owner unless other records associated with the apparent owner specifically identify the physical address of the apparent owner in another state.

**3. Physical address in another state.** If the address under subsection 2 is in another state, the other state is deemed to be the state of the last known address of the apparent owner.

**4. Address of insured or annuitant.** The address of the apparent owner of a life or endowment insurance policy or annuity contract or its proceeds is presumed to be the address of the insured or annuitant if a person other than the insured or annuitant is entitled to the amount owed under the policy or contract and the address of the other person is not known by the insurance company and cannot be determined under section 2082.

**§2082. Address of apparent owner in this State**

The administrator may take custody of property that is presumed abandoned, whether located in this State, another state or a foreign country if:

**1. Last known address in records of holder.** The last known address of the apparent owner in the records of the holder is in this State; or

**2. Determination by administrator.** The records of the holder do not reflect the identity or last known address of the apparent owner, but the administrator has determined that the last known address of the apparent owner is in this State.

**§2083. If records show multiple addresses of apparent owner**

**1. Most recently recorded address.** Except as in subsection 2, if records of a holder reflect multiple addresses for an apparent owner and this State is the state of the most recently recorded address, this State may take custody of property presumed abandoned, whether located in this State or another state.

**2. Next most recently recorded address.** If it appears from records of the holder that the most recently recorded address of the apparent owner under subsection 1 is a temporary address and this State is the state of the next most recently recorded address that is not a temporary address, this State may take custody of the property presumed abandoned.

**§2084. Holder domiciled in this State**

**1. Holder domiciled in this State.** Except as in subsection 2 or section 2082 or 2083, the administrator

may take custody of property presumed abandoned, whether located in this State, another state or a foreign country, if the holder is domiciled in this State or is this State or a governmental subdivision, agency or instrumentality of this State and:

A. Another state or foreign country is not entitled to the property because there is no last known address of the apparent owner or other person entitled to the property in the records of the holder; or

B. The state or foreign country of the last known address of the apparent owner or other person entitled to the property does not provide for custodial taking of the property.

**2. Holder deemed domiciled.** If a holder's state of domicile has changed since the time property was presumed abandoned, the holder's state of domicile in this section is deemed to be the state where the holder was domiciled at the time the property was presumed abandoned.

**§2085. Custody if transaction took place in this State**

Except as in section 2082, 2083 or 2084, the administrator may take custody of property presumed abandoned whether located in this State or another state if:

**1. Transaction in this State.** The transaction out of which the property arose took place in this State;

**2. Holder's domicile in another state.** The holder is domiciled in a state that does not provide for the custodial taking of the property; and

**3. Apparent owner or other person entitled.** The last known address of the apparent owner or other person entitled to the property is unknown or in a state that does not provide for the custodial taking of the property.

**§2086. Traveler's check, money order or similar instrument**

The administrator may take custody of sums payable on a traveler's check, money order or similar instrument presumed abandoned to the extent permissible under 12 United States Code, Sections 2501 to 2503, as amended.

**§2087. Burden of proof to establish administrator's right to custody**

Subject to subchapter 4 and section 2165, if the administrator asserts a right to custody of unclaimed property and there is a dispute concerning the property, the administrator has the burden of proving:

**1. Amount.** The amount of the property;

**2. Presumed abandoned.** That the property is presumed abandoned; and

3. Custody of the administrator. That the property is subject to the custody of the administrator.

**SUBCHAPTER 4**  
**REPORT BY HOLDER**

**§2091. Report required by holder**

1. Report by holder. A holder of property presumed abandoned and subject to the custody of the administrator shall report in a record to the administrator concerning the property in a format approved by the administrator.

2. Contract with 3rd party. A holder may contract with a 3rd party to make the report required under subsection 1.

3. Responsibilities of holder. Whether or not a holder contracts with a 3rd party under subsection 2, the holder is responsible:

A. To the administrator for the complete, accurate and timely reporting of property presumed abandoned; and

B. For paying or delivering to the administrator property described in the report.

**§2092. Content of report**

1. Report. The report required under section 2091 must:

A. Be signed by or on behalf of the holder and verified as to its completeness and accuracy;

B. Be filed electronically;

C. Describe the property;

D. Except for a traveler's check, money order or similar instrument, contain the name, if known, last known address, if known, and social security number or taxpayer identification number, if known or readily ascertainable;

E. For an amount held or owing under a life or endowment insurance policy, annuity contract or other property for which ownership vests in a beneficiary upon the death of the owner, contain the name and last known address of the insured, annuitant or other apparent owner of the policy or contract and of the beneficiary;

F. For property held in or removed from a safe deposit box, indicate the location of the property, where it may be inspected by the administrator and any amounts owed to the holder under section 2116;

G. Contain the commencement date for determining abandonment under subchapter 2;

H. State that the holder has complied with the notice requirements of section 2101;

I. Identify property that is a nonfreely transferable security and explain why it is a nonfreely transferable security; and

J. Contain other information the administrator prescribes by rule.

2. Aggregate items valued under \$50. A report under section 2091 may include in the aggregate items valued under \$50 each for which personal information, as defined in section 2211, subsection 1, concerning the owner is unknown.

3. Personal information. A report under section 2091 may include personal information as defined in section 2211, subsection 1 about the apparent owner or the apparent owner's property.

4. Former name, name of previous holder. If a holder has changed its name while holding property presumed abandoned or is a successor to another person that previously held the property for the apparent owner, the holder must include in the report under section 2091 its former name or the name of the previous holder, if any, and the known name and address of each previous holder of the property.

**§2093. When report filed**

1. November 1st. Except as otherwise provided in subsection 2 and subject to subsection 3, the report under section 2091 must be filed before November 1st of each year and cover the 12 months preceding July 1st of that year.

2. May 1st. Subject to subsection 3, a report under section 2091 containing information about life insurance policies, gift obligations and stored-value obligations must be filed before May 1st of each year for the immediately preceding calendar year.

3. Extension; payment. Before the date for filing the report under section 2091, the holder of property presumed abandoned may request the administrator to extend the time for filing. The administrator may grant an extension. If the extension is granted, the administrator may require the holder to pay or make a partial payment of the amount the holder estimates ultimately will be due. The payment or partial payment terminates accrual of interest on the amount paid.

**§2094. Retention of records by holder**

A holder required to file a report under section 2091 shall retain records for 10 years after the date the report was filed or the last date a timely report was due to be filed, whichever is later, unless a shorter period is provided by rule of the administrator. The holder may satisfy the requirement to retain records under this section through an agent. The records must contain:

1. Required information. The information required to be included in the report;

**2. Date, place, nature of circumstances.** The date, place and nature of the circumstances that gave rise to the property right;

**3. Amount or value.** The amount or value of the property;

**4. Last known address of apparent owner.** The last known address of the apparent owner, if known to the holder;

**5. Items not reported unclaimed.** Records of items that were not reported as unclaimed sufficient to allow examination to determine whether the holder has complied with the Act; and

**6. Record of outstanding instruments.** If the holder sells, issues or provides to others for sale or issue in this State traveler's checks, money orders or similar instruments, other than 3rd-party bank checks, on which the holder is directly liable, a record of the instruments while they remain outstanding indicating the state and date of issue.

**§2095. Property reportable and payable or deliverable absent owner demand**

Property is reportable and payable or deliverable under this Act even if the owner fails to make demand or present an instrument or document otherwise required to obtain payment.

**SUBCHAPTER 5**

**NOTICE TO APPARENT OWNER OF PROPERTY PRESUMED ABANDONED**

**§2101. Notice to apparent owner by holder**

**1. Notice to apparent owner.** Subject to subsection 2, the holder of property presumed abandoned shall send to the apparent owner notice by first class United States mail that complies with section 2102 in a format acceptable to the administrator not more than 180 days nor less than 60 days before filing the report under 2091 if:

A. The holder has in its records an address for the apparent owner that the holder's records do not disclose to be invalid and is sufficient to direct the delivery of first class United States mail to the apparent owner; and

B. The value of the property held for an owner in aggregate is \$50 or more.

**2. E-mail.** If an apparent owner has consented to receive e-mail delivery from the holder, the holder shall send the notice described in subsection 1 both by first class United States mail to the apparent owner's last known mailing address and by e-mail, unless the holder believes that the apparent owner's e-mail address is invalid.

**3. Notice; tax deferred account or security.** The holder of securities presumed abandoned under

section 2062, 2063 or 2068 shall send to the apparent owner notice by certified United States mail that complies with section 2102 in a format acceptable to the administrator not less than 60 days before filing the report under section 2091 if:

A. The holder has in its records an address for the apparent owner that the holder's records do not disclose to be invalid and that is sufficient to direct the delivery of United States mail to the apparent owner; and

B. The value of the property is \$1,000 or more.

**4. Return receipt constitutes record communicated by apparent owner.** In addition to other indications of an apparent owner's interest in property pursuant to section 2070, a signed return receipt in response to a notice sent pursuant to this section by certified United States mail constitutes a record communicated by the apparent owner to the holder concerning the property or the account in which the property is held.

**§2102. Contents of notice by holder**

**1. Notice heading.** Notice under section 2101 must contain a heading that reads substantially as follows: "Notice. The State of Maine requires us to notify you that your property may be transferred to the custody of the State Treasurer if you do not contact us before (insert date that is 30 days after the date of this notice)."

**2. Notice contents.** The notice under section 2101 must:

A. Identify the nature and, except for property that does not have a fixed value, the value of the property that is the subject of the notice;

B. State that the property will be turned over to the administrator;

C. State that after the property is turned over to the administrator an apparent owner that seeks return of the property must file a claim with the administrator;

D. State that property that is not legal tender of the United States may be sold by the administrator; and

E. Provide instructions that the apparent owner must follow to prevent the holder from reporting and paying or delivering the property to the administrator.

**§2103. Notice by administrator**

**1. Website; apparent owners.** The administrator shall maintain a website accessible by the public and electronically searchable that contains the names reported to the administrator of all apparent owners for whom property is being held by the administrator. The administrator may exclude certain properties from

publication on this website if reasonable exclusion serves the best interest of the State and the owner of the property.

**2. Instructions for filing.** The website must include instructions for filing with the administrator a claim to property.

**3. Other communications and media.** The administrator may use any printed publication, telecommunication, the Internet or other media to inform the public of the existence of unclaimed property held by the administrator.

**§2104. Cooperation among state officers and agencies to locate apparent owner**

Unless prohibited by law of this State other than this Act, on request of the administrator, each officer, agency, board, commission, division and department of this State, any body politic and corporate created by this State for a public purpose, and each political subdivision of this State shall make its books and records available to the administrator and cooperate with the administrator to determine the current address of an apparent owner of property held by the administrator under this Act or to otherwise assist the administrator in the administration of this Act. The administrator may also enter into data-sharing agreements to enable other governmental agencies to provide an additional notice to apparent owners of property held by the administrator.

**SUBCHAPTER 6**

**TAKING CUSTODY OF PROPERTY BY ADMINISTRATOR**

**§2111. Definition of good faith**

In this subchapter, payment or delivery of property is made in good faith if a holder:

**1. Reasonable basis.** Had a reasonable basis for believing, based on the facts then known, that the property was required or permitted to be paid or delivered to the administrator under this Act; or

**2. Payment or delivery.** Made payment or delivery:

A. In response to a demand by the administrator or administrator's agent; or

B. Under a guidance or ruling issued by the administrator that the holder reasonably believed required or permitted the property to be paid or delivered.

**§2112. Dormancy charge**

**1. Deduct dormancy charge.** A holder may deduct a dormancy charge from property required to be paid or delivered to the administrator if:

A. A valid contract between the holder and the apparent owner authorizes imposition of the

charge for the apparent owner's failure to claim the property within a specified time; and

B. The holder regularly imposes the charge and regularly does not reverse or otherwise cancel the charge.

**2. Not unconscionable amount.** The amount of the deduction under subsection 1 is limited to an amount that is not unconscionable considering all relevant factors, including the marginal transactional costs incurred by the holder in maintaining the apparent owner's property and any services received by the apparent owner.

**§2113. Payment or delivery of property to administrator**

**1. Payment or delivery.** Except as otherwise provided in this section, on filing a report under section 2091, the holder shall pay or deliver to the administrator the property described in the report.

**2. Extension of date.** If property in a report under section 2091 is an automatically renewable deposit and a penalty or forfeiture in the payment of interest would result from paying the deposit to the administrator at the time of the report, the date for payment of the property to the administrator is extended until a penalty or forfeiture no longer would result from payment, if the holder informs the administrator of the extended date.

**3. Delivery of tangible property in safe deposit box.** Tangible property in a safe deposit box may not be delivered to the administrator until a mutually agreed upon date no sooner than 120 days after filing the report under section 2091.

**4. Security.** If property reported to the administrator under section 2091 is a security, the administrator may:

A. Make an endorsement, instruction or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, its transfer agent or the securities intermediary to transfer the security; or

B. Dispose of the security under section 2132.

**5. Issuer of certificated security.** If the holder of property reported to the administrator under section 2091 is the issuer of a certificated security, the administrator may obtain a replacement certificate in physical or book-entry form under Title 11, section 8-1405. An indemnity bond is not required.

**6. Securities procedures.** The administrator shall establish procedures for the registration, issuance, method of delivery, transfer and maintenance of securities delivered to the administrator by a holder.

**7. No liability after delivered.** An issuer, holder and transfer agent or other person acting in good faith

under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and must be indemnified by the State against, a claim arising with respect to property after the property has been delivered to the administrator.

**8. Nonfreely transferable security.** A holder is not required to deliver to the administrator a security identified by the holder as a nonfreely transferable security. If the administrator or holder determines that a security is no longer a nonfreely transferable security, the holder shall deliver the security on the next regular date prescribed for delivery of securities under this Act. The holder shall make a determination annually whether a security identified in a report filed under section 2091 as a nonfreely transferable security is no longer a nonfreely transferable security.

**§2114. Effect of payment or delivery of property to administrator**

**1. No liability of holder on payment or delivery.** On payment or delivery of property to the administrator under this Act, the administrator as agent for the State assumes custody and responsibility for safekeeping the property. A holder that pays or delivers property to the administrator in good faith and substantially complies with sections 2101 and 2102 is relieved of liability arising thereafter with respect to payment or delivery of the property to the administrator.

**2. State indemnification.** This State shall defend and indemnify a holder against liability on a claim against the holder resulting from the payment or delivery of property to the administrator made in good faith and after the holder substantially complied with sections 2101 and 2102.

**§2115. Recovery of property by holder from administrator**

**1. Claim for reimbursement.** A holder that under this Act pays money to the administrator may file a claim for reimbursement from the administrator of the amount paid if the holder:

- A. Paid the money in error; or
- B. After paying the money to the administrator, paid money to a person the holder reasonably believed entitled to the money.

**2. Proof instrument presented and paid.** If a claim for reimbursement under subsection 1 is made for a payment made on a negotiable instrument, including a traveler's check, money order or similar instrument, the holder must submit proof that the instrument was presented and payment was made to a person the holder reasonably believed entitled to payment. The holder may claim reimbursement even if the payment was made to a person whose claim was made after expiration of a period of limitation on the

owner's right to receive or recover property, whether specified by contract, statute or court order.

**3. Income or gain.** If a holder is reimbursed by the administrator under subsection 1, paragraph B, the holder may also recover from the administrator income or gain under section 2117 that would have been paid to the owner if the money had been claimed from the administrator by the owner to the extent the income or gain was paid by the holder to the owner.

**4. Property other than money, claim for return.** A holder that under this Act delivers property other than money to the administrator may file a claim for return of the property from the administrator if:

- A. The holder delivered the property in error; or
- B. The apparent owner has claimed the property from the holder.

**5. Evidence property claimed.** If a claim for return of property under subsection 4 is made, the holder shall include with the claim evidence sufficient to establish that the apparent owner has claimed the property from the holder or that the property was delivered by the holder to the administrator in error.

**6. Affidavit sufficient.** The administrator may determine that an affidavit submitted by a holder is evidence sufficient to establish that the holder is entitled to reimbursement or to recover property under this section.

**7. No fee or other charge.** A holder is not required to pay a fee or other charge for reimbursement or return of property under this section.

**8. Determination on claim.** Not later than 90 days after a claim is filed under subsection 1 or 4, the administrator shall allow or deny the claim and give the claimant notice of the decision in a record. If the administrator does not take action on a claim during the 90-day period, the claim is deemed denied.

**9. Claim in Superior Court.** A person aggrieved by a decision of the administrator may maintain an original action to establish the claim in the Superior Court of Kennebec County naming the administrator as a defendant.

**§2116. Property removed from safe deposit box**

Property removed from a safe deposit box and delivered under this Act to the administrator is subject to the holder's right to reimbursement for the cost of opening the box and a lien or contract providing reimbursement to the holder for unpaid rent charges for the box. The administrator shall reimburse the holder from the proceeds remaining after deducting the expense incurred by the administrator in selling the property.

**§2117. Crediting income or gain to owner's account**

**1. Income or gain realized.** If property other than money is delivered to the administrator, the owner is entitled to receive from the administrator income or gain realized or accrued on the property before the property is sold. If the property was an interest-bearing demand, savings or time deposit, the administrator shall pay interest at the current 10-year average cash pool rate. Interest is calculated from the date the property is delivered to the administrator and ends on the expiration of 10 years after its delivery or the date on which payment is made to the owner, whichever is earlier.

**2. Period before effective date.** Interest on interest-bearing property is not payable under this section for any period before the effective date of this Act, unless authorized by former chapter 41.

**§2118. Administrator's options as to custody**

**1. Custody declined.** The administrator may decline to take custody of property reported under section 2091 if the administrator determines that:

- A. The property has a value less than the estimated expenses of notice and sale of the property; or
- B. Taking custody of the property would be unlawful.

**2. Before presumed abandoned.** A holder may pay or deliver property to the administrator before the property is presumed abandoned under this Act if the holder:

- A. Provides the apparent owner of the property notice required by section 2101 and provides the administrator evidence of the holder's compliance with this paragraph;
- B. Includes with the payment or delivery a report regarding the property conforming to section 2092; and
- C. First obtains the administrator's consent in a record to accept payment or delivery. The holder's request must be in writing.

**3. Presumed abandoned.** On payment or delivery of property under subsection 2, the property is presumed abandoned.

**§2119. Disposition of property having no substantial value; immunity from liability**

**1. Return to holder.** If the administrator takes custody of property delivered under this Act and later determines that the property has no substantial commercial value or that the cost of disposing of the property will exceed the value of the property, the administrator may return the property to the holder or destroy or otherwise dispose of the property.

**2. Immunity from liability.** An action or proceeding may not be commenced against the State, an agency of the State, the administrator, another officer, employee or agent of the State or a holder for or because of an act of the administrator under this section, except for intentional misconduct or malfeasance.

**§2120. Periods of limitation and repose**

**1. Holder's duty to pay or deliver.** Expiration, before, on or after October 1, 2019, of a period of limitation on an owner's right to receive or recover property, whether specified by contract, statute or court order, does not prevent the property from being presumed abandoned or affect the duty of a holder under this Act to file a report or pay or deliver property to the administrator.

**2. Proceeding within 5 years after nonfraudulent report.** The administrator may not commence an action or proceeding to enforce this Act with respect to the reporting, payment or delivery of property more than 5 years after the holder filed a nonfraudulent report under section 2091 with the administrator. The parties may agree in a record to extend the limitation in this subsection.

**3. Proceeding within 10 years after duty arose.** The administrator may not commence an action, proceeding or examination with respect to a duty of a holder under this Act more than 10 years after the duty arose.

**SUBCHAPTER 7****SALE OF PROPERTY BY ADMINISTRATOR****§2131. Public sale of property**

**1. Sale after one year.** Subject to section 2132, not earlier than one year after receipt of property presumed abandoned, the administrator may sell the property.

**2. Notice of sale.** Before selling property under subsection 1, the administrator shall give notice to the public of:

- A. The date of the sale; and
- B. The nature of the property.

**3. Sale to highest bidder.** A sale under subsection 1 must be to the highest bidder:

- A. At public sale at a location in this State that the administrator determines to be the most favorable market for the property;
- B. On the Internet; or
- C. On another forum the administrator determines is likely to yield the highest net proceeds of sale.

**4. Highest bid insufficient.** The administrator may decline the highest bid at a sale under this section

and reoffer the property for sale if the administrator determines the highest bid is insufficient.

**5. Publication of notice.** If a sale held under this section is to be conducted other than on the Internet, the administrator may publish at least one notice of the sale, at least 2 weeks but not more than 10 weeks before the sale.

#### **§2132. Disposal of securities**

**1. Sell or liquidate security after one year.** Except as provided in section 2155, subsection 1, the administrator may not sell or otherwise liquidate a security until one year after the administrator receives the security.

**2. Price of security.** The administrator may not sell a security listed on an established stock exchange for less than the price prevailing on the exchange at the time of sale. The administrator may sell a security not listed on an established exchange by any commercially reasonable method.

#### **§2133. Recovery of securities or value by owner**

**1. Claim for securities sold before one year after delivery.** If securities are sold by the administrator before the expiration of one year after their delivery to the administrator, a person making a claim under this Act before the end of the one-year period is entitled to the proceeds of the sale of the securities or the market value of the securities at the time the claim is made, whichever is greater, plus dividends, interest and other increments thereon up to the time the claim is made, less any deduction for expenses of sale. A person making a claim under this Act after the expiration of the one-year period is entitled to receive the securities delivered to the administrator by the holder, if the securities remain in the custody of the administrator, or the net proceeds received from sale and is not entitled to receive any appreciation in the value of the property occurring after delivery to the administrator, except in a case of intentional misconduct or malfeasance by the administrator.

**2. Claim for securities of a single issue.** Notwithstanding this section, the administrator may sell the securities of any single issue for which custodial costs are likely to exceed value 90 days or more after the securities have been published pursuant to section 2103. A person making a claim under this Act after the securities have been sold is entitled only to the net proceeds received from the sale.

#### **§2134. Purchaser owns property after sale**

A purchaser of property at a sale conducted by the administrator under this Act takes the property free of all claims of the owner, a previous holder or a person claiming through the owner or holder. The administrator shall execute documents necessary to complete the transfer of ownership to the purchaser.

#### **§2135. Military medal or decoration**

**1. Sale prohibited.** The administrator may not sell a medal or decoration awarded for military service in the Armed Forces of the United States.

**2. Delivery of medal or decoration.** The administrator, with the consent of the respective organization under paragraph A, agency under paragraph B or entity under paragraph C, may deliver a medal or decoration described in subsection 1, to be held in custody for the owner, to:

A. A military veterans' organization qualified under the federal Internal Revenue Code of 1986, 26 United States Code, Section 501(c)(19), as amended;

B. The agency that awarded the medal or decoration; or

C. A governmental entity.

**3. Not responsible after delivery.** On delivery under subsection 2, the administrator is not responsible for safekeeping the medal or decoration.

### **SUBCHAPTER 8**

#### **ADMINISTRATION OF PROPERTY**

#### **§2141. Deposit of funds by administrator**

**1. Unclaimed Property Fund.** The administrator shall deposit in the Unclaimed Property Fund all funds received under this Act, including proceeds from the sale of property under subchapter 7. The Unclaimed Property Fund is a permanent account and may not lapse, but must be carried forward.

**2. Payment of claims from Unclaimed Property Fund.** The administrator shall make prompt payment of claims the administrator duly allows as provided for in this Act from the Unclaimed Property Fund under subsection 1. This shall constitute an irrevocable and continuing appropriation of all amounts in the Unclaimed Property Fund necessary to make prompt payment of claims duly allowed by the administrator pursuant to this Act.

#### **§2142. Administrator to retain records of property**

The administrator shall:

**1. Name and address of apparent owners.** Record and retain the name and last known address of each person shown on a report filed under section 2091 to be the apparent owner of property delivered to the administrator;

**2. Name and address of insureds, annuitants and beneficiaries.** Record and retain the name and last known address of each insured or annuitant and beneficiary shown on the report;

**3. Policy or account number, company and amount.** For each policy of insurance or annuity con-

tract listed in the report of an insurance company, record and retain the policy or account number, the name of the company and the amount due or paid; and

**4. Holder that filed report.** For each apparent owner listed in the report, record and retain the name of the holder that filed the report and the amount due or paid.

**§2143. Expenses and service charges of administrator**

Before making a deposit of funds received under this Act to the Unclaimed Property Fund under section 2141, the administrator may deduct:

**1. Expenses of disposition of property.** Expenses of disposition of property delivered to the administrator under this Act;

**2. Costs of mailing and publication.** Costs of mailing and publication in connection with property delivered to the administrator under this Act;

**3. Reasonable service charges.** Reasonable service charges; and

**4. Expenses incurred.** Expenses incurred in examining records of or collecting property from a putative holder or holder.

At the end of each year or more often, the administrator shall transfer to the General Fund all money in the Unclaimed Property Fund under section 2141 that is in excess of \$500,000.

**§2144. Administrator holds property as custodian for owner**

Except as provided in section 2072, property received by the administrator under this Act is held in custody for the benefit of the owner and is not owned by the State.

**SUBCHAPTER 9**

**CLAIM TO RECOVER PROPERTY FROM ADMINISTRATOR**

**§2151. Claim of another state to recover property**

**1. Subject to superior claim of another state.** If the administrator knows that property held by the administrator under this Act is subject to a superior claim of another state, the administrator shall:

A. Report and pay or deliver the property to the other state; or

B. Return the property to the holder so that the holder may pay or deliver the property to the other state.

**2. Agreement to transfer not required.** The administrator is not required to enter into an agreement to transfer property to the other state under subsection 1.

**§2152. When property subject to recovery by another state**

**1. Subject to right of another state.** Property held under this Act by the administrator is subject to the right of another state to take custody of the property if:

A. The property was paid or delivered to the administrator because the records of the holder did not reflect a last known address in the other state of the apparent owner and:

(1) The other state establishes that the last known address of the apparent owner or other person entitled to the property was in the other state; or

(2) Under the law of the other state, the property has become subject to a claim by the other state of abandonment;

B. The records of the holder did not accurately identify the owner of the property, the last known address of the owner was in another state and, under the law of the other state, the property has become subject to a claim by the other state of abandonment;

C. The property was subject to the custody of the administrator under section 2085 and, under the law of the state of domicile of the holder, the property has become subject to a claim by the state of domicile of the holder of abandonment; or

D. The property:

(1) Is a sum payable on a traveler's check, money order or similar instrument that was purchased in the other state and delivered to the administrator under section 2086; and

(2) Under the law of the other state, has become subject to a claim by the other state of abandonment.

**2. Form prescribed.** A claim by another state to recover property under this section must be presented in a form prescribed by the administrator, unless the administrator waives presentation of the form.

**3. Decision within 90 days.** The administrator shall decide a claim under this section not later than 90 days after it is presented. If the administrator determines that the other state is entitled under subsection 1 to custody of the property, the administrator shall allow the claim and pay or deliver the property to the other state.

**4. May require indemnification.** The administrator may require another state, before recovering property under this section, to agree to indemnify this State and its agents, officers and employees against any liability on a claim to the property.

**§2153. Claim for property by person claiming to be owner**

**1. Claim for property.** A person claiming to be the owner of property held under this Act by the administrator may file a claim for the property on a form prescribed by the administrator. The claimant must verify the claim as to its completeness and accuracy.

**2. Waive; pay or deliver directly.** The administrator may waive the requirement in subsection 1 and may pay or deliver property directly to a person if:

A. The person receiving the property or payment is shown to be the apparent owner included on a report filed under section 2091; and

B. The administrator reasonably believes the person is entitled to receive the property or payment.

If a claimant has an agreement pursuant to subchapter 13 with a professional investigator licensed under Title 32, chapter 89, the administrator shall deliver the payment or property to the professional investigator.

**§2154. When administrator must honor claim for property**

**1. Administrator shall pay claim.** The administrator shall pay or deliver property to a claimant under section 2153, subsection 1 if the administrator receives evidence sufficient to establish to the satisfaction of the administrator that the claimant is the owner of the property.

**2. Approve or deny claim within 90 days.** Not later than 90 days after a claim is filed and completed under section 2153, subsection 1, the administrator shall approve or deny the claim and give the claimant, or professional investigator licensed under Title 32, chapter 89 under an agreement with the claimant pursuant to subchapter 13, notice in a record of the decision. A claim is complete when a claimant has provided all the information and documentation requested by the administrator necessary to prove legal ownership of the property.

**3. Claim denied; procedure; amended claim.** If the claim is denied under subsection 2:

A. The administrator shall inform the claimant, or professional investigator under an agreement with the claimant pursuant to subchapter 13, of the reason for the denial; and

B. The claimant, or professional investigator under an agreement with the claimant pursuant to subchapter 13, may file an amended claim with the administrator or commence an action under section 2156.

**4. Claim deemed denied.** If the administrator does not take action on a claim during the 90-day period under subsection 2, the claim is deemed denied.

**§2155. Allowance of claim for property**

**1. Pay or deliver within 30 days.** Not later than 30 days after a claim is approved under section 2154, subsection 2, the administrator shall pay or deliver to the owner the property or pay to the owner the net proceeds of a sale of the property, together with income or gain to which the owner is entitled under section 2117. If a claimant has an agreement pursuant to subchapter 13 with a professional investigator licensed under Title 32, chapter 89, the administrator shall deliver the payment or property to the professional investigator. On request of the owner, the administrator may sell or liquidate a security and pay the net proceeds to the owner, even if the security had been held by the administrator for less than one year or the administrator has not complied with the notice requirements under section 2131.

**2. Subject to claim.** Property held under this Act by the administrator is subject to a claim for the payment of an enforceable debt the owner owes in this State for:

A. Child support arrearages, including child support collection costs and child support arrearages that are combined with maintenance;

B. A final court judgment; or

C. State or federal taxes, penalties and interest that have been determined to be delinquent by the relevant tax authority.

**§2156. Action by person whose claim is denied**

Not later than one year after being denied a claim under section 2154, the claimant may commence an action against the administrator in the Superior Court of Kennebec County to establish a claim.

**SUBCHAPTER 10****VERIFIED REPORT OF PROPERTY;  
EXAMINATION OF RECORDS****§2161. Verified report of property**

If a person does not file a report required by section 2091 or the administrator believes that a person may have filed an inaccurate, incomplete or false report, the administrator may require the person to file a verified report in a form prescribed by the administrator. The verified report must:

**1. Reportable property.** State whether the person is holding property reportable under this Act;

**2. Describe property.** Describe property not previously reported or about which the administrator has inquired;

**3. Specifically identify disputed property.** Specifically identify property described under subsection 2 about which there is a dispute whether it is reportable under this Act; and

**4. Amount or value.** State the amount or value of the property.

**§2162. Examination of records to determine compliance**

The administrator, at reasonable times and on reasonable notice, may:

**1. Examine records.** Examine the records of a person, including examination of appropriate records in the possession of an agent of the person under examination, if the records are reasonably necessary to determine whether the person has complied with this Act;

**2. Issue administrative subpoena.** Issue an administrative subpoena requiring the person under subsection 1 or agent of the person to make records available for examination;

**3. Examination even if person believes not in possession.** The administrator may conduct the examination under subsection 1 even if the person believes it is not in possession of any property that must be reported, paid or delivered under this Act; and

**4. Bring enforcement action.** Bring an action seeking judicial enforcement of the subpoena under subsection 2.

**§2163. Rules for conducting examination**

The administrator may adopt rules governing procedures and standards for an examination under section 2162.

**§2164. Records obtained in examination**

Records obtained and records compiled, including work papers, by the administrator in the course of conducting an examination under section 2162:

**1. Confidentiality and security provisions.** Are subject to the confidentiality and security provisions of subchapter 14 and are not public records;

**2. Use to collect property, enforce the Act.** May be used by the administrator in an action to collect property or otherwise enforce this Act;

**3. Use in joint examination.** May be used in a joint examination conducted with another state, the United States, a foreign country or subordinate unit of a foreign country, or any other governmental entity if the governmental entity conducting the examination is legally bound to maintain the confidentiality and security of information obtained from a person subject to examination in a manner substantially equivalent to that under subchapter 14;

**4. Disclosure.** Must be disclosed, on request, to the person that administers the unclaimed property law of another state for that state's use in circumstances equivalent to circumstances described in this subchapter, if the other state is required to maintain the confi-

deniality and security of information obtained in a manner substantially equivalent to that under subchapter 14;

**5. Produced pursuant to subpoena.** Must be produced by the administrator under an administrative or judicial subpoena or administrative or court order; and

**6. Produced upon request in proceeding.** Must be produced by the administrator on request of the person subject to the examination in an administrative or judicial proceeding relating to the property.

**§2165. Evidence of unpaid debt or undischarged obligation**

**1. Prima facie evidence of debt or obligation.** A record of a putative holder showing an unpaid debt or undischarged obligation is prima facie evidence of the debt or obligation.

**2. Preponderance of evidence.** A putative holder may establish by a preponderance of the evidence that there is no unpaid debt or undischarged obligation for a debt or obligation described in subsection 1 or that the debt or obligation was not, or no longer is, a fixed and certain obligation of the putative holder.

**3. Overcome prima facie evidence.** A putative holder may overcome prima facie evidence under subsection 1 by establishing by a preponderance of the evidence that a check, draft or similar instrument was:

A. Issued as an unaccepted offer in settlement of an unliquidated amount;

B. Issued but later was replaced with another instrument because the earlier instrument was lost or contained an error that was corrected;

C. Issued to a party affiliated with the issuer;

D. Paid, satisfied or discharged;

E. Issued in error;

F. Issued without consideration;

G. Issued but there was a failure of consideration;

H. Voided not later than 90 days after issuance for a valid business reason set forth in a contemporaneous record; or

I. Issued but not delivered to a 3rd-party payee for a sufficient reason recorded within a reasonable time after issuance.

**4. Evidence of course of dealing.** In asserting a defense under this section, and subject to section 2094, a putative holder may present evidence of a course of dealing between the putative holder and the apparent owner.

**§2166. Failure of person examined to retain records**

If a person subject to examination under section 2162 does not retain the records as required by section 2094, the administrator may determine the value of property due using a reasonable method of estimation based on all information available to the administrator, including extrapolation and use of statistical sampling when appropriate and necessary, consistent with examination procedures and standards adopted under and in accordance with section 2163.

**§2167. Report to person whose records were examined**

At the conclusion of an examination under section 2162, upon request, the administrator shall provide to the person whose records were examined a report that specifies:

1. **Work performed.** The work performed;
2. **Property types.** The property types reviewed;
3. **Methodology.** The methodology of any estimation technique, extrapolation or statistical sampling used in conducting the examination;
4. **Calculation.** Each calculation showing the value of property determined to be due; and
5. **Findings.** The findings of the person conducting the examination.

**§2168. Complaint to administrator about conduct of person conducting examination**

If a person subject to examination under section 2162 believes the person conducting the examination has made an unreasonable or unauthorized request or is not proceeding expeditiously to complete the examination, the person in a record may ask the administrator to intervene and take appropriate remedial action, including countermanding the request of the person conducting the examination, imposing a time limit for completion of the examination or reassigning the examination to another person. The administrator shall respond to all such requests within 30 days of receipt of the complaint.

**§2169. Administrator's contract to conduct examination**

The administrator may contract with a person to conduct an examination under this subchapter.

**§2170. Determination of liability for unreported reportable property**

If the administrator determines from an examination conducted under section 2162 that a putative holder failed or refused to pay or deliver to the administrator property that is reportable under this Act, the administrator shall issue a determination of the putative holder's liability to pay or deliver and shall give

notice in a record to the putative holder of the determination.

**SUBCHAPTER 11****DETERMINATION OF LIABILITY; PUTATIVE HOLDER REMEDIES****§2181. Informal conference**

1. **Request for informal conference.** Not later than 30 days after receipt of a notice under section 2170, the putative holder may request an informal conference with the administrator to review the determination. The holder must include in the request the specific items to be discussed. Except as otherwise provided in this section, the administrator may designate an employee to act on behalf of the administrator.

2. **Response to request for informal conference.** If a putative holder makes a timely request under subsection 1 for an informal conference:

A. Not later than 30 days after the date of the request, the administrator shall set the time and place of the conference;

B. The administrator shall give the putative holder notice in a record of the time and place of the conference;

C. The conference may be held in person, by telephone or by electronic means, as determined by the administrator;

D. The request tolls the 90-day period under sections 2183 and 2184 until notice of a decision under paragraph G has been given to the putative holder or the putative holder withdraws the request for the conference;

E. The conference may be postponed, adjourned and reconvened as the administrator determines appropriate;

F. The administrator or administrator's designee with the approval of the administrator may modify a determination made under section 2170 or withdraw the determination; and

G. The administrator shall issue a decision in a record and provide a copy of the record to the putative holder and examiner not later than 30 days after the conference ends.

3. **Conference not administrative remedy; procedure.** A conference under subsection 1 is not an administrative remedy. An oath is not required and rules of evidence do not apply in the conference.

4. **Opportunity to confer informally.** At a conference under subsection 2, the putative holder must be given an opportunity to confer informally with the administrator and the person that examined the records of the putative holder to:

A. Discuss the determination made under section 2170; and

B. Present any issue concerning the validity of the determination made under section 2170.

**5. Failure to act within period.** If the administrator fails to act within the period prescribed in subsection 2, paragraph A or G, the failure does not affect a right of the administrator, except that interest does not accrue on the amount for which the putative holder was determined to be liable under section 2170 during the period in which the administrator failed to act until the earlier of:

A. The date under section 2183 on which the putative holder initiates administrative review or the date on which the putative holder files an action under section 2184; and

B. Ninety days after the putative holder received notice of the administrator's determination under section 2170 if no review was initiated under section 2183 and no action was filed under section 2184.

**6. Informal conference before administrative review.** The administrator may hold an informal conference with a putative holder about a determination under section 2170 without a request at any time before the putative holder initiates administrative review under section 2183 or files an action under section 2184.

**7. Interest and penalties.** Interest and penalties under section 2194 continue to accrue on property not reported, paid or delivered as required by this Act after the initiation, and during the pendency, of an informal conference under this section.

#### **§2182. Review of administrator's determination**

A putative holder may seek relief from a determination under section 2170 by:

**1. Administrative review.** Administrative review under section 2183; or

**2. Judicial review.** Judicial review under section 2184.

#### **§2183. Administrative review**

**1. Review under Maine Administrative Procedure Act.** Not later than 90 days after receiving notice of the administrator's determination under section 2170, a putative holder may initiate a proceeding under the Maine Administrative Procedure Act for review of the administrator's determination.

**2. Judicial review; de novo proceeding.** A final decision in an administrative proceeding initiated under subsection 1 is subject to judicial review by the Superior Court as a matter of right in a de novo proceeding on the record in which either party is entitled to introduce evidence as a supplement to the record.

#### **§2184. Judicial remedy**

**1. Action by putative holder.** Not later than 90 days after receiving notice of the administrator's determination under section 2170, the putative holder may:

A. File an action against the administrator in the Superior Court of Kennebec County challenging the administrator's determination of liability and seeking a declaration that the determination is unenforceable, in whole or in part; or

B. Pay the amount or deliver the property determined by the administrator to be paid or delivered to the administrator and, not later than 6 months after payment or delivery, file an action against the administrator in the Superior Court of Kennebec County for a refund of all or part of the amount paid or return of all or part of the property delivered.

**2. Continue action.** If a putative holder pays or delivers property that the administrator determined must be paid or delivered to the administrator at any time after the putative holder files an action under subsection 1, paragraph A, the court shall continue the action as if it had been filed originally as an action for a refund or return of property under subsection 1, paragraph B.

### **SUBCHAPTER 12**

#### **ENFORCEMENT BY ADMINISTRATOR**

#### **§2191. Judicial action to enforce liability**

**1. Enforcement of determination.** If a determination under section 2170 becomes final and is not subject to administrative or judicial review, the administrator may commence an action in the Superior Court of Kennebec County or in an appropriate court of another state to enforce the determination and secure payment or delivery of past due, unpaid or undeliverable property. The action must be brought not later than 5 years after the determination becomes final.

**2. Court having jurisdiction.** In an action under subsection 1, if no court in this State has jurisdiction over the defendant, the administrator may commence an action in any court having jurisdiction over the defendant.

#### **§2192. Interstate and international agreement; cooperation**

**1. Exchange or examination.** Subject to subsection 2, the administrator may:

A. Exchange information with another state or foreign country relating to property presumed abandoned or relating to the possible existence of property presumed abandoned; and

B. Authorize in a record another state or foreign country or a person acting on behalf of the other

state or country to examine the administrator's records of a putative holder as provided in subchapter 10.

**2. Confidentiality and security protections.** An exchange or examination under subsection 1 may be done only if the state or foreign country has confidentiality and security requirements substantially equivalent to those in subchapter 14 or agrees in a record to be bound by this State's confidentiality and security requirements.

**§2193. Action involving another state or foreign country**

**1. Joint examination and enforcement.** The administrator may join another state or foreign country to examine and seek enforcement of this Act against a putative holder.

**2. Action by Attorney General.** On request of another state or foreign country, the Attorney General may commence an action on behalf of the other state or country to enforce in this State the law of the other state or country against a putative holder subject to a claim by the other state or country.

**3. Requested action in another state or foreign country.** The administrator may request the official authorized to enforce the unclaimed property law of another state or foreign country to commence an action to recover property in the other state or country on behalf of the administrator. This State may pay the costs, including reasonable attorney's fees and expenses, incurred by the other state or foreign country in an action under this subsection.

**4. Recovery of property in another state.** The administrator may pursue an action on behalf of this State to recover property subject to this Act but delivered to the custody of another state if the administrator believes the property is subject to the custody of the administrator.

**5. Retain an attorney.** With the consent of the Attorney General, the administrator may retain an attorney in this State, another state or a foreign country to commence an action to recover property on behalf of the administrator and may agree to pay attorney's fees based in whole or in part on a fixed fee, hourly fee or a percentage of the amount or value of property recovered in the action.

**6. Expenses.** Expenses incurred by this State in an action under this section may be paid from property received under this Act or the net proceeds of the property. Expenses paid to recover property may not be deducted from the amount that is subject to a claim under this Act by the owner.

**§2194. Interest and penalty for failure to act in timely manner**

**1. Interest.** A holder that fails to report, pay or deliver property within the time prescribed by this Act shall pay to the administrator interest at an annual rate of 18%, or 10% above the annual rate of discount in effect on the date the property should have been paid or delivered for the most recent issue of 52-week United States Treasury bills, on the property or value thereof from the date the property should have been reported, paid or delivered.

**2. Civil penalty.** Except as otherwise provided in section 2195 or 2196, the administrator may require a holder that fails to report, pay or deliver property within the time prescribed by this Act to pay to the administrator, in addition to interest included under subsection 1, a civil penalty of \$200 for each day the duty is not performed, up to a cumulative maximum amount of \$5,000.

**§2195. Other civil penalties**

**1. Evading obligation or willfully failing to perform.** If a holder enters into a contract or other arrangement for the purpose of evading an obligation under this Act or otherwise willfully fails to perform a duty imposed on the holder under this Act, the administrator may require the holder to pay the administrator, in addition to interest as provided in section 2194, subsection 1, a civil penalty of \$1,000 for each day the obligation is evaded or the duty is not performed, up to a cumulative maximum amount of \$25,000, plus 25% of the amount or value of property that should have been but was not reported, paid or delivered as a result of the evasion or failure to perform.

**2. Fraudulent report.** If a holder makes a fraudulent report under this Act, the administrator may require the holder to pay to the administrator, in addition to interest under section 2194, subsection 1, a civil penalty of \$1,000 for each day from the date the report was made until corrected, up to a cumulative maximum of \$25,000, plus 25% of the amount or value of any property that should have been reported but was not included in the report or was underreported.

**3. Lack of knowledge of death.** A holder who fails to report, pay or deliver property within the time prescribed by this Act is not required to pay interest under section 2194, subsection 1 or subject to penalties under section 2194, subsection 2 if the failure to report, pay or deliver the property was due to lack of knowledge of a death that established the period of abandonment under this Act.

**§2196. Waiver of interest and penalty**

The administrator:

**1. Waive interest and penalties.** May waive, in whole or in part, interest under section 2194, subsec-

tion 1 and penalties under section 2194, subsection 2 or section 2195; and

**2. Good faith, without negligence.** Shall waive a penalty under section 2194, subsection 2 if the administrator determines that the holder acted in good faith and without negligence.

### SUBCHAPTER 13

#### AGREEMENT TO LOCATE PROPERTY OF APPARENT OWNER HELD BY ADMINISTRATOR

##### §2201. Agreements to locate property

**1. Agreements within 24 months.** An agreement by an owner the primary purpose of which is to locate, deliver, recover or assist in the recovery of property that is presumed abandoned is void and unenforceable if it was entered into during the period commencing on the date the property was presumed abandoned and extending to a time that is 24 months after the date the property is paid or delivered to the administrator. This subsection does not apply to an owner's agreement with an attorney to file a claim as to identified property or contest the administrator's denial of a claim.

**2. Agreement requirements.** An agreement by an owner the primary purpose of which is to locate, deliver, recover or assist in the recovery of property is enforceable only if the agreement is in writing, clearly sets forth the nature of the property and the services to be rendered, is signed by the apparent owner and states the value of the property before and after the fee or other compensation has been deducted.

**3. Mineral proceeds.** If an agreement covered by this section applies to mineral proceeds and the agreement contains a provision to pay compensation that includes a portion of the underlying minerals or any mineral proceeds not then presumed abandoned, the provision is void and unenforceable.

**4. Unconscionable compensation.** An agreement covered by this section that provides for compensation that is unconscionable is unenforceable except by the owner. An owner who has agreed to pay compensation that is unconscionable, or the administrator on behalf of the owner, may maintain an action to reduce the compensation to a conscionable amount. The court may award reasonable attorney's fees to an owner who prevails in the action.

**5. Other grounds not precluded.** This section does not preclude an owner from asserting that an agreement covered by this section is invalid on grounds other than unconscionable compensation.

**6. Limitation on fees or compensation.** Fees or compensation under agreements made more than 24 months but less than 36 months after the date the

property is paid or delivered to the administrator may not exceed 15%.

**7. Unfair trade practice.** A person who makes a claim for compensation in violation of this section commits an unfair trade practice in violation of Title 5, section 207.

### SUBCHAPTER 14

#### CONFIDENTIALITY AND SECURITY OF INFORMATION

##### §2211. Definitions; applicability

**1. Personal information defined.** As used in this subchapter, "personal information" means:

A. Information that identifies or reasonably can be used to identify an individual, such as first and last name in combination with the individual's:

- (1) Social security number or other government-issued number or identifier;
- (2) Date of birth;
- (3) Home or physical address;
- (4) E-mail address or other online contact information or Internet protocol address;
- (5) Financial account number or credit or debit card number;
- (6) Biometric data, health or medical data or insurance information; or
- (7) Passwords or other credentials that permit access to an online or other account;

B. Personally identifiable financial or insurance information, including nonpublic personal information defined by applicable federal law; and

C. Any combination of data that, if accessed, disclosed, modified or destroyed without authorization of the owner of the data or if lost or misused, would require notice or reporting under Title 10, section 1348 and federal privacy and data security law, whether or not the administrator or the administrator's agent is subject to the law.

**2. Applies to administrator's agent.** A provision of this subchapter that applies to the administrator or the administrator's records applies to an administrator's agent.

##### §2212. Confidential information

**1. Confidential.** Except as otherwise provided in this Act, the following are confidential and exempt from public inspection and disclosure:

A. Records of the administrator and the administrator's agent related to the administration of this Act;

B. Reports and records of a holder in the possession of the administrator or the administrator's agent;

C. Personal information and other information derived or otherwise obtained by or communicated to the administrator or the administrator's agent from an examination under this Act of the records of a person; and

D. The identity of a person subject to an examination under section 2162.

**2. Continues to be confidential.** A record or other information that is confidential under the laws of this State other than this Act, of another state or of the United States continues to be confidential when disclosed or delivered under this Act to the administrator or administrator's agent.

**§2213. When confidential information may be disclosed**

**1. To enforce or implement Act.** When reasonably necessary to enforce or implement this Act, the administrator may disclose confidential information concerning property held by the administrator or the administrator's agent only to:

A. An apparent owner or the apparent owner's attorney, other legal representative or relative;

B. The personal representative, executor, other legal representative or relative of a deceased apparent owner or a person entitled to inherit from a deceased apparent owner;

C. Another department or agency of this State or the United States;

D. The person that administers the unclaimed property law of another state, if the other state accords substantially reciprocal privileges to the administrator and if the other state is required to maintain the confidentiality and security of obtained information in a manner substantially equivalent to that under this subchapter; or

E. Pursuant to section 2164, subsection 6, the person subject to an examination.

**2. Name of apparent owners; additional information.** Except as otherwise provided in section 2212, subsection 1, the administrator shall include on the website required by section 2103, subsection 1 the name of each apparent owner of property held by the administrator. The administrator may include in published notices, printed publications, telecommunications, the Internet or other media and on the website or in the database additional information concerning the apparent owner's property if the administrator believes the information will assist in identifying and returning property to the owner and does not disclose personal information except the home or physical address of an apparent owner.

**3. No use of confidential information; exception.** The administrator and the administrator's agent may not use confidential information provided to them or in their possession except as expressly authorized by this Act or required by law other than this Act.

**§2214. Confidentiality agreement**

A person to be examined under section 2162 may require, as a condition of disclosure of the records of the person to be examined, that the administrator or the administrator's agent execute and deliver to the person to be examined a confidentiality agreement that:

**1. Form.** Is in a form that is reasonably satisfactory to the administrator; and

**2. Compliance with subchapter.** Requires the person having access to the records to comply with the provisions of this subchapter applicable to the person.

**§2215. Security breach**

**1. Notice to holder.** Except to the extent prohibited by law other than this Act, the administrator or administrator's agent shall notify a holder as soon as practicable of:

A. A suspected loss, misuse or unauthorized access, disclosure, modification or destruction of confidential information obtained from the holder in the possession of the administrator or an administrator's agent; and

B. Any interference with operations in any system hosting or housing confidential information that:

(1) Compromises the security, confidentiality or integrity of the information; or

(2) Creates a substantial risk of identity fraud or theft.

**2. Disclosure of breach limited.** Except as necessary to inform an insurer, attorney, investigator or others as required by law, the administrator and an administrator's agent may not disclose, without the express consent in a record of the holder, an event described in subsection 1 to a person whose confidential information was supplied by the holder.

**3. Action of administrator and administrator's agent.** If an event described in subsection 1 occurs, the administrator and the administrator's agent shall:

A. Take action necessary for the holder to understand and minimize the effect of the event and determine its scope; and

B. Cooperate with the holder with respect to:

(1) Any notification required by law concerning a data or other security breach; and

(2) A regulatory inquiry, litigation or similar action.

**§2216. Indemnification for breach**

**1. Indemnification of holder by State.** If a claim is made or action commenced arising out of an event described in section 2215, subsection 1 relating to confidential information possessed by the administrator, this State shall indemnify, defend and hold harmless a holder and the holder's affiliates, officers, directors, employees and agents as to:

A. Any claim or action; and

B. A liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge or other expense, including reasonable attorney's fees and costs, established by the claim or action.

**2. Indemnification by administrator's agent.** If a claim is made or action commenced arising out of an event described in section 2215, subsection 1 relating to confidential information possessed by an administrator's agent, the administrator's agent shall indemnify, defend and hold harmless a holder and the holder's affiliates, officers, directors, employees and agents as to:

A. Any claim or action; and

B. A liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge or other expense, including reasonable attorney's fees and costs, established by the claim or action.

**3. Insurance for indemnification.** The administrator shall require an administrator's agent that will receive confidential information required under this Act to maintain adequate insurance for indemnification obligations of the administrator's agent under subsection 2. The administrator's agent required to maintain the insurance shall provide evidence of the insurance to:

A. The administrator not less frequently than annually; and

B. The holder on commencement of an examination and annually thereafter until all confidential information is returned or destroyed by the administrator or the administrator's agent because the confidential information is no longer reasonably needed under this Act.

**SUBCHAPTER 15**

**MISCELLANEOUS PROVISIONS**

**§2221. Relation to Electronic Signatures in Global and National Commerce Act**

This Act modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 United States Code, Section 7001 et seq., but does not modify, limit or supersede Section

101(c) of that Act, 15 United States Code, Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 United States Code, Section 7003(b).

**§2222. Transitional provision**

This Act does not relieve a holder of a duty that arose before October 1, 2019 to report, pay or deliver property. Subject to section 2120, subsection 2, a holder that did not comply with the law governing unclaimed property before October 1, 2019 is subject to applicable provisions for enforcement and penalties in effect before October 1, 2019.

**§2223. Effective date**

This Act takes effect October 1, 2019.

**Sec. 23. 34-A MRSA §3040,** as amended by PL 2003, c. 20, Pt. T, §32, is further amended to read:

**§3040. Clients' property presumed abandoned**

Any property abandoned or unclaimed by a client in a correctional or detention facility must be disposed of according to Title 33, chapter 44 45.

**Sec. 24. 34-B MRSA §1434,** as amended by PL 2003, c. 20, Pt. T, §33, is further amended to read:

**§1434. Resident's property presumed abandoned**

Any property abandoned or unclaimed by a resident of a state institution must be disposed of according to Title 33, chapter 44 45.

**Sec. 25. 36 MRSA §191, sub-§2, ¶Z,** as amended by PL 2003, c. 390, §3, is further amended to read:

Z. The disclosure to the Treasurer of State when necessary for the performance of the Treasurer of State's official duties as administrator under Title 33, chapter 44 45 of the following information:

(1) The current mailing address for a taxpayer for purposes of returning unclaimed or abandoned property to the rightful owner or heir; and

(2) The names and mailing addresses of all Maine corporate income tax filers in an electronic medium prescribed by the State Tax Assessor;

See title page for effective date.

**CHAPTER 499**  
**H.P. 1142 - L.D. 1580**

**An Act To Protect Licensing  
Information of Medical  
Professionals**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 32 MRSA §2109-A** is enacted to read:

**§2109-A. Inspection or copying of record;  
procedure**

**1. Request for record; redaction.** When the board receives a request to inspect or copy all or part of the record of an applicant or licensee, the board shall redact information that is not public before making the record available for inspection or copying.

**2. Notice and opportunity to review.** When the board acknowledges a request to inspect or copy an applicant's or a licensee's record as required by Title 1, section 408-A, subsection 3, the board shall send a notice to the applicant or licensee at the applicant's or licensee's last address on file with the board explaining that the request has been made and that the applicant or licensee may review the redacted record before it is made available for inspection or copying. The acknowledgment to the requester must include a description of the review process provided to the applicant or licensee pursuant to this section, including the fact that all or part of the record may be withheld if the board finds that disclosure of all or part of the redacted record creates a potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party. The applicant or licensee has 10 business days from the date the board sends the notice to request the opportunity to review the redacted record. If the applicant or licensee so requests, the board shall send a copy of the redacted record to the applicant or licensee for review. The board shall make the redacted record available to the requester for inspection or copying 10 business days after sending the redacted record to the applicant or licensee for review unless the board receives a petition from the applicant or licensee under subsection 4.

**3. Reasonable costs.** Reasonable costs related to the review of a record by the applicant or licensee are considered part of the board's costs to make the redacted record available for inspection or copying under subsection 2 and may be charged to the requester.

**4. Action based on personal safety.** An applicant or licensee may petition the board to withhold the release of all or part of a record under subsection 2 based on the potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party if the record is disclosed to the public. The applicant or licensee must petition the board to withhold

all or part of the record within 10 business days after the board sends the applicant or licensee the redacted record. The petition must include an explanation of the potential safety risks and a list of items requested to be withheld. Within 60 days of receiving the petition, the board shall notify the applicant or licensee of its decision on the petition. If the applicant or licensee disagrees with the board's decision, the applicant or licensee may file a petition in Superior Court to enjoin the release of the record under subsection 5.

**5. Injunction based on personal safety.** An applicant or licensee may bring an action in Superior Court to enjoin the board from releasing all or part of a record under subsection 2 based on the potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party if the record is disclosed to the public. The applicant or licensee must file the action within 10 business days after the board notifies the applicant or licensee under subsection 4 that the board will release all or part of the redacted record to the requester. The applicant or licensee shall immediately provide written notice to the board that the action has been filed, and the board may not make the record available for inspection or copying until the action is resolved.

**6. Hearing.** The hearing on an action filed under subsection 5 may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

**7. Application.** This section does not apply to requests for records from other governmental licensing or disciplinary authorities or from any health care providers located within or outside this State that are concerned with granting, limiting or denying an applicant's or licensee's employment or privileges.

**Sec. 2. 32 MRSA §2600-E** is enacted to read:

**§2600-E. Inspection or copying of record;  
procedure**

**1. Request for record; redaction.** When the board receives a request to inspect or copy all or part of the record of an applicant or licensee, the board shall redact information that is not public before making the record available for inspection or copying.

**2. Notice and opportunity to review.** When the board acknowledges a request to inspect or copy an applicant's or a licensee's record as required by Title 1, section 408-A, subsection 3, the board shall send a notice to the applicant or licensee at the applicant's or licensee's last address on file with the board explaining that the request has been made and that the applicant or licensee may review the redacted record before it is made available for inspection or copying. The acknowledgment to the requester must include a description of the review process provided to the applicant or licensee pursuant to this section, including the fact that all or part of the record may be withheld if the board

finds that disclosure of all or part of the redacted record creates a potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party. The applicant or licensee has 10 business days from the date the board sends the notice to request the opportunity to review the redacted record. If the applicant or licensee so requests, the board shall send a copy of the redacted record to the applicant or licensee for review. The board shall make the redacted record available to the requester for inspection or copying 10 business days after sending the redacted record to the applicant or licensee for review unless the board receives a petition from the applicant or licensee under subsection 4.

**3. Reasonable costs.** Reasonable costs related to the review of a record by the applicant or licensee are considered part of the board's costs to make the redacted record available for inspection or copying under subsection 2 and may be charged to the requester.

**4. Action based on personal safety.** An applicant or licensee may petition the board to withhold the release of all or part of a record under subsection 2 based on the potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party if the record is disclosed to the public. The applicant or licensee must petition the board to withhold all or part of the record within 10 business days after the board sends the applicant or licensee the redacted record. The petition must include an explanation of the potential safety risks and a list of items requested to be withheld. Within 60 days of receiving the petition, the board shall notify the applicant or licensee of its decision on the petition. If the applicant or licensee disagrees with the board's decision, the applicant or licensee may file a petition in Superior Court to enjoin the release of the record under subsection 5.

**5. Injunction based on personal safety.** An applicant or licensee may bring an action in Superior Court to enjoin the board from releasing all or part of a record under subsection 2 based on the potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party if the record is disclosed to the public. The applicant or licensee must file the action within 10 business days after the board notifies the applicant or licensee under subsection 4 that the board will release all or part of the redacted record to the requester. The applicant or licensee shall immediately provide written notice to the board that the action has been filed, and the board may not make the record available for inspection or copying until the action is resolved.

**6. Hearing.** The hearing on an action filed under subsection 5 may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

**7. Application.** This section does not apply to requests for records from other governmental licensing

or disciplinary authorities or from any health care providers located within or outside this State that are concerned with granting, limiting or denying an applicant's or licensee's employment or privileges.

**Sec. 3. 32 MRSA §3300-H** is enacted to read:

**§3300-H. Inspection or copying of record; procedure**

**1. Request for record; redaction.** When the board receives a request to inspect or copy all or part of the record of an applicant or licensee, the board shall redact information that is not public before making the record available for inspection or copying.

**2. Notice and opportunity to review.** When the board acknowledges a request to inspect or copy an applicant's or a licensee's record as required by Title 1, section 408-A, subsection 3, the board shall send a notice to the applicant or licensee at the applicant's or licensee's last address on file with the board explaining that the request has been made and that the applicant or licensee may review the redacted record before it is made available for inspection or copying. The acknowledgment to the requester must include a description of the review process provided to the applicant or licensee pursuant to this section, including the fact that all or part of the record may be withheld if the board finds that disclosure of all or part of the redacted record creates a potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party. The applicant or licensee has 10 business days from the date the board sends the notice to request the opportunity to review the redacted record. If the applicant or licensee so requests, the board shall send a copy of the redacted record to the applicant or licensee for review. The board shall make the redacted record available to the requester for inspection or copying 10 business days after sending the redacted record to the applicant or licensee for review unless the board receives a petition from the applicant or licensee under subsection 4.

**3. Reasonable costs.** Reasonable costs related to the review of a record by the applicant or licensee are considered part of the board's costs to make the redacted record available for inspection or copying under subsection 2 and may be charged to the requester.

**4. Action based on personal safety.** An applicant or licensee may petition the board to withhold the release of all or part of a record under subsection 2 based on the potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party if the record is disclosed to the public. The applicant or licensee must petition the board to withhold all or part of the record within 10 business days after the board sends the applicant or licensee the redacted record. The petition must include an explanation of the potential safety risks and a list of items requested to be withheld. Within 60 days of receiving the peti-

tion, the board shall notify the applicant or licensee of its decision on the petition. If the applicant or licensee disagrees with the board's decision, the applicant or licensee may file a petition in Superior Court to enjoin the release of the record under subsection 5.

**5. Injunction based on personal safety.** An applicant or licensee may bring an action in Superior Court to enjoin the board from releasing all or part of a record under subsection 2 based on the potential risk to the applicant's or licensee's personal safety or the personal safety of any 3rd party if the record is disclosed to the public. The applicant or licensee must file the action within 10 business days after the board notifies the applicant or licensee under subsection 4 that the board will release all or part of the redacted record to the requester. The applicant or licensee shall immediately provide written notice to the board that the action has been filed, and the board may not make the record available for inspection or copying until the action is resolved.

**6. Hearing.** The hearing on an action filed under subsection 5 may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

**7. Application.** This section does not apply to requests for records from other governmental licensing or disciplinary authorities or from any health care providers located within or outside this State that are concerned with granting, limiting or denying an applicant's or licensee's employment or privileges.

See title page for effective date.

**CHAPTER 500  
S.P. 613 - L.D. 1815**

**An Act To Provide Funds to the University of Maine System to Continue the Statewide Online Advanced Placement Course Program**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the current contract for the statewide online advanced placement course program expires on June 30, 2019; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRS §10910** is enacted to read:

**§10910. Report on a statewide online advanced placement course program**

By February 15, 2020, and annually thereafter, the university shall submit a report to the joint standing committee of the Legislature having jurisdiction over education matters on the status of a statewide online advanced placement course program. The report must include, but is not limited to, whether the program is meeting its goals, measures of student success, the number of students accessing support through the university, if any, and the number of students participating in the program and their levels of success and how those levels of success compare to national standards.

**Sec. 2. Contract.** No later than July 1, 2019, the University of Maine System shall contract with the national governing body of the advanced placement course program, the College Board, to continue the statewide online advanced placement course program for the 2019-2020 school year.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**

**Educational and General Activities - UMS 0031**

Initiative: Provides ongoing funds to continue the statewide online advanced placement course program.

GENERAL FUND	2019-20	2020-21
All Other	\$150,000	\$150,000
<b>GENERAL FUND TOTAL</b>	<b>\$150,000</b>	<b>\$150,000</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 28, 2019.

**CHAPTER 501  
H.P. 1302 - L.D. 1831**

**An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas,** acts of this and previous Legislatures have resulted in certain technical inconsistencies, conflicts and errors in the laws of Maine; and

**Whereas,** these inconsistencies, conflicts and errors create uncertainties and confusion in interpreting legislative intent; and

**Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 4 MRSA §423, first ¶,** as amended by PL 2017, c. 407, Pt. A, §4, is further amended to read:

The Judicial Department shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 15th annually on the establishment and operation of substance ~~abuse~~ use disorder treatment programs in the courts. The report must cover at least the following:

**Sec. 2. 5 MRSA §4701, sub-§1, ¶C,** as amended by PL 2017, c. 416, §1, is further amended to read:

- C. "Human trafficking offense" includes:
  - (1) Aggravated sex trafficking and sex trafficking under Title 17-A, sections 852 and 853, respectively, and criminal forced labor and aggravated criminal forced labor under Title 17-A, sections 304 and 305, respectively; and
  - (2) ~~All~~ Except as provided in subparagraph (1), all offenses in Title 17-A, chapters 11, 12 and 13 if accompanied by the destruction, concealment, removal, confiscation or possession of any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or done using any scheme, plan or pattern intended to cause the other person to believe that if that person does not perform certain labor or services, including prostitution, that the person or a 3rd person will be subject to a harm to their health, safety or immigration status.

**Sec. 3. 5 MRSA §12004-B, sub-§3,** as enacted by PL 1987, c. 786, §5, is amended to read:

**3.**

Panel of Mediators	<del>\$100/Day</del>	26 MRSA §892 <del>26</del>
	<del>\$300/Period</del>	MRSA <del>§965,</del>
	<del>up to 4 Hours</del>	sub <del>§2,</del> ¶C

**Sec. 4. 5 MRSA §12004-I, sub-§73,** as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. 5. 5 MRSA §20054,** as enacted by PL 2017, c. 415, §1, is amended to read:

**§20054. Integrated treatment and recovery for families**

The department shall develop and fund housing-based programs employing evidence-based strategies in a holistic approach to recovery for vulnerable families affected by substance ~~abuse~~ use disorder. The programs must treat mothers affected by substance ~~abuse~~ use disorder who have at least one child under 10 years of age when entering the program in an integrated family care model. The programs must provide to a mother in the program stable housing and comprehensive services that support recovery and unification with that mother's children. Comprehensive services provided include all of the following: care coordination, health care, child care, early childhood education, home supports, after-school programming, parenting education, treatment for mental health and substance ~~abuse~~ use disorder, postsecondary education, community-based transportation and employment supports. The programs must include coordinated data collection to assess long-term recovery outcomes, transition to employment and independence for mothers participating in the programs.

**Sec. 6. 12 MRSA §6074, sub-§7,** as enacted by PL 1977, c. 661, §5, is amended to read:

**7. Transportation permit.** A transportation permit ~~shall be~~ is required for a special license holder to ship, transport or sell any marine organism raised or harvested under a special license. The commissioner may place conditions or limitations on the activities authorized by this permit to the extent necessary to provide proper controls and to comply with federal or state health or sanitation standards. The commissioner shall ~~annually~~ annually renew the permit on request unless the permit holder has not complied with the conditions of the permit or unless the permit holder no longer holds a special license.

**Sec. 7. 12 MRSA §10265,** as amended by PL 2015, c. 277, §9, is further amended to read:

**§10265. Landowner Relations Fund**

The Landowner Relations Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commis-

sioner to fund or assist in funding the landowner relations program established pursuant to section 10108, subsection 4-A and the Keep Maine Clean program established in section 10108, subsection 4-B. All funds from fees collected under section 10108, ~~subsection 3 and~~ subsection 4-A, paragraph C and money accepted by the commissioner pursuant to section 10108, subsection 4-B must be deposited in the fund. The fund receives any other funds appropriated or allocated to the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

**Sec. 8. 12 MRSA §11109, sub-§3, ¶F**, as amended by PL 2017, c. 164, §9, is further amended to read:

F. A nonresident junior hunting license, for a person under 16 years of age, is \$35 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter 3, a nonresident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must have included in that ~~persons's~~ person's license one antlerless deer permit and one either-sex permit. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

**Sec. 9. 12 MRSA §12152, sub-§3-D, ¶E**, as enacted by PL 2017, c. 205, §18, is amended to read:

E. A wildlife rehabilitation permit, which allows the holder to possess debilitated or orphaned wildlife and rehabilitate that wildlife and release it into the wild as soon as the wildlife is rehabilitated or euthanize that wildlife in accordance with humane euthanization procedures if ~~rehabilitation~~ rehabilitation and release are not possible. A wildlife rehabilitation permit is available at no cost and expires 2 years from the date of issuance;

**Sec. 10. 20-A MRSA §15672, sub-§31-A**, as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

**31-A. State subsidy.** "State subsidy" means the total of the state contribution determined under section 15688, subsection 3-A, paragraph ~~B~~ D and any applicable adjustment under section 15689.

**Sec. 11. 22 MRSA §1822**, as corrected by RR 2017, c. 2, §5, is amended to read:

**§1822. Notice of voluntary closure of hospital, sanatorium, convalescent home, rest home, nursing home or similar institution**

Any person, including county or local government units, who is conducting, managing or operating any hospital, sanatorium, convalescent home, rest home, nursing home or institution within the meaning of this chapter, and who is properly licensed therefor in accordance with this chapter shall give at least 30 days' advance notice of the voluntary closing of such facility to the patients therein and to those persons, governmental units or institutions who are primarily responsible for the welfare of those patients who are being cared for by said hospital, sanatorium, convalescent home, rest home, nursing home or institution so that adequate preparation may be made for the orderly transfer of said patients to another qualified facility.

~~Failure to provide such notice shall subject the offender to the same penalties provided in section 1821.~~

**Sec. 12. 22 MRSA §2423-A, sub-§4**, as amended by PL 2017, c. 452, §4, is further amended to read:

**4. Long-term care facility.** A qualifying patient may designate a long-term care facility to assist with the qualifying patient's medical use of marijuana if that use is consistent with the facility's policy and is pursuant to subsection 1, paragraph F-1, subparagraph ~~2~~ (2). If a long-term care facility is designated, the facility shall complete the registration process with the department and obtain a registration certificate for the facility. For a long-term care facility to be issued a registration certificate, staff persons of the facility who will be assisting a qualifying patient with the patient's medical use of marijuana in accordance with this chapter must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. The long-term care facility and the staff of the facility may not cultivate marijuana plants for the patient.

**Sec. 13. 28-B MRSA §302, sub-§2, ¶C**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

C. The total percentage or square footage of plant canopy designated under paragraph A, or, in the case of a plant-count-based tier 1 cultivation facility license, the areas within the cultivation facility; within which the applicant proposes to cultivate mature marijuana plants. An applicant for a nursery cultivation facility license shall meet the requirements of this paragraph by designating on the cultivation plan the areas within the cultivation facility within which the applicant proposes to cultivate mature marijuana plants, demonstrating the physical separation of such areas from the areas in which immature marijuana plants and seedlings are to be cultivated in accordance with section 501, subsection 3, paragraph B.

**Sec. 14. 32 MRSA §14043, sub-§1, ¶A**, as reenacted by PL 2017, c. 475, Pt. D, §1, is amended to read:

A. Directly or indirectly engaging or ~~to~~ attempting to engage in business as an appraisal management company;

**Sec. 15. 32 MRSA §14049-D, sub-§2**, as reenacted by PL 2017, c. 475, Pt. D, §1, is amended to read:

**2. Record keeping.** An appraisal management company licensed or applying to be ~~license~~ licensed or to renew a ~~licensed~~ license in this State shall:

A. Certify to the board on a form prescribed by the board that the appraisal management company maintains a detailed record of each service request that the appraisal management company receives for appraisals of real property located in this State; and

B. Retain for at least 5 years, or at least 2 years after final disposition of any related judicial proceeding, all business records relating to each request for an appraisal service that the appraisal management company has received and the appraiser who performs the appraisal service for the appraisal management company.

An appraisal management company licensed under this chapter shall make all records required to be maintained by the appraisal management company available for inspection by the board upon reasonable notice to the appraisal management company.

**Sec. 16. 33 MRSA §1652, sub-§15**, as enacted by PL 1987, c. 734, §2, is amended to read:

**15. Transfer.** "Transfer" means a transaction that creates custodial property under section 1660.

**Sec. 17. 36 MRSA §384**, as amended by PL 1975, c. 623, §52, is further amended to read:

**§384. Investigation of valuation; actions and prosecutions; reassessment orders; appeals**

The State Tax Assessor shall, at ~~his~~ the State Tax Assessor's own instance or on complaint ~~made to him~~ from another person, diligently investigate all cases of concealment of property from taxation, of undervaluation, of overvaluation, and of failure to assess property liable to taxation. ~~He~~ The State Tax Assessor shall bring to the attention of assessors all such cases in their respective jurisdictions. ~~He~~ The State Tax Assessor shall direct proceedings, actions and prosecutions to be instituted to enforce all laws relating to the assessment and taxation of property and to the liability of individuals, public officers and officers and agents of corporations for failure or negligence to comply with the laws governing the assessment or taxation of property, and the Attorney General and district attorneys, upon the written request of the State Tax

Assessor, shall institute such legal proceedings as may be necessary to carry out this Title. The State Tax Assessor ~~shall have power to~~ may order the reassessment of any or all real and personal property, or either, in any jurisdiction where in ~~his~~ the State Tax Assessor's judgment such reassessment is advisable or necessary to the end that all classes of property in such jurisdiction ~~shall be~~ are assessed in compliance with the law. Neglect or failure to comply with such orders on the part of any assessor or other official ~~shall be~~ is deemed willful neglect of duty and ~~he shall be~~ the assessor or other official is subject to the penalties provided by law in such cases. ~~Provided~~ If a satisfactory reassessment is not made by the assessors, then the State Tax Assessor may employ assistance from within or without the jurisdiction where such reassessment is to be made, and said jurisdiction ~~shall bear~~ bears all necessary expense incurred. Any person aggrieved because of such reassessment ~~shall have~~ has the same right of petition and appeal as from the original assessment. The State ~~shall be permitted to~~ may intervene in any action resulting from an order of the State Tax Assessor pursuant to this section.

**Sec. 18. 36 MRSA §556** is amended to read:

**§556. Landlord and tenant**

When a tenant paying rent for real estate is taxed therefor, ~~he~~ the tenant may retain out of ~~his~~ the tenant's rent half of the taxes paid by ~~him~~ the tenant. When a landlord is taxed for such real estate, ~~he~~ the landlord may recover half of the taxes paid by ~~him~~ the landlord and ~~his~~ the landlord's rent in the same action against the tenant, unless there is an agreement to the contrary.

**Sec. 19. 36 MRSA §652, sub-§1, ¶C**, as amended by PL 2007, c. 627, §20, is further amended to read:

C. Further conditions to the right of exemption under paragraphs A and B are that:

- (1) Any corporation claiming exemption under paragraph A must be organized and conducted exclusively for benevolent and charitable purposes;
- (2) A director, trustee, officer or employee of an organization claiming exemption may not receive directly or indirectly any pecuniary profit from the operation of that organization, except as reasonable compensation for services in effecting its purposes or as a proper beneficiary of its strictly benevolent or charitable purposes;
- (3) All profits derived from the operation of an organization claiming exemption and the proceeds from the sale of its property must be devoted exclusively to the purposes for which it is organized;

(4) The institution, organization or corporation claiming exemption under this section must file with the assessors upon their request a report for its preceding fiscal year in such detail as the assessors may reasonably require;

(5) An exemption may not be allowed under this section in favor of an agricultural fair association holding pari-mutuel racing meets unless it has qualified the next preceding year as a recipient of a stipend from the Stipend Fund provided in Title 7, section 86;

(6) An exemption allowed under paragraph A or B for real or personal property owned and occupied or used to provide federally subsidized residential rental housing is limited as follows: Federally subsidized residential rental housing placed in service prior to September 1, 1993 by other than a nonprofit housing corporation that is acquired on or after September 1, 1993 by a nonprofit housing corporation and the operation of which is not an unrelated trade or business to that nonprofit housing corporation is eligible for an exemption limited to 50% of the municipal assessed value of that property.

An exemption granted under this subparagraph must be revoked for any year in which the owner of the property is no longer a nonprofit housing corporation or the operation of the residential rental housing is an unrelated trade or business to that nonprofit housing corporation.

(a) For the purposes of this subparagraph, the following terms have the following meanings.

(i) "Federally subsidized residential rental housing" means residential rental housing that is subsidized through project-based rental assistance, operating assistance or interest rate subsidies paid or provided by or on behalf of an agency or department of the Federal Government.

(ii) "Nonprofit housing corporation" means a nonprofit corporation organized in the State that is exempt from tax under Section 501(c)(3) of the Code and has among its corporate purposes the provision of services to people of low income or the construction, rehabilitation, ownership or operation of housing.

(iii) "Residential rental housing" means one or more buildings, together with any facilities functional-

ly related and subordinate to the building or buildings, located on one parcel of land and held in common ownership prior to the conversion to nonprofit status and containing 9 or more similarly constructed residential units offered for rental to the general public for use on other than a transient basis, each of which contains separate and complete facilities for living, sleeping, eating, cooking and sanitation.

(iv) "Unrelated trade or business" means any trade or business whose conduct is not substantially related to the exercise or performance by a nonprofit corporation of the purposes or functions constituting the basis for exemption under Section 501(c)(3) of the Code.

(b) Eligibility of the following property for exemption is not affected by the provisions of this subparagraph:

(i) Property used as a nonprofit nursing home, residential care facility licensed by the Department of Health and Human Services pursuant to Title 22, chapter 1663 or a community living arrangement as defined in Title 30-A, section 4357-A or any property owned by a nonprofit organization licensed or funded by the Department of Health and Human Services to provide services to or for the benefit of persons with mental illness or ~~mental retardation~~ intellectual disabilities;

(ii) Property used for student housing;

(iii) Property used for parsonages;

(iv) Property that was owned and occupied or used to provide residential rental housing that qualified for exemption under paragraph A or B prior to September 1, 1993; or

(v) Property exempt from taxation under other provisions of law; and

(7) In addition to the requirements of subparagraphs (1) to (4), an exemption is not allowed under paragraph A or B for real or personal property owned and occupied or used to provide residential rental housing that is transferred or placed in service on or after September 1, 1993, unless the property is owned by a nonprofit housing corporation

and the operation of the residential rental housing is not an unrelated trade or business to the nonprofit housing corporation.

For the purposes of this subparagraph, the following terms have the following meanings.

(a) "Nonprofit housing corporation" means a nonprofit corporation organized in the State that is exempt from tax under Section 501(c)(3) of the Code and has among its corporate purposes the provision of services to people of low income or the construction, rehabilitation, ownership or operation of housing.

(b) "Residential rental housing" means one or more buildings, together with any facilities functionally related and subordinate to the building or buildings, containing one or more similarly constructed residential units offered for rental to the general public for use on other than a transient basis, each of which contains separate and complete facilities for living, sleeping, eating, cooking and sanitation.

(c) "Unrelated trade or business" means any trade or business whose conduct is not substantially related to the exercise or performance by a nonprofit organization of the purposes constituting the basis for exemption under Section 501(c)(3) of the Code.

**Sec. 20. 36 MRSA §653, sub-§1, ¶C**, as amended by PL 2015, c. 353, §1, is further amended to read:

C. The estates up to the just value of \$6,000, having a taxable situs in the place of residence, of veterans who served in the Armed Forces of the United States:

(1) During any federally recognized war period, including the Korean ~~Campaign~~ Conflict, the Vietnam War, the Persian Gulf War, the periods from August 24, 1982 to July 31, 1984 and December 20, 1989 to January 31, 1990, Operation Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn, or who were awarded the Armed Forces Expeditionary Medal, when they have reached the age of 62 years or when they are receiving any form of pension or compensation from the United States Government for total disability, service-connected or nonservice-connected, as a veteran. A veteran of the Vietnam War must have served on active duty after February 27, 1961 and before May 8, 1975. "Persian Gulf War" means service on active duty on or after August 2, 1990 and be-

fore or on the date that the United States Government recognizes as the end of that war period; or

(2) Who are disabled by injury or disease incurred or aggravated during active military service in the line of duty and are receiving any form of pension or compensation from the United States Government for total, service-connected disability.

The exemptions provided in this paragraph apply to the property of that veteran, including property held in joint tenancy with that veteran's spouse or held in a revocable living trust for the benefit of that veteran.

**Sec. 21. 36 MRSA §653, sub-§1, ¶D-1**, as amended by PL 2015, c. 353, §2, is further amended to read:

D-1. The estates up to the just value of \$50,000, having a taxable situs in the place of residence, for specially adapted housing units, of veterans who served in the Armed Forces of the United States during any federally recognized war period, including the Korean ~~Campaign~~ Conflict, the Vietnam War, the Persian Gulf War, the periods from August 24, 1982 to July 31, 1984 and December 20, 1989 to January 31, 1990, Operation Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn, or who were awarded the Armed Forces Expeditionary Medal, and who are paraplegic veterans within the meaning of 38 United States Code, Chapter 21, Section 2101, and who received a grant from the United States Government for any such housing, or of the unremarried widows or widowers of those veterans. A veteran of the Vietnam War must have served on active duty after February 27, 1961 and before May 8, 1975. "Persian Gulf War" means service on active duty on or after August 2, 1990 and before or on the date that the United States Government recognizes as the end of that war period. The exemption provided in this paragraph applies to the property of the veteran including property held in joint tenancy with a spouse or held in a revocable living trust for the benefit of that veteran.

**Sec. 22. 36 MRSA §942, 4th ¶**, as amended by PL 1979, c. 613, §2, is further amended to read:

After the expiration of the 30 days and within 10 days thereafter, the tax collector shall record in the registry of deeds of the county or registry district where the real estate is situated a tax lien certificate signed by the tax collector or bearing ~~his~~ the tax collector's facsimile signature, setting forth the amount of the tax, a description of the real estate on which the tax is assessed and an allegation that a lien is claimed on the real estate to secure the payment of the tax, that a

demand for payment of the tax has been made in accordance with this section, and that the tax remains unpaid. When the undivided real estate of a deceased person has been assessed to ~~his~~ the deceased's heirs or devisees without designating any of them by name it will be sufficient to record in said registry a tax lien certificate in the name of the heirs or the devisees of said decedent without designating them by name.

**Sec. 23.** 36 MRSA §943, 7th ¶ is amended to read:

After the expiration of the 18-month period for redemption, the mortgagee of record of said real estate or ~~his~~ the mortgagee's assignee and the owner of record if the said real estate has not been assessed to ~~him~~ the owner or the person claiming under ~~him~~ shall the owner, in the event the notice provided for said mortgagee and said owner has not been given as provided in section 942, ~~have~~ has the right to redeem the ~~said~~ real estate within 3 months after receiving actual knowledge of the recording of the tax lien certificate by payment or tender of the amount of the tax lien mortgage, together with interest and costs, and the tax lien mortgage ~~shall~~ must then be discharged by the owner thereof in the manner provided.

**Sec. 24.** 36 MRSA §1104, as repealed and replaced by PL 1977, c. 467, Pt. A, §2, is amended to read:

#### §1104. Administration; rules

The State Tax Assessor shall adopt and amend such rules ~~and regulations~~ as may be reasonable and appropriate to carry out ~~his~~ the State Tax Assessor's responsibilities as provided in this subchapter.

**Sec. 25.** 36 MRSA §1282, 7th ¶ is amended to read:

Each owner may pay for ~~his~~ that owner's proportionate ownership in any tract of land whether in common or not, and upon filing with the State Tax Assessor a certificate containing a suitable description of the property on which ~~he~~ the owner desires to pay the taxes and where the same is located, and paying the amount due, together with interest and costs, ~~shall~~ must receive a certificate from the State Tax Assessor discharging the taxes on the fractional part or ownership upon which such payment is made.

**Sec. 26.** 36 MRSA §1284, as amended by PL 1979, c. 666, §32, is further amended to read:

#### §1284. Action to recover taxes

The State Tax Assessor may bring a civil action in ~~his~~ the State Tax Assessor's own name to enforce the lien on real estate created by section 552, to secure the payment of state taxes assessed under sections 1331 and 1602 upon real estate not liable to be assessed in any town. Such action ~~shall~~ must be begun after the expiration of 8 months and within one year after Au-

gust 1st following the date such taxes were assessed. The proceedings ~~shall~~ must be in accordance with section 941, except that the preliminary notice and demand for payment of ~~said~~ the tax as provided in ~~said~~ that section ~~shall~~ may not be required.

**Sec. 27.** 36 MRSA §1503, sub-§4-A, as enacted by PL 1987, c. 196, §5, is repealed.

**Sec. 28.** 36 MRSA §1752, sub-§14, ¶B, as amended by PL 2017, c. 422, §7 and affected by §12 and amended by c. 438, §1 and affected by §2, is repealed and the following enacted in its place:

#### B. "Sale price" does not include:

(1) Discounts allowed and taken on sales;

(2) Allowances in cash or by credit made upon the return of merchandise pursuant to warranty;

(3) The price of property returned by customers, when the full price is refunded either in cash or by credit;

(4) The price received for labor or services used in installing or applying or repairing the property sold, if separately charged or stated;

(5) Any amount charged or collected, in lieu of a gratuity or tip, as a specifically stated service charge, when that amount is to be disbursed by a hotel, restaurant or other eating establishment to its employees as wages;

(6) The amount of any tax imposed by the United States on or with respect to retail sales, whether imposed upon the retailer or the consumer, except any manufacturers', importers', alcohol or tobacco excise tax;

(7) The cost of transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, provided that those charges are separately stated and the transportation occurs by means of common carrier, contract carrier or the United States mail;

(8) Any amount charged or collected by a person engaged in the rental of living quarters as a forfeited room deposit or cancellation fee if the prospective occupant of the living quarters cancels the reservation on or before the scheduled date of arrival;

(9) Any amount charged for the disposal of used tires;

(10) Any amount charged for a paper or plastic single-use carry-out bag;

(11) Any charge, deposit, fee or premium imposed by a law of this State;

(12) Federal universal service support funds that are paid directly to the seller pursuant to 47 Code of Federal Regulations, Part 54; or

(13) A paint stewardship assessment imposed pursuant to Title 38, section 2144.

**Sec. 29. 36 MRSA §2903-D**, as amended by PL 2013, c. 405, Pt. A, §24, is further amended to read:

**§2903-D. Distribution of gasoline taxes for nonhighway recreational vehicle programs**

This section establishes the percentage of gasoline taxes that are attributable to snowmobile, all-terrain vehicle and motorboat gasoline purchases and equitably distributes that percentage among the appropriate state agencies for the administration of programs and the enforcement of laws relating to the use of those recreational vehicles. For the purposes of this section, the term "total gasoline tax revenues" means the total excise tax on internal combustion engine fuel sold or used within the State, but not including internal combustion fuel sold for use in the propulsion of aircraft.

**1. Motorboats.** Of total gasoline tax revenues, 1.4437% is distributed among the following agencies in the following manner:

A. The Commissioner of Marine Resources receives 24.6% for research, development and propagation activities of the Department of Marine Resources. In expending these funds, it is the responsibility of the Commissioner of Marine Resources to select activities and projects that will be most beneficial to the commercial fisheries of the State as well as the development of sports fisheries activities in the State; and

B. The Boating Facilities Fund, established under Title 12, section 1896, within the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, receives 75.4% of that amount.

**2. Snowmobiles.** Of total gasoline tax revenues, 0.9045% is distributed among the following agencies in the following manner:

A. The Commissioner of Inland Fisheries and Wildlife receives 14.93% of that amount, to be used by the commissioner for the purposes set forth in Title 12, section 1893, subsection 3, section 10206, subsection 2, section 13104, subsections 2 to 13 and section 13105, subsection 1; and

B. The Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, described in Title 12, section 1893, subsection 3, receives 85.07% of that amount.

**3. All-terrain vehicles.** Of total gasoline tax revenues, 0.1525% is distributed among the following agencies in the following manner:

A. The ATV Enforcement Grant and Aid Program established in Title 12, section 10322 receives 50% of that amount; and

B. The ATV Recreational Management Fund, established in Title 12, section 1893, subsection 2 receives 50% of that amount.

~~The State Tax Assessor shall certify to the State Controller by the 15th day of each month the amounts to be distributed and credited under this section as of the close of the State Controller's records for the previous month.~~

The State Tax Assessor shall certify to the State Controller by the 15th day of each month the amounts to be distributed and credited under this section as of the close of the State Controller's records for the previous month.

**Sec. 30. 36 MRSA §5126-A, sub-§2**, as enacted by PL 2017, c. 474, Pt. B, §7, is amended to read:

**2. Phase-out.** The personal exemption deduction amount determined under subsection 1 must be reduced by an amount equal to the total personal exemption deduction amount multiplied by a fraction. The numerator of the fraction is the taxpayer's Maine adjusted gross income less the applicable amount, except that the numerator may not be less than zero, and the denominator is \$62,500 in the case of a married individual filing a separate return and \$125,000 in all other cases. In no case may the fraction contained in this ~~paragraph~~ subsection produce a result that is more than one. The applicable amount used to calculate the numerator in this subsection must be adjusted for inflation in accordance with section 5403, subsection 8.

For purposes of this subsection, "applicable amount" means:

A. For single individuals, \$266,700;

B. For individuals filing as heads of households, \$293,350;

C. For individuals filing married joint returns or surviving spouses, \$320,000; or

D. For married individuals filing separate returns, ~~one-half~~ 1/2 of the applicable amount under paragraph C.

**Sec. 31. 39-A MRSA §404, sub-§2, ¶D**, as enacted by PL 1995, c. 594, §7, is amended to read:

D. In determining membership in the association for the purposes of annual postinsolvency assessments, a successor employer approved for continuing self-insurance authority under section 403, subsection 14 or a successor employer qualifying and receiving a refund under section 403, subsection 14, paragraph H, former subparagraph (1) is deemed to be a member of the association from

the date of the former employer's initial self-insurance authorization.

**Sec. 32. PL 2017, c. 475, Pt. A, §1** is amended to read:

**Sec. A-1. 4 MRSA §1610-J**, as enacted by PL 2017, c. 284, Pt. FF, §1 and reallocated by c. 288, Pt. A, §2, is reallocated to 4 MRSA §1610-K.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 28, 2019.

## CHAPTER 502

### H.P. 1318 - L.D. 1846

#### An Act To Fund Collective Bargaining Agreements with Certain Judicial Department Employees

**Emergency preamble. Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Judicial Department has reached collective bargaining agreements with the 4 bargaining units representing Judicial Department employees; and

**Whereas**, this legislation authorizes funding of the agreements effective at the beginning of the pay week commencing closest to July 1, 2019; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Adjustment of salary schedules for fiscal years 2019-20 and 2020-21.** The salaries and stipends for the Judicial Department employees in the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit and employees referred to in section 2 must be adjusted consistent with the terms of any ratified contract.

**Sec. 2. Other employees; similar and equitable treatment.** Employees of the Judicial Department who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, D, E, F and G must be given similar and equitable treatment on a pro

rata basis to that given employees covered by the collective bargaining agreements.

**Sec. 3. Costs to General Fund.** Costs to the General Fund must be provided in the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in the amount of \$1,041,798 for the fiscal year ending June 30, 2020 and in the amount of \$2,202,337 for the fiscal year ending June 30, 2021 to implement the economic terms of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit and for the costs of those Judicial Department employees referred to in section 2 who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5.

**Sec. 4. Contingent effective date.** This Act takes effect only upon ratification of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit tentatively agreed to as of June 17, 2019.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 28, 2019, unless otherwise indicated.

## CHAPTER 503

### S.P. 580 - L.D. 1746

#### An Act To Amend the Licensing Laws of Certain Professions and Occupations

**Be it enacted by the People of the State of Maine as follows:**

#### PART A

**Sec. A-1. 10 MRSA §8003, sub-§5-A, ¶A**, as amended by PL 2009, c. 112, Pt. B, §4, is further amended to read:

A. The office, board or commission may deny or refuse to renew a license, may suspend or revoke a license and may impose other discipline as authorized in this subsection for any of the following reasons:

- (1) The practice of fraud, deceit or misrepresentation in obtaining a license from a bureau, office, board or commission, or in con-

nection with services rendered while engaged in the occupation or profession for which the person is licensed;

(2) Any gross negligence, incompetence, misconduct or violation of an applicable code of ethics or standard of practice while engaged in the occupation or profession for which the person is licensed;

(3) Conviction of a crime to the extent permitted by Title 5, chapter 341;

(4) Any violation of the governing law of an office, board or commission;

(5) Any violation of the rules of an office, board or commission;

(6) Engaging in any activity requiring a license under the governing law of an office, board or commission that is beyond the scope of acts authorized by the license held;

(7) Continuing to act in a capacity requiring a license under the governing law of an office, board or commission after expiration, suspension or revocation of that license;

(8) Aiding or abetting unlicensed practice by a person who is not licensed as required by the governing law of an office, board or commission;

(9) Noncompliance with an order or consent agreement of an office, board or commission;

(10) Failure to produce any requested documents in the licensee's possession or under the licensee's control concerning a pending complaint or proceeding or any matter under investigation; ~~or~~

(11) Any violation of a requirement imposed pursuant to section 8003-G; ~~or~~

(12) Failure of an individual subject to Title 22, section 1711 or Title 22, section 1711-B to provide to a patient, upon written request, a copy of that patient's treatment records in accordance with the requirements of Title 22, section 1711 or Title 22, section 1711-B, whichever is applicable.

**PART B**

**Sec. B-1. 32 MRSA §1202-A, sub-§4, ¶B,** as corrected by RR 2017, c. 1, §28, is amended to read:

B. In order to obtain a license under this subsection, a person must first pass an examination approved by the board and provide evidence of having:

(1) Worked at least 12,000 hours in the field of electrical installations as a licensed helper

electrician or apprentice electrician under the direct supervision of a master electrician, journeyman electrician or limited electrician, or worked at least 4,000 hours in the field of electrical installations as a journeyman electrician ~~or journeyman-in-training electrician~~ under the indirect supervision of a master electrician or limited electrician or worked at least 6,000 hours in the field of electrical installations as a journeyman-in-training electrician and ~~having~~ have completed a program of study consisting of 576 hours as approved by the board or from an accredited institution. The 576 hours must consist of 450 hours of required study, including a course of 45 hours in the current National Electrical Code and 126 hours of degree-related courses; or

(2) Comparable work experience or education or training, or a combination of work experience, education and training, completed within the State or outside the State, that is acceptable to the board.

**PART C**

**Sec. C-1. 32 MRSA §3114-A, sub-§1, ¶A,** as amended by PL 1999, c. 386, Pt. K, §3, is repealed.

**PART D**

**Sec. D-1. 32 MRSA §14035, sub-§2,** as amended by PL 2013, c. 547, §5 and affected by §19, is further amended to read:

**2. Professional qualifications.** An applicant for a certified general real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. As a prerequisite to taking the examination required by section 14035-A, an applicant must: meet the requirements specified in rules adopted by the appraiser qualifications board.

~~A. Hold a bachelor's or higher degree from an accredited college or university;~~

~~B. Satisfactorily complete 300 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and~~

~~D. Hold a valid license under this chapter and demonstrate 3,000 hours of appraisal experience obtained during no fewer than 30 months, including 1,500 hours of nonresidential appraisal work.~~

**Sec. D-2. 32 MRSA §14036, sub-§2,** as amended by PL 2013, c. 547, §8 and affected by §19, is further amended to read:

**2. Professional qualifications.** An applicant for a certified residential real property appraiser license must meet the licensing requirements established by

the appraiser qualifications board. As a prerequisite to taking the examination required by section 14036-A, an applicant must: meet the requirements specified in rules adopted by the appraiser qualifications board.

~~A. Hold a bachelor's or higher degree from an accredited college or university;~~

~~B. Satisfactorily complete 200 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and~~

~~D. Hold a valid license under this chapter and demonstrate 2,500 hours of appraisal experience obtained during no fewer than 24 months, including complex residential property appraisals completed under the supervision of a certified residential real property appraiser or a certified general real property appraiser under section 14035.~~

**Sec. D-3. 32 MRSA §14037, sub-§2,** as amended by PL 2013, c. 547, §11 and affected by §19, is further amended to read:

**2. Professional qualifications.** An applicant for a residential real property appraiser license must meet the licensing requirements established by the appraiser qualifications board. As a prerequisite to taking the examination required by section 14037-A, an applicant must: meet the requirements specified in rules adopted by the appraiser qualifications board.

~~A. Satisfactorily complete 150 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standard of professional appraisal practice course and examination;~~

~~C. Hold a valid license under this chapter and demonstrate 2,000 hours of appraisal experience obtained during no fewer than 12 months; and~~

~~D. Hold an associate or higher degree from an accredited college or university or have successfully completed 30 semester credit hours of college level courses from an accredited college, junior college, community college or university.~~

## PART E

**Sec. E-1. 32 MRSA §17101, sub-§16,** as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

**16. Speech-language pathology assistant.** "Speech-language pathology assistant" means an individual who meets minimum qualifications that the board may establish for speech-language pathology assistants, that are less than those qualifications established by this chapter for licensure as a speech-language pathologist, but must include an associate's

associate degree or its equivalent, as determined by the board, or a higher degree in the field of communication disorders.

**Sec. E-2. 32 MRSA §17103, sub-§6,** as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

**6. Speech-language pathology assistants.** Registration Licensure may be granted to an individual who meets the minimum qualifications for a speech-language pathology assistant established by the board and who is supervised by a licensed speech-language pathologist, as set forth by the board by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. E-3. 32 MRSA §17301, sub-§5,** as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

**5. Speech-language pathology assistant.** A speech-language pathology assistant must have an associate's associate degree or higher from an accredited institution in the field of communication disorders, or its equivalent as determined by the board, and must meet such other minimum qualifications as the board may establish.

**Sec. E-4. 32 MRSA §17308, first ¶,** as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

A license issued under this chapter expires at a time that the commissioner may designate. Every individual licensed under this chapter shall pay the renewal fee as set under section 17309. Renewals are contingent upon evidence of participation in continuing professional education as determined by the board; temporary licenses licensees, speech-language pathology assistants and trainee permits trainees are exempt from this requirement. A license may be renewed up to 90 days after the date of its expiration upon payment of the late fee and renewal fee under section 17309. An individual who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the board may, in its discretion, waive examination if that renewal application is received together with the late fee and renewal fee under section 17309 within 2 years from the date of the expiration.

## PART F

**Sec. F-1. 22 MRSA §1711, first and 2nd ¶¶,** as amended by PL 1997, c. 793, Pt. A, §1 and affected by §10, are further amended to read:

If a patient of an institution licensed as a hospital by the State, after discharge from such institution, makes written request for copies of the patient's medical records, the copies must, if available, be made

available to the patient in accordance with the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a hospital not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time unless, in the opinion of the hospital, it would be detrimental to the health of the patient to obtain the records. If the hospital is of the opinion that release of the records to the patient would be detrimental to the health of the patient, the hospital shall advise the patient that copies of the records will be made available to the patient's authorized representative upon presentation of a proper authorization signed by the patient. The hospital may exclude from the copies of medical records released any information related to a clinical trial sponsored, authorized or regulated by the federal Food and Drug Administration.

If an authorized representative for a patient requests, in writing, that a hospital provide the authorized representative with a copy of the patient's medical records and presents a proper authorization from the patient for the release of the information, copies must be provided to the authorized representative in accordance with the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a hospital not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time.

**Sec. F-2. 22 MRSA §1711-B, sub-§2**, as amended by PL 1997, c. 793, Pt. A, §4 and affected by §10, is further amended to read:

**2. Access.** Upon written authorization executed in accordance with section 1711-C, subsection 3, a health care practitioner shall release copies of all treatment records of a patient or a narrative containing all relevant information in the treatment records to the patient. The health care practitioner may exclude from the copies of treatment records released any personal notes that are not directly related to the patient's past or future treatment and any information related to a clinical trial sponsored, authorized or regulated by the federal Food and Drug Administration. The copies or narrative must be released to the designated person in accordance with the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a health care practitioner not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time.

If the practitioner believes that release of the records to the patient is detrimental to the health of the patient, the practitioner shall advise the patient that copies of the treatment records or a narrative containing all relevant information in the treatment records will be made available to the patient's authorized representative upon presentation of a written authorization signed by the patient. The copies or narrative must be released to the authorized representative in accordance with the

requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a health care practitioner not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time.

Except as provided in subsection 3, release of a patient's treatment records to a person other than the patient is governed by section 1711-C.

See title page for effective date.

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## CHAPTER 504

### H.P. 147 - L.D. 184

#### An Act To Amend the Veterans' Homelessness Prevention Coordination Program

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the need to support homeless veterans is immediate and crucial for their health, safety and welfare; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 37-B MRSA §513**, as enacted by PL 2011, c. 329, §1, is repealed.

**Sec. 2. 37-B MRSA §513-A** is enacted to read:

#### **§513-A. Veterans' homelessness prevention coordination**

**1. Veterans' homelessness prevention partnership.** The director shall, through one or more collaborative agreements, establish a program of partnerships with human services-based volunteer organizations to provide transitional housing to homeless veterans and coordinate efforts to remedy and prevent homelessness among veterans in this State. The volunteer organizations must have as their core programs addressing homelessness and veterans' services and have been active in the State for at least 2 years. Priority must be given to an organization founded, chartered or organized in the State. The director may accept donations from outside sources and state and federal funding to accomplish the priorities of the partnerships. To the

extent state, federal or outside funding is available, the priorities of these partnerships, listed in order of priority, include, but are not limited to:

- A. Identifying homeless veterans in the State;
- B. Identifying and securing temporary or permanent living space for veterans within the veterans' communities;
- C. Providing reimbursement to human services-based volunteer organizations that provide transitional housing to homeless veterans pursuant to collaborative agreements entered into pursuant to this subsection; and
- D. Conducting annual outreach events, targeted to reach the maximum number of veterans in need, to disseminate information on resources and services available to assist homeless veterans.

**2. Rules.** The bureau may adopt rules necessary to implement this section, including to define "veterans" for purposes of this section, to govern collaborative agreements with human services-based volunteer organizations and to govern the reimbursement of organizations that provide transitional housing to homeless veterans through disbursements from the Veterans' Homelessness Prevention Partnership Fund.

Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Fund established.** The Veterans' Homelessness Prevention Partnership Fund, a nonlapsing fund, is established under the bureau for the purpose of receiving funds from state, federal and other sources, including donations from private citizens, corporations and entities for the purpose of this section. The bureau shall use the fund to provide reimbursement to human services-based volunteer organizations that provide transitional housing to homeless veterans and to otherwise carry out the purposes of this section.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

**Veterans Services 0110**

Initiative: Provides ongoing funding for reimbursements to a human services-based volunteer organization that provides transitional housing to homeless veterans.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$100,000	\$100,000
<b>GENERAL FUND TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>

**Veterans Services 0110**

Initiative: Establishes one part-time Office Associate II position to provide auditing and accounting services to the veterans' homelessness prevention coordination program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$29,691	\$30,582
All Other	\$2,500	\$2,500
<b>GENERAL FUND TOTAL</b>	<b>\$32,191</b>	<b>\$33,082</b>

**Veterans Services 0110**

Initiative: Establishes the Veterans' Homelessness Prevention Partnership Fund with a base Other Special Revenue Funds allocation of \$500 beginning in fiscal year 2019-20.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$132,191</b>	<b>\$133,082</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$500</b>	<b>\$500</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$132,691</b>	<b>\$133,582</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 28, 2019.

**CHAPTER 505**  
**H.P. 1316 - L.D. 1845**

**An Act To Fund Collective Bargaining Agreements with Executive Branch Employees**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** certain obligations and expenses incident to the operation of state collective bargaining agreements will become due and payable immediately; and

**Whereas,** it is the responsibility of the Legislature to act upon those portions of collective bargaining agreements negotiated by the executive branch that require legislative action; and

**Whereas,** the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining units; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Adjustment of salary schedules for fiscal years 2019-20 and 2020-21.** The salary schedules for the executive branch employees in bargaining units represented by the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association and the Maine State Employees Association must be adjusted consistent with the terms of any ratified contracts.

**Sec. 2. New, temporary and seasonal employees; similar and equitable treatment.** The Governor is authorized to grant similar and equitable treatment consistent with this Act for employees in classifications included in bargaining units subject to collective bargaining agreements described in section 5 of this Act who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F.

**Sec. 3. Confidential employees; similar and equitable treatment.** The Governor is authorized to grant similar and equitable treatment consistent with this Act for confidential employees. For the purposes of this section, "confidential employees" means those employees within the executive branch, includ-

ing probationary employees, who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

**Sec. 4. Employee salaries subject to Governor's adjustment or approval.** The Governor is authorized to grant similar and equitable treatment consistent with this Act for those unclassified employees whose salaries are subject to the Governor's adjustment or approval.

**Sec. 5. Costs to General Fund and Highway Fund.** Costs to the General Fund and Highway Fund must be provided wholly or in part through a transfer of Personal Services appropriations within and between departments and agencies from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services up to \$15,000,000 for the fiscal year ending June 30, 2020 and up to \$30,000,000 for the fiscal year ending June 30, 2021 to implement the economic terms of the most recent collective bargaining agreements made by the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association and the Maine State Employees Association, to provide equitable treatment of employees excluded from bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F and, notwithstanding Title 26, section 979-D, subsection 1, paragraph E, subparagraph (3), to implement equitable adjustments for confidential employees.

**Sec. 6. Transfer of Personal Services appropriations between programs and departments.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law to the contrary, available balances in the General Fund for Personal Services in fiscal year 2019-20 and fiscal year 2020-21 may be transferred by financial order between programs and departments within the General Fund upon recommendation of the State Budget Officer and approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

**Sec. 7. Transfer from Salary Plan program and special account funding.** The Salary Plan program, General Fund account in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the implementation of the collective bargaining agreements for state employees and for other economic items contained in this Act in fiscal years 2019-20 and 2020-21. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded from those other sources.

**Sec. 8. Transfer of Personal Services allocations between programs and departments.**

Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law to the contrary, available balances in the Highway Fund for Personal Services in fiscal year 2019-20 and fiscal year 2020-21 may be transferred by financial order between programs and departments within the Highway Fund upon recommendation of the State Budget Officer and approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

**Sec. 9. Authorization for reimbursement of costs associated with contract resolution.**

The Department of Administrative and Financial Services may be reimbursed from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services for the costs of contract resolution, administration and implementation and other costs required by the process of collective bargaining and negotiation procedures.

**Sec. 10. Payment for settlement agreement.**

Payments to affected executive branch employees made in accordance with overtime pay settlements between the State of Maine and the Maine State Troopers Association, the Maine State Law Enforcement Association, the American Federation of State, County and Municipal Employees and the Maine State Employees Association must be made within available balances in the General Fund and Highway Fund for Personal Services in fiscal year 2019-20 for those affected departments and agencies. Such payments for positions supported from sources other than the General Fund and the Highway Fund must be funded from those other sources. When available balances are insufficient in the General Fund and Highway Fund, the Salary Plan program, General Fund account within the Department of Administrative and Financial Services may be used as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor in fiscal year 2019-20. Transfers from the Salary Plan program pursuant to this settlement may not exceed \$2,100,000 in fiscal year 2019-20.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 28, 2019.

**CHAPTER 506****H.P. 50 - L.D. 49**

**An Act Authorizing the  
Issuance on Request of  
Acquired Brain Injury  
Identification Cards**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 29-A MRSA §1410-A** is enacted to read:

**§1410-A. Acquired brain injury identification cards**

Beginning January 1, 2020, the Secretary of State shall issue, on the request of a person who elects to receive it, an acquired brain injury identification card in accordance with this section.

**1. Issuance.** Upon receipt of a completed application and payment of a fee of \$5 by an applicant, the Secretary of State shall issue a wallet-sized acquired brain injury identification card to the applicant. For the purposes of this section, "acquired brain injury" has the same meaning as in Title 22, section 3086. Each acquired brain injury identification card must contain:

A. The name and address of the person to whom the card is issued;

B. The seal of the State;

C. A statement that the card holder has an acquired brain injury; and

D. Any additional information about acquired brain injury as determined by the Secretary of State under subsection 3.

The issuance of an acquired brain injury identification card does not license, permit or privilege a person to operate a motor vehicle and may not be used for official identification purposes in place of a driver's license or nondriver identification card.

**2. Application.** A completed application for an acquired brain injury identification card must contain the following:

A. The name, date of birth, address and telephone number of the person requesting the card; and

B. Any appropriate documentation that a person has an acquired brain injury as determined by the Secretary of State by rule.

**3. Additional information.** The Secretary of State may determine by rule any additional information about acquired brain injury that must be placed on an acquired brain injury identification card.

**4. Rulemaking.** Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 507**  
**H.P. 120 - L.D. 138**

**An Act Regarding the Maine  
Coworking Development Fund**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §13056-G, sub-§3, ¶B,** as enacted by PL 2015, c. 362, §1, is amended to read:

B. The department shall solicit applications for grants or loans from the fund through a ~~request for proposals~~ competitive application process, which must include, at a minimum, the following criteria for the submission of applications:

- (1) A description of the parties involved in the project, including the professional expertise and qualifications of the principals;
- (2) A description of the scope of work that will be undertaken by each party involved in the project;
- (3) The proposed budget, including verification of funding from other sources;
- (4) A statement of the project objective, including specific information on how the project will promote the use of the space as a collaborative workspace;
- (5) A statement that sets forth the implementation plan, the facilities and resources available or needed for the project and the proposed commencement and termination dates of the project;
- (6) A description of the expected significance of the project, including a description of the market demand for the type of collaborative workspace proposed in the region in which the space will be located and the number of tenants and participants that will be served as a result of the project;
- (7) Guidelines for the review and approval of applications that include preferences for applications that propose to redevelop existing properties located in the downtown area of a municipality, dedicate at least 25% of accessible space to collaborative use and support a cluster of at least 5 separate tenants;

(8) A description of the ability of the collaborative workspace business to carry out the provisions of this section;

(9) A summary of the proposed economic impact of the collaborative workspace on the community;

(10) A description of plans for conformance with regional and local economic development plans, if such plans exist; and

(11) A statement of the proximity of the collaborative workspace to an accredited Maine community college, college or university, as defined in Title 20-A, section 12541, subsection 1.

**Sec. 2. 5 MRSA §13056-G, sub-§5,** as enacted by PL 2015, c. 362, §1, is amended to read:

**5. Report.** Beginning February 1, ~~2016~~ 2020, the department shall annually provide a report to the Governor, ~~the President of the Senate and the Speaker of the House of Representatives and the joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business matters~~ that must include, but is not limited to:

- A. The number of applications for collaborative workspace submitted to the department;
- B. The number of applications for collaborative workspace approved by the department;
- C. The number of collaborative workspaces created through the fund;
- D. The numbers of tenants and participants engaged in each collaborative workspace;
- E. The number of jobs provided by each collaborative workspace;
- F. The occupancy rate of each collaborative workspace; and
- G. The number of tenants that have left collaborative workspace and that are operating in the State and the number of jobs they have provided.

See title page for effective date.

**CHAPTER 508**  
**S.P. 38 - L.D. 151**

**An Act To Align State Law  
with Current Practice  
Regarding Required School  
Attendance**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §3271, sub-§1**, as enacted by PL 1985, c. 490, §8, is amended to read:

**1. Required attendance.** Persons residing in the unorganized territory who are at least ~~7~~ 6 years of age and under 17 years of age shall attend a public day elementary or secondary school or an approved private school during the time it is in session.

**Sec. 2. 20-A MRSA §3271, sub-§1-A**, as enacted by PL 2019, c. 235, §1, is amended to read:

**1-A. Attendance of persons 5 years of age or older and under 6 years of age.** A person 5 years of age or older and under ~~7~~ 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

**Sec. 3. 20-A MRSA §3271, sub-§2**, as amended by PL 2019, c. 235, §2, is further amended to read:

**2. Alternative instruction.** Alternative instruction may be substituted for attendance in a day school in the following cases when approved by the school principal. A person 5 years of age or older and under ~~7~~ 6 years of age is not required to meet the requirements of this subsection.

A. The person is enrolled in an approved special education program.

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner.

**Sec. 4. 20-A MRSA §3272, sub-§2, ¶B**, as amended by PL 2019, c. 235, §3, is further amended to read:

B. The person is required to attend school or alternative instruction and is at least ~~7~~ 6 years of age and has not completed grade 6 under this chapter and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or

**Sec. 5. 20-A MRSA §4502, sub-§1-A** is enacted to read:

**1-A. Developmentally appropriate educational practices; kindergarten to grade 2.** The commissioner shall adopt rules to address developmentally appropriate educational practices for kindergarten to grade 2. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 275, subchapter 2-A.

**Sec. 6. 20-A MRSA §5001-A, sub-§1**, as enacted by PL 1983, c. 806, §49, is amended to read:

**1. Requirement.** Persons ~~7~~ 6 years of age or older and under 17 years of age shall attend a public day school during the time it is in regular session.

**Sec. 7. 20-A MRSA §5001-A, sub-§1-A**, as enacted by PL 2019, c. 235, §4, is amended to read:

**1-A. Attendance of persons 5 years of age or older and under 6 years of age.** A person 5 years of age or older and under ~~7~~ 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

**Sec. 8. 20-A MRSA §5001-A, sub-§3**, as amended by PL 2019, c. 235, §5, is further amended to read:

**3. Alternatives to attendance at public day school.** Alternatives to attendance at public day school are as follows. A person 5 years of age or older and under ~~7~~ 6 years of age is not required to meet the requirements of this subsection.

A. Equivalent instruction alternatives are as follows.

(1) A person is excused from attending a public day school if the person obtains equivalent instruction in:

(a) A private school approved for attendance purposes pursuant to section 2901;

(b) A private school recognized by the department as providing equivalent instruction;

(c-1) A home instruction program that complies with the requirements of subparagraph (4); or

(d) Any other manner arranged for by the school board and approved by the commissioner.

(2) A student is credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the student resides.

(4) The following provisions govern a home instruction program.

(a) The student's parent or guardian shall provide a written notice of intent to provide home instruction simultaneously to the school officials of the administrative unit in which the student resides and to the commissioner within 10 calendar days of the beginning of home instruction. The notice must contain the following information:

(i) The name, signature and address of the student's parent or guardian;

(ii) The name and age of the student;

(iii) The date the home instruction program will begin;

(iv) A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers; and

(v) A statement of assurance that indicates that the home instruction program will include an annual assessment of the student's academic progress that includes at least one of the forms of assessment described in division (b).

(b) On or before September 1st of each subsequent year of home instruction, the student's parent or guardian shall file a letter with the school officials of the administrative unit in which the student resides and the commissioner stating the intention to continue providing home instruction and enclose a copy of one of the following forms of annual assessment of the student's academic progress:

(i) A standardized achievement test administered through the administrative unit in which the student resides or through other arrangements approved by the commissioner. If the test is administered through the administrative unit in which the student resides, that administration must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(ii) A test developed by the school officials of the administrative unit in which the student resides appropriate to the student's home instruction program, which must be agreed to by the school officials of the administrative unit prior to submission of

the written notice of intent to provide home instruction;

(iii) A review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate;

(iv) A review and acceptance of the student's progress based on, but not limited to, a presentation of an educational portfolio of the student to a local area homeschooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or

(v) A review and acceptance of the student's progress by a local advisory board selected by the superintendent of the administrative unit in which the student resides that includes one administrative unit employee and 2 home instruction tutors. For the purpose of this subdivision, a "home instruction tutor" means the parent, guardian or other person who acts or will act as a primary teacher of the student in the home instruction program. This provision must be agreed to by the school officials of the administrative unit in which the student resides prior to submission of the written notice of intent to provide home instruction.

(c) Dissemination of any information filed under this subparagraph is governed by the provisions of section 6001; the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 United States Code, Sections 1401 to 1487 (2002), except that "directory information," as defined by the federal Family Educational Rights and Privacy Act of 1974, is confidential and is not subject to public disclosure unless the parent or guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of the information filed under this subparagraph must be maintained by the student's parent or guardian until the home instruction program concludes. The records must be made available to the commissioner upon request.

(d) If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public school or an equivalent instruction alternative as provided for in this paragraph. The receiving school shall determine the placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of the system of learning results as established in section 6209.

B. A person may be excused from attendance at a public day school pursuant to section 5104-A or section 8605.

**Sec. 9. 20-A MRSA §5051-A, sub-§1, ¶C**, as amended by PL 2019, c. 235, §7, is amended to read:

C. Is at least ~~7~~ 6 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or

**Sec. 10. Basic approval standards; rule-making.** The Commissioner of Education shall amend the Department of Education rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to address developmentally appropriate educational practices for kindergarten to grade 2. The rule must be amended to provide for:

1. Classroom instruction with hands-on experiences with concrete materials and opportunities for students to interact with the world, ask questions, seek answers to questions and reflect on learning;

2. Instruction that includes integration of learning experiences from all content areas arranged around themes relevant to the lives of students in kindergarten to grade 2; and

3. An integrated school day that includes opportunities for student-centered and teacher-directed time combined with large and small group instruction.

Rules adopted or amended pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The commissioner shall provisionally adopt the amended rules and submit the provisionally adopted rules to the Executive Director of the Legislative Council by January 10, 2020.

See title page for effective date.

## CHAPTER 509 H.P. 177 - L.D. 214

### An Act To Increase Funding for Civil Legal Services

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 4 MRSA §18-A, sub-§1, ¶B**, as amended by PL 2005, c. 361, §1, is further amended to read:

B. Except as provided in paragraph C, money in the fund must be disbursed to legal services providers to support the provision of free civil legal services to low-income or needy people or the needy elderly in this State. Money disbursed from the fund may not be used by a recipient to support lobbying as defined in Title 3, section 312-A, subsection 9 unless the recipient is responding to a request by a Legislator or a member of the Executive Department. Only the following legal services providers may receive disbursement to provide free civil legal services:

(1) Nonprofit organizations whose missions include the provision of statewide free civil legal services and who have at least ~~one year~~ 5 years of experience providing free civil legal services;

(2) Legal aid clinics of accredited law schools operating exclusively in Maine; and

(3) Programs whose primary mission is to coordinate pro bono legal services on a statewide basis for low-income people in this State.

**Sec. 2. 4 MRSA §18-A, sub-§3-A, ¶A**, as repealed and replaced by PL 2005, c. 361, §2, is amended to read:

A. For all fees collected by the Judicial Department after ~~July 1, 2005~~ October 1, 2019, ~~7%~~ 9% must be deposited in the fund. This paragraph does not apply to fees dedicated under section 17-A or section 18-B, subsection 8 or to surcharges imposed pursuant to paragraph C.

**Sec. 3. 4 MRSA §18-A, sub-§3-A, ¶C** is enacted to read:

C. A surcharge of \$127 must be imposed by a court on the fee for commencement of each action for small claims or money judgment when the action is brought by a person who is a debt collector within the meaning of Title 32, section 11002, subsection 6, and the surcharge must be deposited in the fund.

**Sec. 4. Appropriations and allocations.**  
The following appropriations and allocations are made.

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Increases funding for civil legal services for persons unable to afford a lawyer by providing additional funds available for distribution by the Civil Legal Services Fund Commission pursuant to the Maine Revised Statutes, Title 4, section 18-A, subsection 1, by increasing the percentage of certain fees allocated to the Maine Civil Legal Services Fund.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$105,076	\$140,101
	\$105,076	\$140,101
OTHER SPECIAL REVENUE FUNDS TOTAL	\$105,076	\$140,101

**Courts - Supreme, Superior and District 0063**

Initiative: Increases funding for civil legal services for persons unable to afford a lawyer by providing additional funds available for distribution by the Civil Legal Services Fund Commission pursuant to the Maine Revised Statutes, Title 4, section 18-A, subsection 1, by imposing surcharges on filing fees for debt collectors' actions.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$609,934	\$813,245
	\$609,934	\$813,245
OTHER SPECIAL REVENUE FUNDS TOTAL	\$609,934	\$813,245

**JUDICIAL DEPARTMENT**

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$715,010	\$953,346
	\$715,010	\$953,346
DEPARTMENT TOTAL - ALL FUNDS	\$715,010	\$953,346

See title page for effective date.

**CHAPTER 510**

**S.P. 118 - L.D. 440**

**An Act To Continue the Doctors for Maine's Future Scholarship Program**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Transfers from available fiscal year 2019-20 Department of Professional and Financial Regulation Other Special Revenue Funds balances to General Fund.** At the close of fiscal year 2019-20, the State Controller shall transfer \$400,000 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus. On or before June 30, 2020, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds will be transferred so that the sum equals \$400,000 and notify the State Controller and the Joint Standing Committee on Appropriations and Financial Affairs of the amounts to be transferred from each account.

**Sec. 2. Transfers from available fiscal year 2020-21 Department of Professional and Financial Regulation Other Special Revenue Funds balances to General Fund.** At the close of fiscal year 2020-21, the State Controller shall transfer \$400,000 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus. On or before June 30, 2021, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds will be transferred so that the sum equals \$400,000 and notify the State Controller and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs of the amounts to be transferred from each account.

**Sec. 3. Appropriations and allocations.**  
The following appropriations and allocations are made.

**FINANCE AUTHORITY OF MAINE**

**Doctors For Maine's Future Scholarship Fund Z090**

Initiative: Provides one-time funds in fiscal years 2019-20 and 2020-21 only to the Doctors for Maine's Future Scholarship Program under the Maine Revised Statutes, Title 20-A, section 12103-A.

GENERAL FUND	2019-20	2020-21
All Other	\$400,000	\$400,000

GENERAL FUND TOTAL	\$400,000	\$400,000
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See title page for effective date.

**CHAPTER 511  
S.P. 132 - L.D. 454**

**An Act To Encourage the  
Purchase of Local Produce for  
Public Schools**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §6602, sub-§12**, as amended by PL 2015, c. 267, Pt. OOO, §1, is further amended to read:

**12. Local Produce Fund.** The Local Produce Fund is established within the department. The fund is authorized to receive revenue from public and private sources. The fund must be held separate and apart from all other money, funds and accounts. Any balance remaining in the fund at the end of the fiscal year must be carried forward to the next fiscal year. The fund must be used to match \$1 for every \$3 a school administrative unit pays for produce or minimally processed foods purchased directly from a farmer, farmers' cooperative or local food hub in the State, to a maximum state contribution of \$1,000 per school administrative unit in fiscal year 2019-20 and \$1,500 per school administrative unit in fiscal year 2020-21 and subsequent years or \$2,000 per school administrative unit if funding is received and the school administrative unit sends a food service employee to local foods training administered by the department under subsection 13. At the end of the fiscal year, the school administrative unit may provide the department with receipts documenting purchases pursuant to this subsection during that year. For purposes of this subsection, "minimally processed" means only the washing, cleaning, trimming, drying, sorting and packaging of food items or a combination of those activities. Reimbursement or partial reimbursement to school administrative units may only be made up to the amount available in the fund. Failure to reimburse does not constitute an obligation on behalf of the State to a school administrative unit. The department shall apply for federal grant funding to provide state contributions in excess of \$1,000 per school administrative unit in fiscal year 2019-20 and \$1,500 per school administrative unit in fiscal year 2020-21 and subsequent years pursuant to this subsection if applicable grant funding is available. The department may accept grant funding from hospitals and other sources to provide state contributions in excess of \$1,000 per school administrative unit in fiscal year 2019-20 and \$1,500 per school

administrative unit in fiscal year 2020-21 and subsequent years pursuant to this subsection.

**Sec. 2. Effective date.** This Act takes effect October 1, 2019.

Effective October 1, 2019.

**CHAPTER 512  
S.P. 209 - L.D. 696**

**An Act To Require  
Municipalities and School  
Districts To Provide Notice of  
Breaches in Personal Data  
Security**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 10 MRSA §1347, sub-§5**, as amended by PL 2005, c. 583, §3 and affected by §14, is further amended to read:

**5. Person.** "Person" means an individual, partnership, corporation, limited liability company, trust, estate, cooperative, association or other entity, including agencies of State Government, municipalities, school administrative units, the University of Maine System, the Maine Community College System, Maine Maritime Academy and private colleges and universities. "Person" as used in this chapter may not be construed to require duplicative notice by more than one individual, corporation, trust, estate, cooperative, association or other entity involved in the same transaction.

**Sec. 2. 10 MRSA §1348, sub-§1**, as repealed and replaced by PL 2005, c. 583, §6 and affected by §14, is amended to read:

**1. Notification to residents.** The following provisions apply to notification to residents by information brokers and other persons.

A. If an information broker that maintains computerized data that includes personal information becomes aware of a breach of the security of the system, the information broker shall conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be misused and shall give notice of a breach of the security of the system following discovery or notification of the security breach to a resident of this State whose personal information has been, or is reasonably believed to have been, acquired by an unauthorized person.

B. If any other person who maintains computerized data that includes personal information becomes aware of a breach of the security of the system, the person shall conduct in good faith a rea-

sonable and prompt investigation to determine the likelihood that personal information has been or will be misused and shall give notice of a breach of the security of the system following discovery or notification of the security breach to a resident of this State if misuse of the personal information has occurred or if it is reasonably possible that misuse will occur.

The notices required under paragraphs A and B must be made as expediently as possible and without unreasonable delay, consistent with the legitimate needs of law enforcement pursuant to subsection 3 or with measures necessary to determine the scope of the security breach and restore the reasonable integrity, security and confidentiality of the data in the system. If there is no delay of notification due to law enforcement investigation pursuant to subsection 3, the notices must be made no more than 30 days after the person identified in paragraph A or B becomes aware of a breach of security and identifies its scope.

**Sec. 3. 10 MRSA §1349, sub-§2, ¶A,** as amended by PL 2005, c. 583, §11 and affected by §14, is further amended to read:

A. A fine of not more than \$500 per violation, up to a maximum of \$2,500 for each day the person is in violation of this chapter, except that this paragraph does not apply to State Government, municipalities, school administrative units, the University of Maine System, the Maine Community College System or Maine Maritime Academy;

See title page for effective date.

**CHAPTER 513**

**H.P. 538 - L.D. 733**

**An Act To Promote Keeping Workers in Maine**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 26 MRSA §§599-A and 599-B** are enacted to read:

**§599-A. Noncompete agreements**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Federal poverty level" means the nonfarm income official poverty line for an individual, as defined by the federal Office of Management and Budget and revised annually in accordance with the Omnibus Budget Reconciliation Act of 1981, Section 673(2).

B. "Noncompete agreement" means a contract or contract provision that prohibits an employee or prospective employee from working in the same or a similar profession or in a specified geographic area for a certain period of time following termination of employment.

**2. Public policy; enforceability of noncompete agreements.** Noncompete agreements are contrary to public policy and are enforceable only to the extent that they are reasonable and are no broader than necessary to protect one or more of the following legitimate business interests of the employer:

A. The employer's trade secrets, as defined in Title 10, section 1542, subsection 4;

B. The employer's confidential information that does not qualify as a trade secret; or

C. The employer's goodwill.

A noncompete agreement may be presumed necessary if the legitimate business interest cannot be adequately protected through an alternative restrictive covenant, including but not limited to a nonsolicitation agreement or a nondisclosure or confidentiality agreement.

**3. Prohibited for certain workers.** Notwithstanding subsection 2, an employer may not require or permit an employee earning wages at or below 400% of the federal poverty level to enter into a noncompete agreement with the employer.

**4. Disclosure; notice.** An employer shall disclose prior to an offer of employment with the employer that will require the acceptance of a noncompete agreement a statement that a noncompete agreement will be required.

An employer shall notify an employee or prospective employee of a noncompete agreement requirement and provide a copy of the noncompete agreement not less than 3 business days before the employer requires the agreement to be signed to allow time for the employee or prospective employee to review the agreement and negotiate the terms of the agreement or employment with the employer if the employee or prospective employee wishes to do so.

**5. Effective date of a noncompete agreement.** Except for a noncompete agreement between an employer and an allopathic physician or an osteopathic physician licensed under Title 32, chapter 48 or chapter 36, respectively, the terms of a noncompete agreement do not take effect until after one year of the employee's employment with the employer or a period of 6 months from the date the agreement was signed, whichever is later.

**6. Penalty; enforcement.** An employer that violates subsection 3 or 4 commits a civil violation for which a fine of not less than \$5,000 may be adjudged.

The Department of Labor is responsible for enforcement of this section.

**7. Application.** This section applies to all non-compete agreements entered into or renewed after the effective date of this section.

**§599-B. Restrictive employment agreements**

**1. Definition.** For purposes of this section, "restrictive employment agreement" means an agreement that:

A. Is between 2 or more employers, including through a franchise agreement or a contractor and subcontractor agreement; and

B. Prohibits or restricts one employer from soliciting or hiring another employer's employees or former employees.

**2. Restrictive employment agreements prohibited.** An employer may not:

A. Enter into a restrictive employment agreement; or

B. Enforce or threaten to enforce a restrictive employment agreement.

**3. Penalty; enforcement.** An employer that violates subsection 2 commits a civil violation for which a fine of not less than \$5,000 may be adjudged. The Department of Labor is responsible for enforcement of this section.

See title page for effective date.

**CHAPTER 514**

**S.P. 230 - L.D. 786**

**An Act To Reduce Hunger and Promote Maine Agriculture**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Transfer of funds.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer to the unappropriated surplus of the General Fund \$1,000,000 no later than June 30, 2020 and \$1,000,000 no later than June 30, 2021 from the Medical Use of Marijuana Fund, established in the Maine Revised Statutes, Title 22, section 2430.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Statewide Hunger Relief Program N230**

Initiative: Provides ongoing funds to contract with a nonprofit organization that provides statewide hunger relief services to allow that organization to engage in statewide hunger relief services, including, but not limited to, the purchase of food from Maine food producers and processors, to provide grants to local hunger relief programs and to pay the operational and distribution expenses of the organization.

GENERAL FUND	2019-20	2020-21
All Other	\$1,000,000	\$1,000,000
<b>GENERAL FUND TOTAL</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>

See title page for effective date.

**CHAPTER 515**

**S.P. 137 - L.D. 459**

**An Act Regarding Presumptive Eligibility and Homelessness under the General Assistance Laws**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §4301, sub-§5-A** is enacted to read:

**5-A. Homelessness.** "Homelessness" means a situation in which a person or household is:

A. Living in a place that is not fit for human habitation;

B. Living in an emergency shelter;

C. Living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility;

D. Exiting a hospital or institution licensed under chapter 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility;

E. Losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or

F. Fleeing or attempting to flee violence and has no other residence.

**Sec. 2. 22 MRSA §4308, sub-§2,** as amended by PL 1999, c. 45, §1, is further amended to read:

**2. Emergencies.** A person, including a person experiencing or facing homelessness, who does not have sufficient resources to provide one or more basic

necessities in an emergency is eligible for emergency general assistance, even when that applicant has been found ineligible for nonemergency general assistance, except as provided in this subsection.

A. A person who is currently disqualified from general assistance for a violation of section 4315, 4316-A or 4317 is ineligible for emergency assistance under this subsection.

B. Municipalities may by standards adopted in municipal ordinances restrict the disbursement of emergency assistance to alleviate emergency situations to the extent that those situations could not have been averted by the applicant's use of income and resources for basic necessities. The person requesting assistance shall provide evidence of income and resources for the applicable time period.

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs.

**Sec. 3. 22 MRSA §4309, sub-§5** is enacted to read:

**5. Presumptive eligibility.** The overseer in a municipality shall presume eligibility to receive general assistance of a person who is provided shelter in an emergency shelter for the homeless located in that municipality. After 30 days, that person's eligibility must be redetermined. When presumptive eligibility is determined under this subsection, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

**Sec. 4. Work group.** The Department of Health and Human Services shall convene a work group of stakeholders to study the municipal general assistance program established in the Maine Revised Statutes, Title 22, chapter 1161 to determine more efficient methods of distributing general assistance benefits to individuals, review differential effects on service center municipalities and other municipalities of providing general assistance, devise equitable methods of establishing the municipality of responsibility and develop services to reduce homelessness and reliance on homeless shelters. The stakeholders must include, but are not limited to, the Maine State Housing Authority and organizations representing mayors, municipalities, general assistance providers, clients of services and other appropriate persons. The department shall report its findings, together with recommendations and any suggested legislation, to the Joint Standing Committee on Health and Human Services no later than January 2, 2020.

See title page for effective date.

## CHAPTER 516 H.P. 621 - L.D. 847

### An Act To Ensure Persons with Disabilities Have Access to Public Rest Rooms

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 5 MRSA §4594-G, sub-§12** is enacted to read:

**12. Single-occupancy toilet facilities; qualifying new construction.** Beginning January 1, 2020, new construction of a public building, as defined in subsection 6, must include single-occupancy toilet facilities that meet the standards of construction required by this section. This subsection applies to new construction for which the maximum occupant capacity exceeds 100 individuals.

See title page for effective date.

## CHAPTER 517 H.P. 629 - L.D. 855

### An Act To Strengthen the Maine Uniform Building and Energy Code

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 10 MRSA §9723, sub-§2**, as repealed and replaced by PL 2013, c. 424, Pt. A, §3, is amended to read:

**2. Training program standards; implementation.** The committee shall direct the training coordinator of the Division of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

**Sec. 2. 25 MRSA §2372, sub-§2**, as amended by PL 2011, c. 633, §9, is further amended to read:

**2. Staff.** The commissioner may appoint ~~or~~ and may remove for cause staff of the division, including:

A. A technical codes coordinator certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, who serves as the division director and principal administrative and supervisory employee of the board. The tech-

nical codes coordinator shall attend meetings of the board, keep records of the proceedings of the board and direct and supervise the personnel employed to carry out the duties of the board, including but not limited to providing technical support and public outreach for the adoption of the code, amendments, conflict resolutions and interpretations. Technical support and public outreach must include, but may not be limited to:

- (1) Providing nonbinding interpretation of the code for professionals and the general public; and
- (2) Establishing and maintaining a publicly accessible website to publish general technical assistance, code updates and interpretations and post-training course schedules; and

B. An office specialist to provide administrative support to the division and the board.

**Sec. 3. 25 MRSA §2374**, as repealed and replaced by PL 2013, c. 424, Pt. A, §12, is amended to read:

**§2374. Uniform Building Codes and Standards Fund**

The Uniform Building Codes and Standards Fund, referred to in this section as "the fund," is established within the Department of Public Safety to fund the activities of the board under this chapter and the activities of the board under Title 10, chapter 1103 and ~~the Department of Economic and Community Development, Office of Community Development~~ under Title 30-A, section 4451, subsection 3-A. Revenue for this fund is provided by the surcharge established by section 2450-A. The Department of Public Safety ~~and the Department of Economic and Community Development, Office of Community Development~~ shall together determine an amount to be transferred annually from the fund for training and certification under Title 30-A, section 4451, subsection 3-A to the Maine Code Enforcement Training and Certification Fund established in Title 30-A, section 4451, subsection 3-B. Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

**Sec. 4. 30-A MRSA §4221, sub-§1**, as amended by PL 2011, c. 655, Pt. FF, §6 and affected by §16, is further amended to read:

**1. Appointment; compensation; removal.** In every municipality, the municipal officers shall appoint one or more inspectors of plumbing, who need not be residents of the municipality for which they are appointed. Plumbing inspectors are appointed for a term of one year or more and must be sworn and the appointment recorded as provided in section 2526, subsection 9. An individual properly appointed as plumbing inspector and satisfactorily performing the

duties may continue in that capacity after the term has expired until replaced. The municipal officers shall notify the department and the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal of the appointment of a plumbing inspector in writing within 30 days of the appointment.

Compensation of plumbing inspectors is determined by the municipal officers and paid by the respective municipalities.

The municipal officers may remove a plumbing inspector for cause, after notice and hearing.

**Sec. 5. 30-A MRSA §4451**, as amended by PL 2019, c. 40, §1, is further amended to read:

**§4451. Training and certification for code enforcement officers**

**1. Certification required; exceptions.** A municipality may not employ any individual to perform the duties of a code enforcement officer who is not certified by the former State Planning Office ~~or~~ the Department of Economic and Community Development, Office of Community Development ~~or the Department of Public Safety, Office of the State Fire Marshal~~, except that:

A. An individual other than an individual appointed as a plumbing inspector has 12 months after beginning employment to be trained and certified as provided in this section;

B. Whether or not any extension is available under paragraph A, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal may waive this requirement for up to one year if the certification requirements cannot be met without imposing a hardship on the municipality employing the individual;

C. An individual may be temporarily authorized in writing by the Department of Health and Human Services, Division of Health Engineering to be employed as a plumbing inspector for a period not to exceed 12 months; and

D. An individual whose certification has expired or is about to expire may be temporarily authorized in writing by the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal to extend that individual's certification for a period not to exceed 12 months in cases where the necessary training or examination is suspended under subsection 3-B, paragraph E.

**2. Penalty.** Any municipality that violates this section commits a civil violation for which a ~~forfeiture~~ fine of not more than \$100 may be adjudged. Each day in violation constitutes a separate offense.

**2-A. Code enforcement officer; definition and duties.** As used in this subchapter, "code enforcement officer" means a person certified under this section and employed by a municipality to enforce all applicable laws and ordinances in the following areas:

- A. Shoreland zoning under Title 38, chapter 3, subchapter 1, article 2-B;
- B. Comprehensive planning and land use under Part 2, Subpart 6-A;
- C. Internal plumbing under chapter 185, subchapter 3;
- D. Subsurface wastewater disposal under chapter 185, subchapter 3; and
- E. Building standards under chapter 141; chapter 185, subchapter 1; Title 5, sections 4582-B, 4582-C and 4594-F; ~~beginning June 1, 2010~~, Title 10, chapter 1103; and Title 25, chapter 313.

**3. Training and certification of code enforcement officers.** In cooperation with code enforcement officer professional associations, the Maine Community College System, the Department of Environmental Protection, and the Department of Health and Human Services ~~and the Department of Public Safety~~, except as otherwise provided in paragraph H, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall establish a continuing education program for individuals engaged in code enforcement. This program must provide training in the technical and legal aspects of code enforcement necessary for certification. The training program must include training to provide familiarity with the laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures and enforcement techniques.

H. If funding is not available to support the training and certification program authorized under this subsection, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall discontinue training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs A and B and shall adopt by routine technical rules under Title 5, chapter 375, subchapter 2-A a program to register code enforcement officers that meet training and education qualifications. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall publish the list of persons registered for code enforcement who have submitted evidence of required qualifications. Persons registered under this paragraph must meet the requirements for training and certi-

fication under this subchapter. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall consult with the Department of Health and Human Services for the purposes of carrying out training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs C and D. Within one month of discontinuation of training and certification under this paragraph, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over state and local government matters a recommendation for funding the training and certification program or for further changes in program requirements.

**3-A. Training and certification of inspectors in the Maine Uniform Building and Energy Code.** In accordance with the training and certification requirements developed pursuant to Title 10, section 9723, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall provide the training necessary to certify municipal building officials, local code enforcement officers and 3rd-party inspectors.

**3-B. Maine Code Enforcement Training and Certification Fund.** The Maine Code Enforcement Training and Certification Fund, referred to in this section as "the fund," is established as a nonlapsing fund to support training and certification programs administered by the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal for code enforcement officers, local plumbing inspectors, municipal building officials and 3rd-party inspectors in accordance with this subchapter.

A. ~~Beginning July 1, 2009, and each year thereafter on~~ On July 1st of each year, the funds identified in section 4215, subsection 4 for training and certifying local plumbing inspectors must be transferred to the fund.

B. ~~Beginning July 1, 2009, and each year thereafter on~~ On July 1st of each year, the funds identified in Title 25, section 2374 for training and certifying municipal building officials, local code enforcement officers and 3rd-party inspectors must be transferred to the fund.

C. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall place in the fund any money it receives from

grants to support the requirements of this subchapter.

D. Funds related to code enforcement training and certification may be expended only in accordance with allocations approved by the Legislature and solely for the administration of this subchapter. Any balance remaining in the fund at the end of any fiscal year may not lapse but must be carried forward to the next fiscal year.

E. If the fund does not contain sufficient money to support the costs of the training and certification provided for in this subchapter, the Department of ~~Economic and Community Development, Office of Community Development Public Safety, Office of the State Fire Marshal~~ Office of the State Fire Marshal may suspend all or reduce the level of training and certification activities.

**4. Examination.** The Department of ~~Economic and Community Development, Office of Community Development Public Safety, Office of the State Fire Marshal~~ Office of the State Fire Marshal shall conduct at least one examination each year to examine candidates for certification at a time and place designated by it. The Department of ~~Economic and Community Development, Office of Community Development Public Safety, Office of the State Fire Marshal~~ Office of the State Fire Marshal may conduct additional examinations to carry out the purposes of this subchapter.

**5. Certification standards.** The Department of ~~Economic and Community Development, Office of Community Development Public Safety, Office of the State Fire Marshal~~ Office of the State Fire Marshal shall adopt routine technical rules under Title 5, chapter 375, subchapter 2-A to establish the qualifications, conditions and licensing standards and procedures for the certification and recertification of individuals as code enforcement officers. A code enforcement officer need only be certified in the areas of actual job responsibilities. The rules established under this subsection must identify standards for each of the areas of training under subsection 2-A, in addition to general standards that apply to all code enforcement officers.

**6. Certification; terms; revocation.** The Department of ~~Economic and Community Development, Office of Community Development Public Safety, Office of the State Fire Marshal~~ Office of the State Fire Marshal shall certify individuals as to their competency to successfully enforce ordinances and other land use regulations and permits granted under those ordinances and regulations and shall issue certificates attesting to the competency of those individuals to act as code enforcement officers. Certificates issued by the former State Planning Office ~~or~~, the Department of Economic and Community Development, Office of Community Development or the Department of Public Safety, Office of the State Fire Marshal are valid for 6 years unless revoked by the District Court. An examination is not required for recertification of code enforcement officers. The De-

partment of ~~Economic and Community Development, Office of Community Development Public Safety, Office of the State Fire Marshal~~ Office of the State Fire Marshal shall recertify a code enforcement officer if the code enforcement officer successfully completes at least 12 hours of approved training in each area of job responsibility during the 6-year certification period.

A. The District Court may revoke the certificate of a code enforcement officer, in accordance with Title 4, chapter 5, when it finds that:

- (1) The code enforcement officer has practiced fraud or deception;
- (2) Reasonable care, judgment or the application of a duly trained and knowledgeable code enforcement officer's ability was not used in the performance of the duties of the office; or
- (3) The code enforcement officer is incompetent or unable to perform properly the duties of the office.

B. Code enforcement officers whose certificates are invalidated under this subsection may be issued new certificates provided that they are newly certified as provided in this section.

**7. Other professions unaffected.** This subchapter may not be construed to affect or prevent the practice of any other profession.

**Sec. 6. 30-A MRSA §4452, sub-§7**, as amended by PL 2011, c. 655, Pt. FF, §9 and affected by §16, is further amended to read:

**7. Natural resources protection laws.** A code enforcement officer, authorized by a municipality to represent that municipality in District Court and certified by the former State Planning Office or the Department of Economic and Community Development, Office of Community Development or the Department of Public Safety, Office of the State Fire Marshal under section 4453 as familiar with court procedures, may enforce the provisions of Title 38, section 420-C, Title 38, chapter 3, subchapter 1, article 5-A and Title 38, chapter 13-D by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

**Sec. 7. 30-A MRSA §4453, first ¶**, as amended by PL 2011, c. 655, Pt. FF, §10 and affected by §16, is further amended to read:

The Department of ~~Economic and Community Development, Office of Community Development Public Safety, Office of the State Fire Marshal~~ Office of the State Fire Marshal shall establish certification standards and a program to certify familiarity with court procedures for the following individuals:

**Sec. 8. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

**Community Development Block Grant Program 0587**

Initiative: Deallocates funds due to the responsibility for the training and certification of code enforcement officers being transferred to the Department of Public Safety.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$30,000)	(\$30,000)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$30,000)	(\$30,000)

See title page for effective date.

**CHAPTER 518  
S.P. 264 - L.D. 898**

**An Act To Provide for Support for New Educators**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §13012-A, sub-§4,** as amended by PL 2017, c. 381, §14, is further amended to read:

**4. Requirements.** ~~If a~~ A school administrative unit ~~employs may not employ~~ a conditionally certified teacher or educational specialist unless it has a locally designed peer support and mentoring system as described in section 13015-A. For a conditional certificate issued under subsection 1, paragraph A or B, the school administrative unit shall for at least the first ~~year~~ 2 years of employment, or longer if determined to be necessary, and, for a conditional certificate issued under subsection 1, paragraph C, the school administrative unit shall for at least the first year of employment, or longer if determined to be necessary:

A. Ensure that the conditionally certified teacher or educational specialist receives high-quality professional development that is sustained, intensive and classroom-focused in order to have a positive and lasting impact on classroom instruction while teaching; and

B. Provide a program of intensive supervision for the conditionally certified teacher that consists of structured guidance and regular ongoing support or a mentoring program, which is separate from

any student-teacher requirement that may be required under another authority.

**Sec. 2. 20-A MRSA §13013, sub-§2-B, ¶B,** as enacted by PL 2017, c. 235, §12 and affected by §41, is amended to read:

B. Can demonstrate subject matter competency obtained through work experience that is directly related to any endorsements being sought and has held a conditional certificate under section 13012-A for 3 years, ~~unless the applicant is seeking only an endorsement for middle school and secondary school, in which case the applicant is not required to have held a conditional certificate;~~

**Sec. 3. 20-A MRSA §13015-A** is enacted to read:

**§13015-A. Peer support and mentoring system**

**1. Purpose.** The purpose of a peer support and mentoring system is to:

A. Provide strong support services and mentoring programs that are sustained, intensive and classroom-focused in order to have a positive and lasting effect on classroom instruction and develop good teaching and classroom management skills for teachers certified for less than 5 years and teachers with conditional certificates;

B. Provide assistance to and review for all individuals who are candidates for a higher level certificate or who are teaching under a waiver of the requirement to be certified under this chapter; and

C. Assist all teachers in becoming better teachers.

A peer support and mentoring system is separate from local practices and procedures regarding the supervision and evaluation of a teacher for retention by a school administrative unit. The system must include opportunities for all educators to share, learn and continually improve their practices as educators in collaboration with peers. Peer support and mentoring must be formative in nature and be for the sole purpose of ongoing professional growth for educators.

**Sec. 4. Professional Standards Board.** The Governor shall appoint members for all vacant positions on the Professional Standards Board established under the Maine Revised Statutes, Title 20-A, chapter 502-B no later than November 1, 2019, and the Professional Standards Board shall convene a meeting no later than December 1, 2019.

See title page for effective date.

**CHAPTER 519  
H.P. 714 - L.D. 959**

**An Act To Increase Funding  
for the Maine Lakes Society  
"LakeSmart" Program and the  
Lake Stewards of Maine  
Volunteer Lake Monitoring  
Program**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. Appropriations and allocations.**  
The following appropriations and allocations are  
made.

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF  
Water Quality 0248**

Initiative: Provides ongoing funds to increase funding  
for grants to the Lake Stewards of Maine for the vol-  
unteer lake monitoring program.

GENERAL FUND	2019-20	2020-21
All Other	\$75,000	\$75,000
<b>GENERAL FUND TOTAL</b>	<b>\$75,000</b>	<b>\$75,000</b>

**Water Quality 0248**

Initiative: Provides ongoing funds to increase funding  
for grants to the Maine Lakes Society for the  
"LakeSmart" education program.

GENERAL FUND	2019-20	2020-21
All Other	\$75,000	\$75,000
<b>GENERAL FUND TOTAL</b>	<b>\$75,000</b>	<b>\$75,000</b>

**ENVIRONMENTAL  
PROTECTION,  
DEPARTMENT OF  
DEPARTMENT TOTALS**

	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$150,000</b>	<b>\$150,000</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$150,000</b>	<b>\$150,000</b>

**NEW ENGLAND INTERSTATE WATER  
POLLUTION CONTROL COMMISSION**

**Maine Joint Environmental Training Coordinating  
Committee 0980**

Initiative: Provides ongoing funds to increase funding  
for pollution control training programs.

GENERAL FUND	2019-20	2020-21
All Other	\$25,000	\$25,000
<b>GENERAL FUND TOTAL</b>	<b>\$25,000</b>	<b>\$25,000</b>

**NEW ENGLAND  
INTERSTATE WATER  
POLLUTION CONTROL  
COMMISSION  
DEPARTMENT TOTALS**

	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$25,000</b>	<b>\$25,000</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$25,000</b>	<b>\$25,000</b>

SECTION TOTALS	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$175,000</b>	<b>\$175,000</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$175,000</b>	<b>\$175,000</b>

See title page for effective date.

**CHAPTER 520  
S.P. 326 - L.D. 1094**

**An Act To Increase Funding  
for the Child Welfare Services  
Ombudsman Program**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. Appropriations and allocations.**  
The following appropriations and allocations are  
made.

**EXECUTIVE DEPARTMENT  
Ombudsman Program 0103**

Initiative: Provides ongoing funding for one additional  
position in the child welfare services ombudsman pro-  
gram.

GENERAL FUND	2019-20	2020-21
All Other	\$85,000	\$85,000
<b>GENERAL FUND TOTAL</b>	<b>\$85,000</b>	<b>\$85,000</b>

**Ombudsman Program 0103**

Initiative: Provides one-time funds to purchase furniture and office supplies for leased office space for the child welfare services ombudsman program.

GENERAL FUND	2019-20	2020-21
All Other	\$5,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$5,000</b>	<b>\$0</b>

EXECUTIVE DEPARTMENT DEPARTMENT TOTALS	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$90,000</b>	<b>\$85,000</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$90,000</b>	<b>\$85,000</b>

See title page for effective date.

**CHAPTER 521  
H.P. 838 - L.D. 1149**

**An Act To Strengthen the  
Maine State Library**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Appropriations and allocations.** The following appropriations and allocations are made.

**LIBRARY, MAINE STATE**

**Maine State Library 0217**

Initiative: Deappropriates funds for one Librarian Generalist position.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$62,020)	(\$64,769)
<b>GENERAL FUND TOTAL</b>	<b>(\$62,020)</b>	<b>(\$64,769)</b>

**Maine State Library 0217**

Initiative: Establishes one Librarian Specialized Services position funded 75% General Fund and 25% Federal Expenditures Fund.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000

Personal Services	\$59,749	\$80,393
<b>GENERAL FUND TOTAL</b>	<b>\$59,749</b>	<b>\$80,393</b>

**Maine State Library 0217**

Initiative: Allocates funds for one Librarian Specialized Services position funded 75% General Fund and 25% Federal Expenditures Fund.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$19,917	\$26,794
All Other	\$6,200	\$6,200
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$26,117</b>	<b>\$32,994</b>

**LIBRARY, MAINE STATE DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>(\$2,271)</b>	<b>\$15,624</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$26,117</b>	<b>\$32,994</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$23,846</b>	<b>\$48,618</b>
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See title page for effective date.

**CHAPTER 522  
S.P. 394 - L.D. 1274**

**An Act To Enact the Health  
Insurance Consumer  
Assistance Program**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 24-A MRSA c. 56-A, sub-c. 2-A is enacted to read:**

**SUBCHAPTER 2-A**

**HEALTH INSURANCE CONSUMER ASSISTANCE PROGRAM**

**§4326. Health Insurance Consumer Assistance Program**

**1. Establishment.** The Health Insurance Consumer Assistance Program, referred to in this section as "the consumer assistance program," is established to provide support for consumers, including prospective consumers, of health insurance, referred to in this section as "consumers," and to customer assistance pro-

grams and public and private health insurance assistance programs.

**2. Consumer assistance program services.** The services provided by the consumer assistance program may include:

A. Assisting consumers with filing complaints and appeals with a group health plan, health insurance carrier or independent review organization and providing information about the internal and external appeal and grievance processes of a group health plan, health insurance carrier or independent review organization;

B. Collecting, tracking and quantifying inquiries regarding health insurance and problems encountered by consumers;

C. Educating consumers on their rights and responsibilities with respect to health insurance coverage;

D. Assisting consumers with obtaining health insurance coverage by providing information, referrals or other assistance;

E. Assisting with obtaining federal health insurance premium tax credits under Section 36B of the United States Internal Revenue Code of 1986, as amended; and

F. Providing information to the public about the services of the consumer assistance program through a comprehensive outreach program and a toll-free telephone number.

**3. Contract for operation.** The Attorney General shall contract with a nonprofit, independent health insurance consumer assistance entity, which may not be an insurer, to operate the consumer assistance program.

**4. Report.** The operator of the consumer assistance program shall report to the Attorney General, according to the requirements of the contract under subsection 1, on aggregate data relevant to the services provided by and activities of the consumer assistance program, and annually, by January 15th, the Attorney General shall report to the joint standing committee of the Legislature having jurisdiction over health insurance matters on the aggregate data.

**Sec. 2. Transfers from available fiscal year 2019-20 and fiscal year 2020-21 Department of Professional and Financial Regulation Other Special Revenue Funds balances to the Department of the Attorney General.** Notwithstanding any provision of law to the contrary, on October 1, 2019 and on July 1, 2020 the State Controllor shall transfer \$200,000 from available balances in the Bureau of Insurance Other Special Revenue Funds account within the Department of Professional and

Financial Regulation to the Department of the Attorney General.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**ATTORNEY GENERAL, DEPARTMENT OF THE**

**Administration - Attorney General 0310**

Initiative: Provides allocations for the Attorney General to contract with a designated, nonprofit and independent health insurance consumer assistance entity to operate the Health Insurance Consumer Assistance Program.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$200,000	\$200,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$200,000	\$200,000

See title page for effective date.

**CHAPTER 523**

**S.P. 397 - L.D. 1277**

**An Act To Require the Director of the Maine Center for Disease Control and Prevention To Be Credentialed**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §20** is enacted to read:

**§20. Director of Maine Center for Disease Control and Prevention**

**1. Qualifications.** The Director of the Maine Center for Disease Control and Prevention, referred to in this section as "the director," must have demonstrated experience in administration of public health or clinical medicine and:

A. Be licensed, or eligible for licensure, as a physician under Title 32, chapter 36 or 48 or as an advanced practice registered nurse under Title 32, chapter 31; or

B. Have a degree in public health from an accredited school of public health or any equivalent combination of education and experience in public health.

**2. Annual report.** The director shall report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters on:

A. Challenges and threats to the health of the residents of the State; and

B. The ways in which the Maine Center for Disease Control and Prevention has responded to those challenges and threats and has aided in keeping the residents of the State healthy and safe.

See title page for effective date.

## CHAPTER 524

### S.P. 472 - L.D. 1523

#### An Act To Ensure the Quality of and Increase Access to Recovery Residences

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 5 MRSA §20001**, as amended by PL 2017, c. 407, Pt. A, §10, is further amended to read:

#### §20001. Title

This chapter may be known and cited as the "Maine Substance Use Disorder Prevention ~~and~~ Treatment and Recovery Act."

**Sec. 2. 5 MRSA §20002, sub-§1**, as amended by PL 2017, c. 407, Pt. A, §11, is further amended to read:

#### 1. Integrated and comprehensive approach.

To adopt an integrated approach to the problem of substance use disorder and to focus all the varied resources of the State on developing a comprehensive and effective range of substance use disorder prevention ~~and~~ treatment ~~and~~ recovery activities and services;

**Sec. 3. 5 MRSA §20002, sub-§2**, as amended by PL 2017, c. 407, Pt. A, §12, is further amended to read:

**2. Coordination of activities and services.** To establish within the Department of Health and Human Services the responsibility for planning, developing, implementing, coordinating and evaluating all of the State's substance use disorder prevention ~~and~~ treatment ~~and~~ recovery activities and services;

**Sec. 4. 5 MRSA §20003, sub-§17-B** is enacted to read:

**17-B. Person recovering from substance use disorder.** "Person recovering from substance use disorder" means a person with substance use disorder who is engaged in a process attempting to improve the person's health and wellness, live a self-directed life and reach the person's full potential.

**Sec. 5. 5 MRSA §20003, sub-§19-A**, as enacted by PL 2017, c. 460, Pt. G, §4, is amended to read:

**19-A. Recovery support services.** "Recovery support services" means services that recognize recovery is a process of change through which individuals improve their health and wellness, live self-directed lives and strive to reach their full potential, including, but not limited to, safe housing, transportation, peer mentoring and coaching and assistance with and access to employment services. "Recovery support services" may include services provided in an integrated medication-assisted treatment setting ~~or~~ in a separate facility that is staffed by individuals in recovery and that provides services such as mentoring, education and resource provision ~~or in a recovery residence.~~

**Sec. 6. 5 MRSA §20003, sub-§§19-C and 19-D** are enacted to read:

**19-C. Recovery.** "Recovery," as it pertains to substance use disorder, means a process of change through which individuals improve their health and wellness, live self-directed lives and strive to reach their full potential.

**19-D. Recovery residence.** "Recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

**Sec. 7. 5 MRSA §20005, sub-§1**, as amended by PL 2017, c. 407, Pt. A, §25, is further amended to read:

**1. State Government.** Establish the overall plans, policies, objectives and priorities for all state substance use disorder prevention ~~and~~ treatment ~~and~~ recovery functions, except the prevention of drug traffic and the State Employee Assistance Program established pursuant to Title 22, chapter 254-A;

**Sec. 8. 5 MRSA §20005, sub-§5**, as amended by PL 2017, c. 407, Pt. A, §25, is further amended to read:

**5. Budget.** Develop and submit to the Legislature by January 15th of the first year of each legislative biennium recommendations for continuing and supplemental allocations, deappropriations or reduced allocations and appropriations from all funding sources for all state substance use disorder programs. The department shall make final recommendations to the Governor before any substance use disorder funds are appropriated or deappropriated in the Governor's proposed budget. The department shall formulate all budgetary recommendations for the Driver Education and Evaluation Programs with the advice, consultation

and full participation of the chief executive officer of the Driver Education and Evaluation Programs.

Notwithstanding any other provision of law, funding appropriated and allocated by the Legislature for the department for substance use disorder prevention ~~and~~ treatment and recovery is restricted solely to that use and may not be used for other expenses of the department. By January 15th of each year, the commissioner or the commissioner's designee shall deliver a report of the budget and expenditures of the department for substance use disorder prevention ~~and~~ treatment and recovery to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and human resource matters;

**Sec. 9. 5 MRSA §20005, sub-§12**, as amended by PL 2017, c. 407, Pt. A, §25, is further amended to read:

**12. Rules.** Adopt rules, in accordance with the Maine Administrative Procedure Act, necessary to carry out the purposes of this chapter and approve any rules adopted by state agencies for the purpose of implementing substance use disorder prevention ~~or~~ treatment and recovery programs.

All state agencies must comply with rules adopted by the department regarding uniform alcohol and other drug use contracting requirements, formats, schedules, data collection and reporting requirements;

**Sec. 10. 5 MRSA §20005, sub-§20**, as amended by PL 2005, c. 674, §1, is further amended to read:

**20. Review policies.** Review the full range of public policies and strategies existing in State Government to identify changes that would strengthen its response, identify policies that might discourage excessive consumption of alcohol and other drugs and generate new funding for alcohol and other drug services; ~~and~~

**Sec. 11. 5 MRSA §20005, sub-§21**, as enacted by PL 2005, c. 674, §2, is amended to read:

**21. List of banned performance-enhancing substances.** Develop and maintain a list of banned performance-enhancing substances in accordance with Title 20-A, section 6621-; and

**Sec. 12. 5 MRSA §20005, sub-§22** is enacted to read:

**22. Certification of recovery residences.** Establish by rule criteria for the certification of recovery residences. The criteria for the certification of recovery residences must be based on criteria for recovery residences developed by a nationally recognized organization that supports persons recovering from substance use disorder. Certification of a recovery residence pursuant to this subsection is voluntary. Rules

adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

**Sec. 13. 5 MRSA §20006-A, sub-§1**, as amended by PL 2017, c. 407, Pt. A, §28, is further amended to read:

**1. Alternatives.** Propose alternatives to current substance use disorder prevention ~~and~~ treatment and recovery programs and services;

**Sec. 14. 5 MRSA §20006-A, sub-§2**, as amended by PL 2017, c. 407, Pt. A, §29, is further amended to read:

**2. Investigate.** Conduct investigations and studies of any substance use disorder prevention, treatment and recovery program or community service provider operating under the control of the department or providing treatment under this chapter through a contract with the department under section 20008 that are licensed pursuant to section 20024 or any facility funded in whole or in part by municipal, state or local funds, as necessary; and

**Sec. 15. 5 MRSA §20009, first ¶**, as amended by PL 2017, c. 407, Pt. A, §32, is further amended to read:

The department shall plan substance use disorder prevention ~~and~~ treatment and recovery activities in the State and prepare and submit to the Legislature the following documents:

**Sec. 16. 22 MRSA §3739, sub-§2, ¶G**, as amended by PL 2017, c. 407, Pt. A, §79, is further amended to read:

G. One employee of the organizational unit of the department that provides programs and services for substance use disorder prevention ~~and~~ treatment and recovery, appointed by the commissioner;

**Sec. 17. 22-A MRSA §203, sub-§1, ¶F**, as amended by PL 2017, c. 407, Pt. A, §90, is further amended to read:

F. Substance use disorder prevention ~~and~~ treatment and recovery services.

**Sec. 18. 22-A MRSA §206, sub-§8**, as amended by PL 2017, c. 407, Pt. A, §91, is further amended to read:

**8. Substance use disorder prevention, treatment and recovery.** The commissioner shall administer and carry out the purposes of the Maine Substance Use Disorder Prevention ~~and~~ Treatment and Recovery Act.

**Sec. 19. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 5, Part 25, in the Part headnote, the words "substance use disorder prevention and treatment" are amended to read "substance use disorder

prevention, treatment and recovery" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 20. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 5, chapter 521, in the chapter headnote, the words "substance use disorder prevention and treatment" are amended to read "substance use disorder prevention, treatment and recovery" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 21. Rental subsidies for certified recovery residences.** The Maine State Housing Authority shall develop a pilot project to provide a short-term rental subsidy for a person recovering from substance use disorder, as defined in the Maine Revised Statutes, Title 5, section 20003, subsection 17-B, to reside in a recovery residence, as defined in Title 5, section 20003, subsection 19-D, certified pursuant to Title 5, section 20005, subsection 22 and that allows medication-assisted treatment. The Maine State Housing Authority may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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## CHAPTER 525

### H.P. 1135 - L.D. 1573

#### An Act To Clarify Provisions of the Maine Juvenile Code Regarding Inspection, Disclosure and Dissemination of Juvenile Case Records and To Change Gender-specific Terms

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 15 MRSA §3003, sub-§3**, as amended by PL 1979, c. 681, §38, is further amended to read:

**3. Bind-over hearing.** "~~Bind-over~~ Bind-over hearing" means a hearing at which the Juvenile Court determines whether ~~or not~~ to permit the State to proceed against a juvenile as if ~~he~~ the juvenile were an adult.

**Sec. 2. 15 MRSA §3003, sub-§§4-C, 4-D and 5-A** are enacted to read:

**4-C. Court-generated information.** "Court-generated information" means records, information and documents created by the Juvenile Court to document activity in a case, including docket entries and other similar records.

**4-D. Disclosure.** "Disclosure" means the transmission of information contained in juvenile case records by any means, including orally, in writing or electronically, upon request.

**5-A. Dissemination.** "Dissemination" means release of, transmission in any manner of and access to information contained in juvenile case records expressly authorized by statute, executive order, court rule, court decision or court order.

**Sec. 3. 15 MRSA §3003, sub-§6**, as enacted by PL 1977, c. 520, §1, is amended to read:

**6. Emancipation.** "Emancipation" means the release of a juvenile from the legal control of ~~his~~ the juvenile's parents.

**Sec. 4. 15 MRSA §3003, sub-§8**, as enacted by PL 1977, c. 520, §1, is amended to read:

**8. Guardian.** "Guardian" means a person lawfully invested with the power, and charged with the duty, of taking care of ~~the~~ a person and managing the property and rights of ~~another~~ the person, who, because of age, is considered incapable of administering ~~his~~ the person's own affairs.

**Sec. 5. 15 MRSA §3003, sub-§10-A** is enacted to read:

**10-A. Inspection.** "Inspection" means access to and review of juvenile case records in a manner prescribed by the Supreme Judicial Court. "Inspection" does not include disclosure or dissemination of juvenile case records.

**Sec. 6. 15 MRSA §3003, sub-§14-C** is enacted to read:

**14-C. Juvenile case records.** "Juvenile case records" means all records, regardless of form or means of transmission, that comprise a juvenile court file of an individual case, including, but not limited to, court-generated information, information and documents filed by filers, transcripts of depositions, hearings, proceedings and interviews, documentary exhibits in the custody of the clerk of the court, electronic records, videotapes and records of other proceedings filed with the clerk of the court. "Juvenile case records" does not include administrative or operational records of the judicial branch.

**Sec. 7. 15 MRSA §3003, sub-§19-B** is enacted to read:

**19-B. Officer of the court.** "Officer of the court" means a judicial officer, including a judge, an attorney or an employee of the court including a clerk or a marshal.

**Sec. 8. 15 MRSA §3003, sub-§23**, as amended by PL 1979, c. 681, §2, is further amended to read:

**23. Probation.** "Probation" means a legal status created by court order in cases involving a juvenile

adjudicated as having committed a juvenile crime, ~~which that~~ permits the juvenile to remain in ~~his the~~ juvenile's own home or other placement designated by the Juvenile Court subject to revocation for violation of any condition imposed by the court.

**Sec. 9. 15 MRSA §3101, sub-§2, ¶D,** as amended by PL 1979, c. 681, §38, is further amended to read:

D. Juvenile Courts ~~shall~~ have exclusive original jurisdiction over proceedings in which an adult is alleged to have committed a juvenile crime before attaining ~~his 18th birthday~~ 18 years of age. For purposes of ~~such proceedings such as a proceeding under this paragraph,~~ the adult ~~shall be~~ is considered a juvenile.

**Sec. 10. 15 MRSA §3101, sub-§4, ¶A,** as amended by PL 1979, c. 681, §38, is further amended to read:

A. When a petition alleges that a juvenile has committed an act ~~which that~~ would be murder or a Class A, B or C crime if committed by an adult, the court shall, upon request of the prosecuting attorney, continue the case for further investigation and for a bind-over hearing to determine whether the jurisdiction of the Juvenile Court over the juvenile should be waived. ~~In the event of such~~ If a continuance is granted under this paragraph, the court shall advise the juvenile and ~~his the juvenile's~~ parent or parents, guardian or legal custodian of the possible consequences of a bind-over hearing, the right to be represented by counsel, and other relevant constitutional and legal rights in connection therewith.

**Sec. 11. 15 MRSA §3101, sub-§4, ¶G,** as enacted by PL 1979, c. 512, §2, is amended to read:

G. In all prosecutions for subsequent crimes, any person bound over and convicted as an adult ~~shall~~ must be proceeded against as if ~~he the juvenile~~ were an adult.

**Sec. 12. 15 MRSA §3301, sub-§6-A,** as amended by PL 2005, c. 487, §1, is repealed.

**Sec. 13. 15 MRSA §3301, sub-§7,** as amended by PL 2005, c. 507, §9, is further amended to read:

**7. Nonapplication of section.** ~~Except for subsection 6-A, the~~ The provisions of this section do not apply to a juvenile charged with either of the juvenile crimes defined in section 3103, subsection 1, paragraph E or F, and a petition may be filed without recommendation by a juvenile community corrections officer. The provisions of section 3203-A apply in the case of a juvenile charged with either of the juvenile crimes defined in section 3103, subsection 1, paragraph E or F.

**Sec. 14. 15 MRSA §3304, sub-§6,** as enacted by PL 1977, c. 520, §1, is amended to read:

**6. Summons of necessary parties.** The court on its own motion or on the motion of any party may require the appearance of any person ~~it deems the court~~ determines necessary to the action and authorize the issuance of a summons directed to ~~such that~~ person. Any party to the action may request the issuance of compulsory process by the court requiring the attendance of witnesses on ~~his own~~ the party's behalf or on the behalf of the juvenile.

**Sec. 15. 15 MRSA §3306, sub-§1,** as amended by PL 1977, c. 664, §25, is further amended to read:

**1. Notice and appointment.**

A. At ~~his a juvenile's~~ first appearance before the court, the juvenile and ~~his the juvenile's~~ parent or parents, guardian or legal custodian ~~shall~~ must be fully advised by the court of their constitutional and legal rights, including the juvenile's right to be represented by counsel at every stage of the proceedings. At every subsequent appearance before the court, the juvenile ~~shall~~ must be advised of ~~his the juvenile's~~ right to be represented by counsel.

B. If the juvenile requests an attorney and if ~~he the juvenile~~ and ~~his the juvenile's~~ parent or parents, guardian or legal custodian are found to be without sufficient financial means, counsel ~~shall~~ must be appointed by the court.

C. The court may appoint counsel without ~~such a~~ request under paragraph B if ~~it deems the court~~ determines representation by counsel necessary to protect the interests of the juvenile.

**Sec. 16. 15 MRSA §3307, sub-§1-A,** as amended by PL 1999, c. 624, Pt. B, §17, is further amended to read:

**1-A. Disclosure of identity.** A law enforcement officer, officer of the court ~~or~~ juvenile community corrections officer or other representative of the Department of Corrections may not ~~release~~ disclose the identity of any juvenile until a petition is filed charging the juvenile with a juvenile crime described in subsection 2. This section does not preclude the ~~release~~ disclosure of the identity of a juvenile to a complainant or victim if a juvenile community corrections officer decides not to file a petition in accordance with section 3301, subsection 5, paragraph A or B or if the juvenile community corrections officer requests the prosecuting attorney to file a petition in accordance with section 3301, subsection 5, paragraph C.

**Sec. 17. 15 MRSA §3308,** as amended by PL 2013, c. 267, Pt. B, §6, is further amended to read:

**§3308. Juvenile case records; inspection and sealing**

**1. Inspection.** No person may inspect the records of juvenile proceedings except as provided in this section.

**1-A. Confidentiality.** Juvenile case records are confidential and may not be disclosed, disseminated or inspected except as expressly authorized by this Part.

**2. Hearings open to public.** In the case of a hearing open to the general public under section 3307, the petition, the record of the hearing and the order of adjudication are open to public inspection, provided that any court subsequently sentencing the juvenile after the juvenile has become an adult may consider only murder and Class A, Class B and Class C offenses committed by the juvenile. The petition, the record of the hearing and the order of adjudication ~~are open to inspection by the victim,~~ regardless of whether the hearing is open to the general public under section 3307, are open to inspection by:

A. The victim;

B. If the victim is a minor, a parent or parents, guardian or legal custodian of the victim; and

C. If the victim cannot act on the victim's own behalf due to death, age, physical or mental disease or disorder or intellectual disability or autism or other reason, an immediate family member, guardian, legal custodian of the victim or a licensed professional investigator under Title 32, chapter 89.

**3. Dissemination of juvenile case records.** ~~Records of court proceedings and of the other records described in subsection 5~~ Juvenile case records must be open to inspection by and, upon request, be disseminated to the juvenile, the juvenile's parent or parents, guardian or legal custodian, the juvenile's attorney, the prosecuting attorney and to any agency to which legal custody of the juvenile was transferred as a result of adjudication. These Juvenile case records may also be open to inspection by and, upon request, be disseminated to the Department of Health and Human Services prior to adjudication if commitment to the Department of Health and Human Services is a proposed disposition.

**3-A. Disclosure of juvenile's identity to victims.** ~~The name~~ Upon request, the identity of a juvenile subject to Juvenile Court proceedings ~~shall~~ must be made known disclosed by the Juvenile Court to the victim of the juvenile crime on his request. to:

A. The victim;

B. If the victim is a minor, a parent or parents, guardian or legal custodian of the victim; or

C. If the victim cannot act on the victim's own behalf due to death, age, physical or mental dis-

ease or disorder or intellectual disability or autism or other reason, an immediate family member, guardian, legal custodian of the victim or a licensed professional investigator under Title 32, chapter 89.

**4. Access to juvenile case records by other persons.** With the consent of the court, and subject to reasonable limitations to protect the identity, privacy and safety of 3rd parties, including, but not limited to, victims and other accused or adjudicated juveniles, and the interests of justice, juvenile case records of court proceedings, excluding the names of the juvenile, ~~his~~ and the juvenile's parent or parents, guardian, or legal custodian, ~~his~~ the juvenile's attorney or any other parties, may be inspected by or disseminated to persons having a legitimate interest in the proceedings or by persons conducting pertinent research studies.

**5. Access to other records.** ~~Police records~~ Except as otherwise authorized under section 3307 or this section, juvenile intelligence and investigative record information as defined in section 3308-A, subsection 1, paragraph E, juvenile community corrections officers' records and all other reports of social and clinical studies contained in juvenile case records may not be open to inspection or disclosed or disseminated except with consent of the court or except to the extent that such records, reports and studies were made a part of the record of a hearing that was open to the general public under section 3307. The names and identifying information regarding any alleged victim and minors contained in the juvenile case records must be redacted prior to disclosure, dissemination or inspection.

The court may not order the disclosure, dissemination or inspection of juvenile case records unless the juvenile, the juvenile's attorney or, if the juvenile does not have an attorney, the juvenile's attorney of record and the prosecuting attorney are given notice of the request and an opportunity to be heard regarding the request. In deciding whether to allow the disclosure, dissemination or inspection of any portion of juvenile case records under this subsection, the court shall consider the purposes of this Part and the reasons for which the request is being made and may restrict the disclosure, dissemination or inspection of the juvenile case records in any manner the court determines necessary or appropriate. The names and identifying information regarding any alleged victims and minors contained in the juvenile case records must be redacted prior to disclosure, dissemination or inspection.

**6. Records to Secretary of State.** Whenever a juvenile has been adjudicated as having committed a juvenile crime involving the operation of a motor vehicle, the court shall ~~forthwith~~ transmit to the Secretary of State an abstract, duly certified, setting forth the name of the juvenile, the offense, the date of the offense, the date of the adjudicatory hearing and any other pertinent facts. These juvenile case records are

admissible in evidence in hearings conducted by the Secretary of State or any of the Secretary of State's deputies and are open to public inspection.

Nothing in this Part may be construed to limit the authority of the Secretary of State, pursuant to Title 29-A, to suspend a person's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a license.

**7. Dissemination of information.** The following provisions apply to the dissemination of information contained in ~~the juvenile case records of juvenile proceedings.~~

A. For purposes of this subsection the following terms have the following meanings.

(1) "Administration of criminal justice" has the same meaning as found in Title 16, section 703, subsection 1.

(2) "Administration of juvenile criminal justice" means activities related to the apprehension or summoning, detention, conditional or unconditional release, informal adjustment, initial appearance, bind over, adjudication, disposition, custody and supervision or rehabilitation of accused juveniles or adjudicated juvenile criminal offenders. It includes the collection, storage and dissemination of ~~juvenile crime information~~ juvenile case records.

(3) "Criminal justice agency" has the same meaning as found in Title 16, section 703, subsection 4.

(4) "~~Dissemination~~" has the same meaning as found in Title 16, section 703, subsection 6.

B. Nothing in this section precludes sharing of any information contained in the juvenile case records of court proceedings or other records described in subsection 5 by one criminal justice agency with another criminal justice agency for the administration of criminal justice or juvenile criminal justice or for criminal justice agency employment.

B-1. Nothing in this section precludes dissemination of any information contained in the juvenile case records of court proceedings and in the other records described in subsection 5, if:

(1) The juvenile has been adjudicated as having committed a juvenile crime;

(2) The information is disseminated by and to persons who directly supervise or report on the health, behavior or progress of the juvenile, the superintendent of the juvenile's school and the superintendent's designees, criminal justice agencies or agencies that are or might become responsible for the health or welfare of the juvenile as a result of a court

order or by agreement with the Department of Corrections or the Department of Health and Human Services; and

(3) The information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation, including reintegration into a school.

Any information received under this paragraph is confidential and may not be further disseminated, except as otherwise provided by law.

C. Nothing in this section precludes dissemination of any information in the juvenile case records in the possession of the Department of Corrections if the person concerning whom the juvenile case records are sought, the person's legal guardian, if any, and, if the person is a minor, the person's parent or ~~legal parents,~~ guardian or legal custodian has given informed written consent to the ~~disclosure~~ dissemination of the juvenile case records.

D. When a juvenile who is adjudicated of a juvenile crime that if committed by an adult would be gross sexual assault under Title 17-A, section 253, subsection 1 is committed to a Department of Corrections juvenile correctional facility or placed on probation, the Department of Corrections shall provide, while the juvenile is committed or on probation, a copy of the juvenile's judgment and commitment to the Department of Health and Human Services, to all law enforcement agencies that have jurisdiction in those areas where the juvenile may reside, work or attend school and to the superintendent of any school system in which the juvenile attends school during the period of commitment or probation. The Department of Corrections shall provide a copy of the juvenile's judgment and commitment to all licensed and registered day-care facility operators located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation. Upon request, the Department of Corrections shall also provide a copy of the juvenile's judgment and commitment to other entities that are involved in the care of children and are located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation. The Department of Corrections may provide a copy of the juvenile's judgment and commitment to any other agency or person whom the Department of Corrections determines is appropriate to ensure public safety. Neither the failure of the Department of Corrections to perform the requirements of this paragraph nor compliance with this paragraph subjects

the Department of Corrections or its employees to liability in a civil action.

~~E. When a juvenile is charged in a juvenile petition that alleges the use or threatened use of physical force against a person or when a juvenile is adjudicated as having committed one or more juvenile crimes that involve the use or threatened use of physical force against a person, the district attorney in the district where the charges were brought shall provide to the superintendent of the juvenile's school or the superintendent's designees:~~

- ~~(1) The name of the juvenile;~~
- ~~(2) The nature of the alleged offense or of offense;~~
- ~~(3) The date of the alleged offense or of offense;~~
- ~~(4) The date of the petition;~~
- ~~(5) The date of the adjudication, if applicable; and~~
- ~~(6) The location of the court where the case was brought, if applicable.~~

~~All information provided under this paragraph is confidential and may not be further distributed, except as provided in Title 20-A, section 1055, subsection 11. Information provided pursuant to this paragraph to the superintendent of the juvenile's school or the superintendent's designees may not become part of the student's education record.~~

**8. Juvenile case records sealed.** This subsection governs the sealing of juvenile case records of a person adjudicated to have committed a juvenile crime.

A. A person adjudicated to have committed a juvenile crime may petition the court to seal from public inspection all juvenile case records pertaining to the juvenile crime and its disposition, and to any prior juvenile case records and their dispositions if:

- (1) At least 3 years have passed since the person's discharge from the disposition ordered for that juvenile crime;
- (2) Since the date of disposition, the person has not been adjudicated to have committed a juvenile crime and has not been convicted of committing a crime; and
- (3) There are no current adjudicatory proceedings pending for a juvenile or other crime.

B. The court may grant the petition if it finds that the requirements of paragraph A are satisfied, unless it finds that the general public's right to in-

formation substantially outweighs the juvenile's interest in privacy.

C. Notwithstanding subsections 3, 3-A, 4 and 5, the court order sealing the juvenile case records permits only the following persons to have access to the sealed records:

- (1) The courts and criminal justice agencies as provided by this section; and
- (2) The person whose juvenile case records are sealed or that person's designee.

D. If the petition is granted, the person may respond to inquiries from other than the courts and criminal justice agencies about that person's juvenile crimes, the juvenile case records of which have been sealed, as if the juvenile crimes had never occurred, without being subject to any sanctions.

**8-A. Transmission of information about a committed juvenile.** Information regarding a juvenile committed to the custody of the Department of Corrections or the custody of the Department of Health and Human Services must be provided as follows.

A. If a juvenile is committed to the custody of the Department of Corrections or the custody of the Department of Health and Human Services, the court shall transmit with the commitment order a copy of the petition, the order of adjudication, copies of any social studies, any clinical or educational reports and information pertinent to the care and treatment of the juvenile.

B. The Department of Corrections or the Department of Health and Human Services shall provide the court with any information concerning a juvenile committed to either department's custody that the court at any time may request.

**9. Victims' Compensation Board.** Notwithstanding any other provision of this section, juvenile case records of ~~Juvenile Court proceedings and the police records and other records described in subsection 5~~ must be open to inspection by or be disseminated to the Victims' Compensation Board ~~at any time~~ if a juvenile is alleged to have committed an offense upon which an application to the board is based.

**Sec. 18. 15 MRSA §3308-A, sub-§1, ¶C,** as enacted by PL 2013, c. 267, Pt. D, §1, is repealed.

**Sec. 19. 15 MRSA §3308-A, sub-§2,** as enacted by PL 2013, c. 267, Pt. D, §1, is amended to read:

**2. Information part of juvenile case records.** To the extent ~~the~~ juvenile intelligence and investigative record information has been made part of the ~~court~~ juvenile case records of a ~~juvenile proceeding~~, dissemination of that juvenile intelligence and investigative record information by ~~a Maine criminal justice~~

agency the court having actual custody of the juvenile case records must be as provided by section 3307 and section 3308.

**Sec. 20. 15 MRSA §3308-A, sub-§3, ¶B-1** is enacted to read:

B-1. A health care provider. "Health care provider" has the same meaning as in 45 Code of Federal Regulations, Section 160.103;

**Sec. 21. 15 MRSA §3308-A, sub-§3, ¶D**, as enacted by PL 2013, c. 267, Pt. D, §1, is amended to read:

D. A juvenile crime victim or that victim's agent or attorney if authorized by:

- (1) Statute; or
- (2) A court order pursuant to section 3307 or 3308.

As used in this paragraph, "agent" means a licensed professional investigator or an immediate family member if, due to death, age, physical or mental disease, disorder or intellectual disability or autism, the victim cannot realistically act on the victim's own behalf;

**Sec. 22. 15 MRSA §3308-A, sub-§§4 to 6** are enacted to read:

**4. Dissemination of juvenile intelligence and investigative record information subject to reasonable limitations.** The dissemination of juvenile intelligence and investigative record information by a criminal justice agency pursuant to subsection 3 is subject to limitations to reasonably ensure that dissemination of the information will not:

- A. Interfere with law enforcement proceedings relating to crimes;
- B. Result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution's evidence that will interfere with the ability of a court to impanel an impartial jury;
- C. Constitute an unwarranted invasion of personal privacy, including, but not limited to, the personal privacy of juveniles and victims;
- D. Disclose the identity of a confidential source;
- E. Disclose confidential information furnished only by a confidential source;
- F. Disclose investigative techniques and procedures or security plans and procedures not known by the general public;
- G. Endanger the life or physical safety of any individual, including law enforcement personnel;
- H. Disclose information designated confidential by statute; and

I. Interfere with proceedings relating to civil violations, civil enforcement proceedings and other civil proceedings conducted by the Department of the Attorney General or by a district attorney's office.

To comply with this subsection a criminal justice agency may deny access in whole or in part to records that contain or constitute juvenile intelligence and investigative record information. A criminal justice agency also may prepare and provide redacted copies of such records to a person or public or private entity authorized to receive the information under this section.

**5. Secondary dissemination of confidential juvenile intelligence and investigative record information restricted.** A person or public or private entity authorized to receive juvenile intelligence and investigative record information under this section may not further disseminate such information unless expressly authorized to do so by statute, court decision or court order. "Express authorization" means language in the statute, court decision or court order that specifically speaks of juvenile intelligence and investigative record information or specifically refers to a type of juvenile intelligence or investigative record.

**6. Confirming existence or nonexistence of confidential juvenile intelligence and investigative record information prohibited.** A criminal justice agency may not confirm the existence or nonexistence of juvenile intelligence and investigative record information that is confidential under this section to any person or public or private entity that is not eligible to know of or receive the information itself.

**Sec. 23. 15 MRSA §3308-B** is enacted to read:

**§3308-B. Mandatory notice to schools**

**1. Mandatory notice to school administrative unit.** When a juvenile is charged in a juvenile petition that alleges the use or threatened use of physical force against a person or when a juvenile is adjudicated as having committed one or more juvenile crimes that involve the use or threatened use of physical force against a person, the prosecuting attorney in the district where the charges were brought shall disseminate to the superintendent of the juvenile's school administrative unit or the superintendent's designee:

- A. The name of the juvenile;
- B. The offense alleged or adjudicated;
- C. The date of the offense;
- D. The date of the petition;
- E. The date of the adjudication, if applicable; and
- F. The location of the court where the case was brought, if applicable.

**2. Confidentiality.** Information provided under subsection 1 is confidential, may not be distributed except as provided in subsection 1 and in Title 20-A, section 1055, subsection 11 and may not be included in the juvenile's education record.

**Sec. 24. 15 MRSA §3311, sub-§1,** as amended by PL 1979, c. 681, §26, is further amended to read:

**1. Reports as evidence.** For the purpose of determining proper disposition of a juvenile who has been adjudicated as having committed a juvenile crime, written reports and other material relating to the juvenile's mental, physical and social history may be received by the court along with other evidence, but the court, if so requested by the juvenile, ~~his~~ the juvenile's parent or ~~parents,~~ guardian, or ~~legal custodian~~ or other party, shall require that the person who wrote the report or prepared the material appear as a witness and be subject to examination by the court and any party. In the absence of the request, the court may order the person who prepared the report or other material to testify if it finds that the interests of justice require it. The ~~parent or~~ parents, guardian or ~~other~~ legal custodian of the juvenile ~~shall~~ must be informed that information for the report is being gathered.

**Sec. 25. 15 MRSA §3311, sub-§2,** as amended by PL 1979, c. 681, §27, is further amended to read:

**2. Notice of right to inspect.** The court shall inform the juvenile or ~~his~~ the juvenile's parent or ~~parents,~~ guardian or legal custodian of the right of ~~examination concerning~~ to inspect any written report or other material specified in subsection 1.

**Sec. 26. 15 MRSA §3313,** as amended by PL 1995, c. 690, §5, is further amended to read:

**§3313. Criteria for withholding an institutional disposition**

**1. Standard.** The court shall enter an order of disposition for a juvenile who has been adjudicated as having committed a juvenile crime without imposing placement in a secure institution as disposition unless, having regard to the nature and circumstances of the crime and the history, character and condition of the juvenile, it finds that ~~his~~ the confinement of ~~the juvenile~~ the juvenile is necessary for protection of the public because:

- A. There is undue risk that, during the period of a suspended sentence or probation, the juvenile will commit another crime;
- B. The juvenile is in need of correctional treatment that can be provided most effectively by ~~his~~ the juvenile's commitment to an institution; or
- C. A lesser sentence will depreciate the seriousness of the juvenile's conduct.

**2. Additional consideration.** The following grounds, while not controlling the discretion of the court, ~~shall~~ must be accorded weight against ordering placement in a secure institution:

- A. The juvenile's conduct neither caused nor threatened serious harm;
- B. The juvenile did not contemplate that ~~his~~ the juvenile's conduct would cause or threaten serious harm;
- C. The juvenile acted under a strong provocation;
- D. There were substantial grounds tending to excuse or justify the juvenile's conduct, though failing to establish a defense;
- E. The victim of the juvenile's conduct induced or facilitated ~~its~~ the commission of the conduct;
- F. The juvenile has made or has agreed to make restitution to the victim of ~~his~~ the juvenile's conduct for the damage or injury that the victim sustained;
- G. The juvenile has not previously been adjudicated to have committed a juvenile crime or has led a law-abiding life for a substantial period of time prior to the conduct ~~which~~ that formed the basis for the present adjudication;
- H. The juvenile's conduct was the result of circumstances unlikely to recur;
- I. The character and attitudes of the juvenile indicate that ~~he~~ the juvenile is unlikely to commit another juvenile crime;
- J. The juvenile is particularly likely to respond affirmatively to probation; and
- K. The confinement of the juvenile would entail excessive hardship to ~~himself~~ the juvenile or ~~his~~ the juvenile's dependents.

**3. Statement of reasons accompanying disposition for juvenile adjudicated of murder or a Class A, Class B or Class C crime.** In a disposition for a juvenile crime that if committed by an adult would be murder or a Class A, Class B or Class C crime, the court shall state on the record and in open court the court's reasons for ordering or not ordering placement of the juvenile in a secure institution.

**Sec. 27. 15 MRSA §3314, sub-§1, ¶A,** as amended by PL 1987, c. 400, §2, is further amended to read:

- A. The court may allow the juvenile to remain in the legal custody of ~~his~~ the juvenile's parent or ~~parents or a,~~ guardian or ~~legal custodian~~ under such conditions as the court may impose. Conditions may include participation by the juvenile; ~~his~~ or the juvenile's parent or ~~parents or legal,~~ guardian or ~~legal custodian~~ in treatment services

aimed at the rehabilitation of the juvenile and improvement of the home environment.

**Sec. 28. 15 MRSA §3316, sub-§1**, as repealed and replaced by PL 1999, c. 127, Pt. B, §6 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

**Sec. 29. 15 MRSA §3501, sub-§1**, as enacted by PL 1977, c. 520, §1, is amended to read:

**1. Interim care.** A juvenile may be taken into interim care by a law enforcement officer without order by the court when the officer has reasonable grounds to believe that:

A. The juvenile is abandoned, lost or seriously endangered in ~~his~~ the juvenile's surroundings and that immediate removal is necessary for ~~his~~ the juvenile's protection; or

B. The juvenile has left the care of ~~his~~ the juvenile's parent or parents, guardian or legal custodian without the consent of ~~such person~~ the parent or parents, guardian or legal custodian.

**Sec. 30. 15 MRSA §3501, sub-§8**, as repealed and replaced by PL 1981, c. 619, §9 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

**8. Interim care; voluntary services.** The Department of Health and Human Services shall inform the juvenile and ~~his family~~ the juvenile's parent or parents, guardian or legal custodian of social services and encourage them to voluntarily accept social services.

**Sec. 31. 15 MRSA §3503**, as repealed and replaced by PL 1977, c. 664, §48, is amended to read:

**§3503. Juveniles; voluntary return home**

If a juvenile who has been taken into interim care under the provisions of section 3501 and ~~his~~ the juvenile's parent or parents, guardian or legal custodian agree to the juvenile's return home, the parent or parents, guardian or legal custodian shall cause the juvenile to be transported home as soon as practicable. If the parent or parents, guardian or legal custodian ~~fail~~ fails to arrange for the transportation of the juvenile, ~~he shall~~ the juvenile must be transported at the expense of the parent or parents, guardian or legal custodian.

**Sec. 32. 15 MRSA §3506-A, sub-§1**, as enacted by PL 1981, c. 619, §12, is amended to read:

**1. Petition for emancipation.** If a juvenile is 16 years of age or older and refuses to live in the home provided by ~~his~~ the juvenile's parent or parents, guardian or legal custodian, ~~he~~ the juvenile may request the District Court in the division in which ~~his~~ the juvenile's parent or parents, guardian or legal custodian resides to appoint counsel for ~~him~~ the juvenile to petition for emancipation.

**Sec. 33. 15 MRSA §3506-A, sub-§2, ¶C**, as enacted by PL 1981, c. 619, §12, is amended to read:

C. The name and residence of ~~his~~ the juvenile's parent or parents, guardian or legal custodian.

**Sec. 34. 15 MRSA §3506-A, sub-§4**, as enacted by PL 1981, c. 619, §12, is amended to read:

**4. Order of emancipation.** The court shall order emancipation of the juvenile if it determines that:

A. The juvenile has made reasonable provision for ~~his~~ the juvenile's room, board, health care and education, vocational training or employment; and

B. The juvenile is sufficiently mature to assume responsibility for ~~his~~ the juvenile's own care and it is in ~~his~~ the juvenile's best interest to do so.

**Sec. 35. 20-A MRSA §1055, sub-§11**, as amended by PL 2003, c. 190, §2, is further amended to read:

**11. Notification teams.** Within 10 days after receiving notice from a district attorney of an alleged juvenile offense or juvenile offense, pursuant to Title 15, section ~~3308~~ 3308-B, subsection 7, ~~paragraph E~~ 1 or after receiving notice from a law enforcement officer of credible information that indicates an imminent danger to the safety of students or school personnel pursuant to Title 15, section 3301-A, the superintendent shall convene a notification team. The notification team must consist of the administrator of the school building or the administrator's designee, at least one classroom teacher to whom the student is assigned, a parent or guardian of the student and a guidance counselor. The notification team is entitled to receive the information described in Title 15, section ~~3308~~ 3308-B, subsection 7, ~~paragraph E, subparagraphs (1) to (6)~~ 1, paragraphs A to F and in Title 15, section 3301-A. The notification team shall also determine on the basis of need which school employees are entitled to receive that information.

Confidentiality of this criminal justice information regarding juveniles must be ensured at all times, and the information may be released only under the conditions of this subsection. The superintendent shall ensure that confidentiality training is provided to all school employees who have access to the information.

See title page for effective date.

**CHAPTER 526  
H.P. 1171 - L.D. 1628**

**An Act To Implement  
Recommendations of the  
Department of Environmental  
Protection Regarding the  
State's Container Redemption  
Laws**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 36 MRSA §1760, sub-§93**, as amended by PL 2015, c. 166, §13, is further amended to read:

**93. Plastic bags sold to redemption centers.** Sales to a local redemption center licensed under Title 38, section 3113 of plastic bags used by the redemption center to sort, store or transport returnable beverage containers.

**Sec. 2. 38 MRSA §352, sub-§5-A**, as amended by PL 2009, c. 374, §1, is further amended to read:

**5-A. Accounting system.** In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions keep accurate and regular daily time records. These records must describe the matters worked on, services performed and the amount of time devoted to those matters and services, as well as amounts of money expended in performing those functions. Records must be kept for a sufficient duration of time as determined by the commissioner to establish to the commissioner's satisfaction that the fees are appropriate.

TABLE I

MAXIMUM FEES IN DOLLARS

TITLE 36 SECTION	PROCESSING FEE	CERTIFICATION FEE
656, sub-§1, ¶E, Pollution Control Facilities		
A. Water pollution control facilities with capacities at least 4,000 gallons of waste per day and §1760, sub-§29, water pollution control facilities	\$250	\$20

B. Air pollution control and §1760, sub-§30, air pollution control facilities	250	20
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TITLE 38 SECTION	PROCESSING FEE	LICENSE FEE
344, sub-§7, Permit by rule	\$50	\$0
413, Waste discharge licenses	See section 353-B	
420-D, Storm water management		
A. If structural means of storm water control are used	\$400 for the first acre of disturbed area, plus \$200 for each additional whole acre of disturbed area	\$100 for the first acre of disturbed area, plus \$50 for each additional whole acre of disturbed area
B. If solely vegetative means of storm water control are used	\$200 for the first acre of disturbed area, plus \$100 for each additional whole acre of disturbed area	\$50 for the first acre of disturbed area, plus \$25 for each additional whole acre of disturbed area
C. When a permit by rule is required	\$55	none
If a project described in paragraph A or B is reviewed and approved by a professional engineer at a soil and water conservation district office that has a memorandum of understanding with the department concerning review of projects pursuant to this section, the total applicable fee is reduced to a processing fee of \$100 for the first acre of disturbed area, plus a license fee of \$50 for each additional whole acre of disturbed area.		
480-E, Natural resources protection		
A. Any alteration of a protected natural resource, except coastal wetlands and coastal sand dunes, causing less than 20,000 square feet of alteration of the resource	140	50
B. Any alteration of a coastal wetland causing less than 20,000 square feet of alteration of the resource	240	60

	.015/sq. ft. alteration	.005/sq. ft. alteration		300/MW	50/MW
C. Any alteration of a protected natural resource, except coastal sand dunes, causing 20,000 square feet or more of alteration of the resource			2. Generating		
C-1. Significant ground-water well	4,577	1,961	1304, Waste management		
C-2. Activity within a community public water supply primary protection area	183	64	A. Septage disposal		
D. Any alteration of a coastal sand dune	3,500	1,500	1. Site designation	50	25
E. Condition compliance	84	0	B. Land application of sludges and residuals program approval		
F. Minor modification	184	0	1. Industrial sludge	400	400
485-A, Site location of development			2. Municipal sludge	300	275
A. Residential subdivisions			3. Bioash	300	275
1. Affordable housing	50/lot	50/lot	4. Wood ash	300	75
2. On public water and sewers	175/lot	175/lot	5. Food waste	300	75
3. All Other	250/lot	250/lot	6. Other residuals	300	175
B. Industrial parks	460/lot	460/lot	C. Landfill		
C. Mining	1,500	1,000	1. Closing plans for secure landfills	1,500	1,500
D. Structures	4,000	2,000	2. Closing plans for attenuation landfills	500	500
E. Other	1,000	1,000	3. Post-closure report	175	175
543, Oily waste discharge	40	160	4. Preliminary information reports	175	175
560, Vessels at anchorage	125	100	5. License transfers	500	175
587, Ambient air quality or emissions standards variances	5,050	50	6. Special waste disposal		
590, Air emissions licenses	See section 353-A		a. One-time disposal of quantities of 6 cubic yards or less	50	50
633, Hydropower projects			b. One-time disposal of quantities greater than 6 cubic yards	100	100
A. New or expanded generating capacity	450/MW	50/MW	c. Program approval for routine disposal of a special waste	300	300
B. Maintenance and repair or other structural alterations not involving an increase in generating capacity	150	150	7. Minor revision for secure landfills	600	100
33 United States Code, Chapter 26, Water Quality Certifications, in conjunction with applications for hydropower project licensing or relicensing			8. Minor revision for attenuation landfills	100	100
A. Initial consultation	1,000	0	9. Public benefit determination	175	175
B. Second consultation	1,000	0	D. Incineration facility		
C. Application			2. License transfer	175	175
1. Storage	1,000	0	E. License transfer other than for landfills and incinerators	100	100
			F. Minor revision for septage facilities and solid waste facilities other than landfills	100	100
			G. Permit by rule for one-time activities	100	100

TABLE II  
WASTE MANAGEMENT FEES - ANNUAL LICENSE

MAXIMUM FEES IN DOLLARS

TITLE 38 SECTION	PROCESSING FEE	ANNUAL LICENSE FEE
1278, Asbestos abatement		
A. Asbestos abatement contractor	\$0	\$650
B. Asbestos abatement worker	0	50
C. Asbestos consultant	0	650
D. Asbestos analytical laboratory	0	400
E. Training provider	0	500
F. Other categories of asbestos professionals except asbestos abatement workers	0	100
G. Notification		
1. Project size greater than 100 square feet or 100 linear feet and less than 500 square feet or 2,500 linear feet	100	0
2. Project size 500 square feet or 2,500 linear feet, or greater, and less than 1,000 square feet or 5,000 linear feet	150	0
3. Project size 1,000 square feet or 5,000 linear feet, or greater	300	0
1304, Waste management		
A. Septage disposal		
1. Landspreading	\$550	\$250
2. Storage	50	75
B. Residuals compost facility		
1. Type I	150	150
3. Type II and Type III less than 3,500 cubic yards	700	500
5. Type II and Type III 3,500 cubic yards or greater	1,400	850

C. Land application of sludges and residuals		
1. Sites with program approval		
a. Industrial sludge	150	250
b. Municipal sludge	75	200
c. Bioash	75	200
d. Wood ash	50	125
e. Food waste	50	125
f. Other residuals	50	125
2. Sites without program approval		
a. Industrial sludge	300	550
b. Municipal sludge	150	250
c. Bioash	150	250
d. Wood ash	75	200
e. Food waste	75	200
f. Other	75	200
1310-N, Solid waste facility siting		
A. Landfill		
1. Existing, nonsecure municipal solid waste landfills accepting waste from fewer than 15,000 people	3,500	3,500
2. Existing, nonsecure municipal solid waste landfills accepting waste from more than 15,000 people	3,500	3,500
3. New or expanded for secure landfill	5,000	8,500
5. Nonsecure wood waste or demolition debris landfills, or both, if less than or equal to 6 acres	700	750
B. Incineration facilities		
1. New or expanded for the acceptance of municipal or special wastes, or both	3,500	5,000
2. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less	3,500	1,000
C. Transfer station and storage facility	750	175
D. Tire storage facility	400	450

F. Processing facility other than municipal solid waste composting	700	700
G. Beneficial use activities other than agronomic utilization		
3. Fuel substitution	700	500
4. Beneficial use without risk assessment	700	200
5. Beneficial use with risk assessment	1,400	500
H. Permit by rule for ongoing activities	100	100
<u>3109, Redemption centers</u>	<u>0</u>	<u>100</u>

**Sec. 3. 38 MRSA §3102, sub-§12**, as enacted by PL 2015, c. 166, §14, is repealed.

**Sec. 4. 38 MRSA §3102, sub-§13**, as enacted by PL 2015, c. 166, §14, is amended to read:

**13. Manufacturer.** "Manufacturer" means a person ~~who bottles, cans or otherwise places beverages in beverage containers for sale to distributors or dealers, that:~~

A. Sells or offers for sale a beverage in the State under the manufacturer's brand or label;

B. Licenses another person to sell or offer for sale a beverage in the State under the manufacturer's brand or label;

C. Imports into the United States for sale or offering for sale in the State a beverage that is manufactured outside of the United States by another person without a presence in the United States; or

D. Is an out-of-state wholesaler of liquor that holds a certificate of approval issued pursuant to Title 28-A.

**Sec. 5. 38 MRSA §3102, sub-§§16-A, 17-A, 17-B and 17-C** are enacted to read:

**16-A. Pick-up agent.** "Pick-up agent" means an initiator of deposit, a distributor or a contracted agent of an initiator of deposit or a distributor that receives redeemed beverage containers from a redemption center and transports those containers for recycling.

**17-A. Proprietary information.** "Proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

**17-B. Recycling.** "Recycling" or "recycle" means a series of activities by which material that has reached the end of its current use is processed into material for use in the production of new products.

**17-C. Redemption center.** "Redemption center" means a place of business that deals in acceptance of empty returnable beverage containers from either consumers or from dealers, or both, and that is licensed under section 3113.

**Sec. 6. 38 MRSA §3105, sub-§5**, as enacted by PL 2015, c. 166, §14, is amended to read:

**5. Label registration.** An initiator of deposit shall register the container label of any beverage offered for sale in the State on which it initiates a deposit. Registration must be on forms or in an electronic format provided by the department and must include the universal product code for each combination of beverage and container manufactured. The initiator of deposit shall renew a label registration annually and whenever that label is revised by altering the universal product code or whenever the container on which it appears is changed in size, composition or glass color. The initiator of deposit shall also include as part of the registration the method of collection for that type of container, identification of a collection agent, identification of all of the parties to a commingling agreement that applies to the container and proof of the collection agreement. The department may charge a fee for registration and registration renewals under this subsection. ~~Rules adopted pursuant to this subsection that establish fees are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and subject to review by the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters.~~

**Sec. 7. 38 MRSA §3106**, as amended by PL 2019, c. 133, §1, is further amended to read:

**§3106. Application**

**1. Dealer acceptance.** Except as otherwise provided in this section, a dealer operating a retail space of 5,000 square feet or more may not refuse to accept from any consumer or other person not a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the dealer, or refuse to pay in cash the refund value of the returned beverage container as established by section 3103. ~~This section does not require an operator of a vending machine to maintain a person to accept returned beverage containers on the premises where the vending machine is located, unless the dealer has a written agreement with a redemption center to provide redemption services on behalf of the dealer and that redemption center:~~

A. Is located within 10 miles from the dealer, as measured along public roadways; or

B. If there is no redemption center located within 10 miles from the dealer under paragraph A, is the redemption center in closest proximity to the dealer, as measured along public roadways.

This subsection does not require an operator of a vending machine to maintain a person to accept returned beverage containers on the premises where the vending machine is located.

~~2. **Permissive refusal by dealer.** A dealer may refuse to accept from a consumer or other person and to pay the refund value on any beverage container, if the place of business of the dealer and the kind, size and brand of beverage container are included in an order of the department approving a redemption center under section 3109.~~

**3. Limitation or number of returnables accepted.** A dealer may limit the total number of beverage containers that the dealer will accept from any one consumer or other person in any one business day to 240 containers, or any other number greater than 240.

**4. Limitation on hours for returning containers.** A dealer may refuse to accept beverage containers during no more than 3 hours in any one business day. If a dealer refuses to accept containers under this subsection, the hours during which the dealer will not accept containers must be conspicuously posted.

**5. Distributor acceptance.** A distributor may not refuse to accept from any dealer or local redemption center any empty, unbroken and reasonably clean beverage container or any beverage container that has been processed through an approved reverse vending machine that meets the requirements of rules adopted by the department pursuant to this chapter of the kind, size and brand sold by the distributor or refuse to pay to the dealer or local redemption center the refund value of a beverage container as established by section 3103.

**6. Obligation to preserve recycling value.** Notwithstanding subsection 8, a distributor or its agent may refuse to accept, or pay the refund value and handling costs to a dealer, redemption center or other person for, a beverage container that has been processed by a reverse vending machine in a way that has reduced the recycling value of the container below current market value. This subsection may not be interpreted to prohibit a written processing agreement between a distributor and a dealer or redemption center and does not relieve a distributor of its obligation under subsection 8 to accept empty, unbroken and reasonably clean beverage containers. The department shall adopt rules to establish the recycling value of beverage containers under this subsection and the rules may authorize the use of a 3rd-party vendor to determine if a beverage container has been processed by a reverse vending machine in a manner that has reduced the recycling value below current market value. The rules must outline the method of allocating among the parties involved the payment for 3rd-party vendor costs. ~~Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2 A.~~

**7. Reimbursement of handling costs.** Reimbursement of handling costs is governed by this subsection.

A. In addition to the payment of the refund value, the initiator of the deposit under section 3103, subsections 1, 2 and 4 shall reimburse the dealer or local redemption center for the cost of handling beverage containers subject to section 3103, in an amount that equals at least 3¢ per returned container for containers picked up by the initiator before March 1, 2004, at least 3 1/2¢ for containers picked up on or after March 1, 2004 and before March 1, 2010, at least 4¢ for containers picked up on or after March 1, 2010 and before January 1, 2020 and at least 4 1/2¢ for containers picked up on or after January 1, 2020. The initiator of the deposit may reimburse the dealer or local redemption center directly or indirectly through a party with which it has entered into a commingling agreement.

B. In addition to the payment of the refund value, the initiator of the deposit under section 3103, subsection 3 shall reimburse the dealer or local redemption center for the cost of handling beverage containers subject to section 3103 in an amount that equals at least 3¢ per returned container for containers picked up by the initiator before March 1, 2004, at least 3 1/2¢ for containers picked up on or after March 1, 2004 and before March 1, 2010, at least 4¢ for containers picked up on or after March 1, 2010 and before January 1, 2020 and at least 4 1/2¢ for containers picked up on or after January 1, 2020. The initiator of the deposit may reimburse the dealer or local redemption center directly or indirectly through a contracted agent or through a party with which it has entered into a commingling agreement.

~~D. Paragraphs A and B do not apply to a brewer who annually produces no more than 50,000 gallons of its product or a bottler of water who annually sells no more than 250,000 containers each containing no more than one gallon of its product. In addition to the payment of the refund value, an initiator of deposit under section 3103, subsections 1 to 4 who is also a brewer who annually produces no more than 50,000 gallons of its product or a bottler of water who annually sells no more than 250,000 containers each containing no more than one gallon of its product shall reimburse the dealer or local redemption center for the cost of handling beverage containers subject to section 3103 in an amount that equals at least 3¢ per returned container, except that, beginning January 1, 2020, the initiator of deposit shall reimburse the dealer or local redemption center at least 3 1/2¢ per returned container.~~

**8. Obligation to pick up and recycle containers.** The obligation to pick up and recycle beverage containers subject to this chapter is determined as follows.

A. A distributor that initiates the deposit under section 3103, subsection 2 or 4 has the obligation to pick up and recycle any empty, unbroken and reasonably clean beverage containers of the particular kind, size and brand sold by the distributor from dealers to whom that distributor has sold those beverages and from licensed redemption centers ~~designated to serve those dealers pursuant to an order entered under section 3109.~~ A distributor that, within this State, sells beverages under a particular label exclusively to one dealer, which dealer offers those labeled beverages for sale at retail exclusively at the dealer's establishment, shall pick up any empty, unbroken and reasonably clean beverage containers of the kind, size and brand sold by the distributor to the dealer only from those licensed redemption centers that ~~serve the various establishments of the dealer, under an order entered under section 3109~~ are located within 25 miles from the dealer, as measured along public roadways. A dealer that manufactures its own beverages for exclusive sale by that dealer at retail has the obligation of a distributor under this section. The commissioner may establish by rule, in accordance with the Maine Administrative Procedure Act, criteria prescribing the manner in which distributors shall fulfill the obligations imposed by this paragraph. The rules may establish a minimum number or value of containers below which a distributor is not required to respond to a request to pick up empty containers. Any rules adopted under this paragraph must allocate the burdens associated with the handling, storage ~~and~~ transportation and recycling of empty containers to prevent unreasonable financial or other hardship.

B. The initiator of the deposit under section 3103, subsection 3 has the obligation to pick up and recycle any empty, unbroken and reasonably clean beverage containers of the particular kind, size and brand sold by the initiator from dealers to whom a distributor has sold those beverages and from licensed redemption centers ~~designated to serve those dealers pursuant to an order entered under section 3109.~~ The obligation may be fulfilled by the initiator directly or indirectly through a contracted agent.

C. An initiator of the deposit under section 3103, subsection 2, 3 or 4 has the obligation to pick up and recycle any empty, unbroken and reasonably clean beverage containers that are commingled pursuant to a commingling agreement along with any beverage containers that the initiator is other-

wise obligated to pick up and recycle pursuant to paragraphs A and B.

D. The initiator of deposit or initiators of deposit who are members of a commingling agreement have the obligation under this subsection to pick up and recycle empty, unbroken and reasonably clean beverage containers of the particular kind, size and brand sold by the initiator from dealers to whom a distributor has sold those beverages and from licensed redemption centers ~~designated to serve those dealers~~ every 15 days. The initiator of deposit or initiators of deposit who are members of a commingling agreement have the obligation to make additional pickups when a redemption center has collected 10,000 beverage containers from that initiator of deposit or from the initiators of deposit who are members of a commingling agreement.

The ~~obligation~~ obligations of the initiator of the deposit under this subsection may be fulfilled by the initiator directly or through a party with which it has entered into a commingling agreement. A contracted agent hired to pick up beverage containers for one or more initiators of deposit is deemed to have made a pickup at a redemption center for those initiators of deposit when it picks up beverage containers belonging to those initiators of deposit.

**9. Plastic bags.** A dealer or redemption center has an obligation to pick up plastic bags that are used by that dealer or redemption center to contain beverage containers. Plastic bags used by a dealer or redemption center and the cost allocation of these bags must conform to rules adopted by the department concerning size and gauge. ~~Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

**10. Application to containers originally sold in the State.** The obligations to accept or take empty beverage containers and to pay the refund value and handling fees for such containers as described in subsections 1, 2, 5, 7 and 8 apply only to containers originally sold in this State as filled beverage containers. A person who tenders to a dealer, distributor, redemption center or bottler more than 48 empty beverage containers that the person knows or has reason to know were not originally sold in this State as filled beverage containers is subject to the enforcement action and civil penalties set forth in this subsection. At each location where consumers tender containers for redemption, dealers and redemption centers must conspicuously display a sign in letters that are at least one inch in height with the following information: "WARNING: Persons tendering containers for redemption that were not originally purchased in this State may be subject to a fine of the greater of \$100 per container or \$25,000 for each tender. (38 MRSA Section 3106)." A person who violates the provisions

of this subsection is subject to a civil penalty of the greater of \$100 for each container or \$25,000 for each tender of containers.

**11. License revocation.** The department may revoke the license of a dealer or redemption center that has been adjudged to have committed a violation of this section.

**12. Bulk redemption.** In order to prevent fraud from the redemption of beverage containers not originally sold in this State, this subsection governs the redemption of more than 2,500 beverage containers.

A. A person tendering for redemption more than 2,500 beverage containers at one time to a dealer or redemption center must provide to the dealer or redemption center that person's name and address and the license plate number of the vehicle used to transport the beverage containers. The dealer or redemption center redeeming these beverage containers shall forward that information to the department within 10 days, and the information must be kept on file for a minimum of 12 months.

B. After complying at least once with the requirements of paragraph A, a person need not comply with paragraph A each subsequent time that person tenders to a dealer or redemption center for redemption more than 2,500 beverage containers if:

- (1) All of the containers were collected at one location in this State;
- (2) All proceeds of the refund value benefit a nonprofit organization that has been determined by the United States Internal Revenue Service to be exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(3); and
- (3) The person tendering the containers for redemption signs a declaration indicating the person's name, the address of the collection point and the name of the organization or organizations that will receive the refund value.

**13. Private right of action; containers not originally sold in the State.** An initiator of deposit may maintain a civil action in Superior Court against a person, other than a ~~local~~ redemption center licensed in accordance with section 3113, that tenders to a redemption center or retailer more than 48 empty beverage containers that the person knows or has reason to know were not originally sold in this State as filled beverage containers. If the initiator of deposit prevails in any action, the initiator of deposit is entitled to an award of reasonable attorney's fees and court costs, including expert witness fees.

**Sec. 8. 38 MRS §3107**, as enacted by PL 2015, c. 166, §14, is amended to read:

### **§3107. Commingling of beverage containers**

Notwithstanding any other provision of this chapter to the contrary, 2 or more initiators of deposit may enter into a commingling agreement through which some or all of the beverage containers for which the initiators have initiated deposits may be commingled by dealers and operators of redemption centers as provided in this section.

An initiator of deposit that enters into a commingling agreement pursuant to this section shall permit any other initiator of deposit to become a party to that agreement on the same terms and conditions as the original agreement. Once the initiator of deposit has established a qualified commingling agreement pursuant to the requirements of subsection 1-A, the department shall allow additional brands of beverage containers from a different product group to be included in the commingling agreement if those additional brands are of like material to those containers already managed under the commingling agreement.

For the purposes of this chapter and notwithstanding any provision of this chapter to the contrary, the State, through the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, is deemed to be managing returned containers for which the State has initiated deposits in a commingling program pursuant to a qualified commingling agreement as long as the State allows a dealer or redemption center to commingle returned containers of like material.

**1. Commingling requirement.** If initiators of deposit enter into a commingling agreement pursuant to this section, commingling of beverage containers must be by all containers of like product group, material and size. An initiator of deposit required pursuant to section 3106, subsection 8 to pick up beverage containers subject to a commingling agreement also shall pick up all other beverage containers subject to the same agreement. The initiator of deposit may not require beverage containers that are subject to a commingling agreement to be sorted separately by a dealer or redemption center.

**1-A. Qualified commingling agreements.** The department shall determine that a commingling agreement is qualified for the purposes of this chapter if:

A. Fifty percent or more of beverage containers of like product group, material and size for which the deposits are being initiated in the State are included in the commingling agreement;

B. The initiators of deposit included in the commingling agreement are initiators of deposit for beverage containers containing wine and each initiator of deposit sells no more than 100,000 gallons of wine or 500,000 beverage containers containing wine in a calendar year; or

C. The commingling agreement has been approved by the department pursuant to subsection 3-A.

**2. Commingling of like materials.** For purposes of this section, containers are considered to be of like materials if made up of one of the following:

- A. Plastic;
- B. Aluminum;
- C. Metal other than aluminum; and
- D. Glass.

**3. Commingling of like products.** For purposes of this section, like products are those that are made up of one of the following:

- A. Beer, ale or other beverage produced by fermenting malt, wine and wine coolers;
- B. Spirits;
- C. Soda;
- D. Noncarbonated water; and
- E. All other beverages.

**3-A. Commingling by 3rd party or stewardship organization.** Subject to the requirements of this subsection, an initiator of deposit may enter into a commingling agreement for its beverage containers to be managed in a commingling program operated by a 3rd party or by a stewardship organization as defined in section 1771, subsection 8-A. The 3rd party or stewardship organization shall submit a plan for the operation of the commingling program to the department for review and approval as a qualified commingling agreement. A commingling program under this subsection must:

A. Require redemption centers to commingle all beverage containers of initiators of deposit included in the program by like material;

B. Establish standards to provide for fair apportionment of costs among initiators of deposit included in the program either on the basis of the count of containers redeemed or on the total weight of containers marketed in the State. These standards may provide for determination of the amount to be paid to a redemption center as based on the unit counts generated by a reverse vending machine, as long as the reverse vending machine is subject to periodic audits by the 3rd party or stewardship organization on a schedule approved by the department; and

C. Require that, no later than the 20th day of the month following the end of March, June, September and December, each initiator of deposit included in the program report to the 3rd party or stewardship organization operating the program regarding its sales of beverages into the State for

the previous 3-month period by brand and by number of nonrefillable beverage containers sold by product size and material type as well as the average beverage container weight by material type and size. The 3rd party or stewardship organization shall assign financial responsibility for the costs of operating the program to the initiators of deposit included in the program based on each initiator of deposit's proportion of the total weight of beverage containers marketed in the State by material type or by actual count of containers redeemed;

The 3rd party or stewardship organization operating the program may require an initiator of deposit included in the program to provide financial assurance in the form of a deposit no greater than the initiator of deposit's anticipated costs for beverage container deposits, redemption center handling costs and any contractual fees for up to 4 months of anticipated sales in the State. The 3rd party or stewardship organization shall retain any financial assurance required pursuant to this subsection in a separate account. In the event that an initiator of deposit that has provided financial assurance in accordance with this subsection fails to reimburse the 3rd party or stewardship organization for its incurred costs within 90 days of receipt of an invoice for such costs, the 3rd party or stewardship organization may cover those invoiced costs using the financial assurance provided by the initiator of deposit in accordance with this subsection.

The department may approve no more than 2 commingling agreements as qualified commingling agreements under this subsection and may not approve a qualified commingling agreement under this subsection for a period exceeding 10 years.

**4. Registration of commingling agreements.** Not later than 48 hours following the execution or amendment of a commingling agreement, including an amendment that adds an additional party to an existing agreement, the parties shall file a copy of the commingling agreement or amendment with the department.

**5. Reapproval of qualified commingling agreements.** This subsection provides for the reapproval of qualified commingling agreements that have been approved or reapproved by the department pursuant to this section.

A. The initiators of deposit participating in a qualified commingling agreement under this section that was approved as a qualified commingling agreement prior to November 9, 2016 shall, no later than July 1, 2021, submit to the department an application for reapproval of that commingling agreement in a form prescribed by the department.

B. The initiators of deposit participating in a qualified commingling agreement under this section that was approved or reapproved on or after

November 9, 2016 must submit to the department an application for reapproval of that commingling agreement in a form prescribed by the department at least 6 months prior to the date of expiration of the department's prior approval or reapproval.

C. After review of an application submitted under this subsection, the department may reapprove the commingling agreement for an additional period not to exceed 10 years.

**Sec. 9. 38 MRSA §3109**, as enacted by PL 2015, c. 166, §14, is amended to read:

### **§3109. Redemption centers**

**1. Establishment.** ~~Local redemption~~ Redemption centers may be established and operated by any person or municipality, agency or regional association as defined in section 1303-C, subsection 24, subject to the approval of the commissioner, to serve local dealers and consumers, at which consumers may return empty beverage containers as provided under section 3106.

**2. Application for approval.** Application for approval of a ~~local~~ redemption center must be filed with the department. The application must state the name and address of the person responsible for the establishment and operation of the center, ~~the kinds, sizes and brand names of beverage containers that will be accepted and the names and addresses of dealers to be served~~ each dealer with whom the redemption center has entered into a written agreement to provide redemption services in accordance with section 3106, subsection 1 and their distances from the local redemption center, as measured along public roadways, and must include a statement that the redemption center will accept and manage all beverage containers the labels for which are registered in accordance with section 3105.

**3. Approval.** The commissioner may by order approve the licensing of a ~~local~~ redemption center if the redemption center complies with the requirements established under section 3113 and the applicable rules adopted pursuant to this chapter. ~~The order approving a local redemption center license must state the dealers to be served and the kinds, sizes and brand names of empty beverage containers that the center accepts.~~

**4. Redemption center acceptance refund account.** A ~~local~~ licensed redemption center may not refuse to accept from any consumer or ~~other person~~ not a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold ~~by a dealer served by the center~~ in the State as long as the label for the container is registered under section 3105, subsection 5 or refuse to pay in cash the refund value of the returned beverage container as established by section 3103. A redemption center or reverse vending machine is not obligated to count containers or to pay a cash refund at the time the beverage container is re-

turned as long as the amount of the refund value due is placed into an account to be held for the benefit of the consumer and funded in a manner that allows the consumer to obtain deposits due within 2 business days of the time of the return.

**5. Posted lists.** ~~A list of the dealers served and the kinds, sizes and brand names of empty beverage containers accepted must be prominently displayed at each local redemption center.~~

**5-A. Beverage container handling.** A redemption center shall tender to pick-up agents only beverage containers sold in the State that are placed in shells, shipping cartons, bags or other receptacles in a manner that facilitates accurate eligible beverage container unit counts.

**5-B. Beverage container auditing.** A redemption center shall prepare beverage containers for pickup by pick-up agents, which are subject to audit pursuant to rules adopted by the department in accordance with this subsection.

A. A redemption center shall label each shell, shipping carton, bag or other receptacle with the business name, initials, redemption center license number or other unique identifying mark and with the number of beverage containers contained in each shell, shipping carton, bag or other receptacle.

B. The department may audit shells, shipping cartons, bags or other receptacles that have been prepared for pickup by a redemption center.

(1) An audit may be conducted by the department on site at the redemption center or off site at a different location. Off-site audits may involve the use of bulk redemption technology.

(2) An audit must be conducted on a minimum of 1,000 beverage containers.

(3) If the results of an audit vary from the beverage container count labeled in accordance with paragraph A, the department shall, in the case of an on-site audit, require the redemption center to add or remove containers to address the variation in the results of the audit or, in the case of an off-site audit, require the redemption center to accept payment from the initiator of deposit or pick-up agent adjusted in accordance with the variation in the results of the audit.

(4) The department may deny an application for approval of a redemption center under subsection 2 if the redemption center, pursuant to audits conducted by the department in accordance with this subsection, has repeatedly prepared for pickup shells, shipping cartons, bags or other receptacles containing less

than 97% of the beverage containers that such shells, shipping cartons, bags or other receptacles are labeled as containing.

**6. License revocation.** ~~The District Court department~~ may, in a manner consistent with the Maine Administrative Procedure Act, ~~withdraw approval of a local~~ revoke the license of a redemption center if ~~there~~ the redemption center has not ~~been compliance com-~~ plied with the commissioner's approval order issued under subsection 3 or if the ~~local~~ redemption center no longer provides a convenient service to the public.

**Sec. 10. 38 MRSA §3113**, as enacted by PL 2015, c. 166, §14, is amended to read:

**§3113. Licensing requirements**

A license issued annually by the department is required before any person may initiate deposits under section 3103, operate a redemption center under section 3109 or act as a contracted agent for the collection of beverage containers under section 3106, subsection 8, paragraph B.

**1. Procedures; licensing fees.** The department shall adopt rules establishing the requirements and procedures for issuance of licenses and annual renewals under this section, including a fee structure. ~~Initial rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted effective after calendar year 2003 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and are subject to review by the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters.~~

**2. Redemption center licensing criteria.** In ~~de-~~ developing rules under subsection 1 for licensing redemption centers, the department shall consider at least the following:

- A. The health and safety of the public, including sanitation protection when food is also sold on the premises;
- B. The convenience for the public, including ~~standards governing~~ the distribution of centers by population or by distance, or both;
- C. The proximity of the proposed redemption center to existing redemption centers and the potential impact that the location of the proposed redemption center may have on an existing redemption center;
- D. The proposed owner's record of compliance with this chapter and rules adopted by the department pursuant to this chapter; and
- E. The hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center.

**3. Location of redemption centers; population requirements.** The department may grant a license to a redemption center if the following requirements are met:

- A. The department may license up to 5 redemption centers in a municipality with a population over 30,000;
- B. The department may license up to 3 redemption centers in a municipality with a population over 20,000 but no more than 30,000; and
- C. The department may license up to 2 redemption centers in a municipality with a population over 5,000 but no more than 20,000.

For a municipality with a population of no more than 5,000, the department may license redemption centers in accordance with rules adopted by the department. ~~Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

**4. Exceptions.** Notwithstanding subsection 3:

- A. An owner of a redemption center who is renewing the license of a redemption center licensed by the department as of April 1, 2009 need not comply with subsection 3;
- B. An entity that is a ~~food establishment or~~ distributor licensed by or registered with the department need not comply with subsection 3;
- C. A reverse vending machine is not considered a redemption center for purposes of subsection 3 when it is located in a licensed redemption center; and
- D. The department may grant a license that is inconsistent with the requirements set out in subsection 3 only if the applicant has demonstrated a compelling public need for an additional redemption center in the municipality.

**Sec. 11. 38 MRSA §3115, first ¶**, as enacted by PL 2015, c. 166, §14, is amended to read:

The department shall administer this chapter and has the authority, following public hearing, to adopt necessary rules to carry it into effect. The department may adopt rules governing ~~local~~ redemption centers that receive beverage containers from dealers supplied by distributors other than the distributors servicing the area in which the ~~local~~ redemption center is located in order to prevent the distributors servicing the area within which the redemption center is located from being unfairly penalized. Rules adopted by the department pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted by the department pursuant to this chapter that establish or modify fees are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. In addition to other actions re-

quired by this chapter, department responsibilities include the following.

**Sec. 12. 38 MRSA §3116, sub-§2**, as enacted by PL 2015, c. 166, §14, is amended to read:

**2. Aggrieved applicants.** An applicant aggrieved by a decision made by the department may appeal the decision to the board in accordance with section 344, subsection 2-A or by filing an appeal with the Superior Court and serving a copy of the appeal upon the department in accordance with the Maine Rules of Civil Procedure, Rule 80C. The appeal to the board or to the Superior Court must be filed and served within 30 days of the mailing of the department's decision.

**Sec. 13. 38 MRSA §3117, sub-§3**, as enacted by PL 2015, c. 166, §14, is amended to read:

**3. Private right of action; containers not originally sold in the State.** An initiator of deposit may maintain a civil action in Superior Court against a person, other than a ~~local~~ redemption center licensed in accordance with section 3113, in possession of more than 48 beverage containers that the person knows or has reason to know were not originally sold in this State as filled beverage containers. If the initiator of deposit prevails in any action, the initiator of deposit is entitled to an award of reasonable attorney's fees and court costs, including expert witness fees.

**Sec. 14. 38 MRSA §3119** is enacted to read:

**§3119. Reporting requirements**

This section establishes annual reporting requirements for initiators of deposit and for pick-up agents that are not initiators of deposit.

**1. Initiator of deposit annual report.** Each initiator of deposit shall report annually by March 1st to the department concerning its deposit transactions in the preceding calendar year. The report must be in a form prescribed by the department and must include the number of nonrefillable beverage containers sold by the initiator of deposit in the State by container size, by beverage type and by redemption value, delineated at a minimum into wine, spirits and all other beverage types, and must include the number of nonrefillable beverage containers returned to the initiator of deposit by beverage type and by redemption value.

**2. Pick-up agent annual report.** Each pick-up agent that is not an initiator of deposit shall report annually by March 1st to the department concerning the redemptions for each initiator of deposit it served in the preceding calendar year. The report must be in a form prescribed by the department and must include the number of nonrefillable containers returned by the pick-up agent to each initiator of deposit it served by redemption value, except that the pick-up agent may report by average weight and total weight of beverage containers returned by material type for containers

managed pursuant to a qualified commingling agreement under section 3107.

**3. Proprietary information.** Proprietary information submitted to the department in a report required under this section that is identified by the submitter as proprietary information is confidential and must be handled by the department in the same manner as confidential information is handled under section 1310-B.

**Sec. 15. Initiator of deposit and pick-up agent reporting of beverage container sales and redemption data for calendar year 2018; report.** No later than November 1, 2019, each initiator of deposit and each pick-up agent that is not an initiator of deposit shall report to the Department of Environmental Protection, in a manner consistent with the Maine Revised Statutes, Title 38, section 3119, information regarding its beverage container sales and redemptions for calendar year 2018 which must include for calendar year 2018 the number of containers picked up from each redemption center by container type and by redemption value. Upon receipt of the data under this section, the department shall assess the efficiency and convenience of the beverage container redemption system and develop recommendations to improve efficiencies in the handling and transportation of beverage containers and to ensure convenient collection of beverage containers for consumers. On or before January 15, 2020, the department shall submit a report to the Joint Standing Committee on Environment and Natural Resources detailing the department's findings and recommendations, including any proposed legislation. The report under this section may be included in the report required pursuant to Public Law 2019, chapter 133, section 3. After reviewing the report, the committee may report out legislation to the Second Regular Session of the 129th Legislature to implement recommendations contained in the report.

See title page for effective date.

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**CHAPTER 527**

**H.P. 1198 - L.D. 1671**

**An Act To Amend the Laws  
Governing the Maine Capital  
Investment Credit To Ensure  
Fairness for Maine Businesses  
and To Reduce Taxes on  
Lower-income Working  
Families**

**Be it enacted by the People of the State of  
Maine as follows:**

## PART A

**Sec. A-1. 36 MRSA §5122, sub-§2, ¶OO**, as enacted by PL 2015, c. 388, Pt. A, §8, is amended to read:

OO. For taxable years beginning on or after January 1, 2016 and before January 1, 2020, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year for which an addition was required under subsection 1, paragraph KK, subparagraph (2) for the taxable year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph KK, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph KK, subparagraph (2) for the same property.

**Sec. A-2. 36 MRSA §5122, sub-§2, ¶QQ** is enacted to read:

QQ. For taxable years beginning on or after January 1, 2020, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning on or after January 1, 2020 for which an addition was required under subsection 1, paragraph KK for the taxable year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph KK and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph KK for the same property.

**Sec. A-3. 36 MRSA §5200-A, sub-§2, ¶AA**, as enacted by PL 2015, c. 388, Pt. A, §14, is amended to read:

AA. For taxable years beginning on or after January 1, 2016 and before January 1, 2020, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year for which an addition was required under subsection 1, paragraph CC, subparagraph (2) for the taxable year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph CC, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph CC, subparagraph (2) for the same property.

**Sec. A-4. 36 MRSA §5200-A, sub-§2, ¶FF** is enacted to read:

FF. For taxable years beginning on or after January 1, 2020, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning on or after January 1, 2020 for which an addition was required under subsection 1, paragraph CC for the taxable year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph CC and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph CC for the same property.

**Sec. A-5. 36 MRSA §5219-NN, sub-§1**, as repealed and replaced by PL 2017, c. 211, Pt. D, §8, is amended to read:

**1. Credit allowed.** A taxpayer that claims a depreciation deduction under the Code, Section 168(k) for property placed in service in the State during a taxable year that begins on or after January 1, 2015 and before January 1, 2020 is allowed a credit as follows:

A. A taxable corporation is allowed a credit against the taxes imposed by this Part in an amount equal to 9% of the amount of the net increase in the depreciation deduction reported as an addition to income for the taxable year under section 5200-A, subsection 1, paragraph CC, subparagraph (1) with respect to that property, except for excluded property under subsection 2; or

B. An individual is allowed a credit against the taxes imposed by this Part in an amount equal to:

(1) For taxable years beginning in 2015, 8% of the amount of the net increase in the depreciation deduction reported as an addition to income for the taxable year under section 5122, subsection 1, paragraph KK, subparagraph (1) with respect to that property, except for excluded property under subsection 2; and

(2) For taxable years beginning on or after January 1, 2016, 7% of the amount of the net increase in the depreciation deduction reported as an addition to income for the taxable year under section 5122, subsection 1, paragraph KK, subparagraph (1) with respect to that property, except for excluded property under subsection 2.

**Sec. A-6. 36 MRSA §5219-NN, sub-§1-A** is enacted to read:

**1-A. Credit allowed; on or after January 1, 2020.** A taxpayer that claims a depreciation deduction under the Code, Section 168(k) for property placed in service in the State during a taxable year that begins on or after January 1, 2020 is allowed a credit as follows:

A. For a taxable corporation, a credit against the taxes imposed by this Part in an amount equal to 1.2% of the amount of the net increase in the depreciation deduction reported as an addition to income for the taxable year under section 5200-A, subsection 1, paragraph CC, subparagraph (1) with respect to that property, except for excluded property under subsection 2; and

B. For an individual, a credit against the taxes imposed by this Part in an amount equal to 1.2% of the net increase in the depreciation deduction reported as an addition to income for the taxable year under section 5122, subsection 1, paragraph KK, subparagraph (1) with respect to that property, except for excluded property under subsection 2.

**Sec. A-7. 36 MRSA §5219-NN, sub-§3,** as repealed and replaced by PL 2017, c. 211, Pt. D, §8, is amended to read:

**3. Limitations; carry-forward.** The credit allowed under ~~subsection~~ subsections 1 and 1-A may not reduce the tax otherwise due under this Part to less than zero. Any unused portion of the credit may be carried forward to the following year or years for a period not to exceed 20 years.

## PART B

**Sec. B-1. 26 MRSA §42-C** is enacted to read:

### **§42-C. Notification regarding earned income tax credit eligibility**

**1. Bureau to provide poster or notice.** The bureau shall produce and furnish to employers posters or notices in printed form that state that an employee may be eligible for federal and state earned income tax credits and that the employee may apply for the tax credits on the employee's income tax returns.

**2. Employer to post notice.** An employer shall post and keep posted in a place accessible to the employer's employees a copy of the printed poster or notice furnished by the bureau pursuant to subsection 1. An employer who violates this subsection is subject to the same penalties as set forth in section 42-B, subsection 3.

**Sec. B-2. 36 MRSA §5219-S,** as amended by PL 2015, c. 328, §8, is further amended to read:

### **§5219-S. Earned income credit**

**1. Resident taxpayer.** A resident individual who is an eligible individual is allowed a credit against the tax otherwise due under this Part in the amount of ~~5%~~ 25% of the federal earned income credit for the same taxable year for a resident eligible individual who does not have a qualifying child and 12% of the federal earned income credit for the same taxable year, ~~except that for tax years beginning in 2009 and 2010, the applicable percentage is 4%~~ for all other resident eligible individuals.

**2. Nonresident taxpayer.** A nonresident individual who is an eligible individual is allowed a credit against the tax otherwise due under this Part in the amount of ~~5%~~ 25% of the federal earned income credit for the same taxable year for a nonresident eligible individual who does not have a qualifying child and 12% of the federal earned income credit for the same taxable year, ~~except that for tax years beginning in 2009 and 2010, the applicable percentage is 4%~~ for all other nonresident eligible individuals, multiplied by the ratio of the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph B, to the individual's entire federal adjusted gross income, as modified by section 5122.

**3. Part-year resident taxpayer.** An eligible individual who files a return as a part-year resident in accordance with section 5224-A is allowed a credit against the tax otherwise due under this Part in the amount of ~~5%~~ 25% of the federal earned income credit for the same taxable year for an eligible part-year individual who does not have a qualifying child and 12% of the federal earned income credit for the same taxable year, except that for tax years beginning in 2009 and 2010, the applicable percentage is 4% for all other eligible part-year individuals, multiplied by a ratio, the numerator of which is the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph A for that portion of the taxable year during which the individual was a resident plus the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph B for that portion of the taxable year during which the individual was a nonresident and the denominator of which is the individual's entire federal adjusted gross income, as modified by section 5122.

**4. Limitation.** The credit allowed by this section may not reduce the Maine income tax to less than zero, except that for tax years beginning on or after January 1, 2016, the credit allowed under subsections 1 and 3 is refundable.

**5. Eligible individual under 25 years of age and without a qualifying child.** The credit for an eligible individual who is entitled to a credit under subsections 1 to 3, has not attained 25 years of age and does not have a qualifying child for the taxable year must be calculated in the same manner as it would be calculated if that individual were eligible for a federal earned income credit.

**6. Eligible individual defined.** For tax years beginning on or after January 1, 2020, for the purposes of this section, unless the context otherwise indicates, "eligible individual" has the same meaning as under Section 32(c)(1) of the Code except that "eligible individual" also includes an individual who does not have a qualifying child for the taxable year, who is at least 18 years of age and has not attained 25 years of age before the close of the taxable year and who also meets the qualifications under Section 32(c)(1)(A)(ii)(I) and (III) of the Code.

**Sec. B-3. Application.** This Part applies to tax years beginning on or after January 1, 2020.

**Sec. B-4. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF Revenue Services, Bureau of 0002**

Initiative: Provides funding for one Senior Tax Examiner position and related costs to review, process and

audit income tax returns to verify eligibility for the earned income tax credit.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$76,351	\$102,817
All Other	\$32,858	\$4,778
GENERAL FUND TOTAL	\$109,209	\$107,595

See title page for effective date.

**CHAPTER 528**

**S.P. 585 - L.D. 1749**

**An Act To Amend the State's Hemp Laws**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 7 MRSA §2231,** as amended by PL 2019, c. 115, §1, is further amended to read:

**§2231. Hemp**

**1. Definition.** ~~As used in this chapter, unless the context otherwise indicates, "hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta 9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis and that is grown or possessed by a licensed grower in compliance with this chapter. "Hemp" includes agricultural commodities and products derived from hemp and topical or ingestible consumer products, including food, food additives and food products derived from hemp. "Hemp" does not include marijuana for medical use pursuant to Title 22, chapter 558-C or adult use marijuana pursuant to Title 28-B, chapter 1. As used in this chapter, unless the context otherwise indicates, "certified seed source" means a source of hemp seeds that are certified by a 3rd party as producing hemp having a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.~~

**1-A. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Certified seed source" means a source of hemp seeds that are certified by a 3rd party as producing hemp having a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

B. "Clone" means a hemp plant produced using any part of another hemp plant other than the seeds of that hemp plant.

C. "Grower licensee" means a person licensed pursuant to subsection 4.

D. "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or as otherwise defined in federal law. "Hemp" includes agricultural commodities and products derived from hemp and topical or ingestible consumer products, including food, food additives and food products derived from hemp, which in their final forms contain a delta-9-tetrahydrocannabinol concentration of not more than 0.3% or as otherwise defined in federal law. "Hemp" does not include marijuana for medical use pursuant to Title 22, chapter 558-C or adult use marijuana pursuant to Title 28-B, chapter 1.

E. "Indoor facility" means a building, greenhouse, cold frame, hoop house, high tunnel, floating row cover or other agricultural or horticultural method of extending the growing season by enclosing the growing area.

**2. Growing permitted.** Notwithstanding any other provision of law, a person may plant, grow, harvest, possess, process, sell and buy hemp if that person holds a license issued pursuant to subsection 4, except that a person may plant and grow up to 3 hemp plants on no more than one acre of land area or within an indoor facility and harvest, possess and process that hemp for personal use without a license. A person licensed pursuant to subsection 4 grower licensee may plant, grow and harvest only hemp that is grown from seeds saved by the grower licensee as provided in paragraph A, acquired from a certified seed source, grown from a clone that is produced from seeds acquired from a certified seed source or propagated from tissue cultures that are removed from live plants grown from seeds acquired from a certified seed source. A person licensed pursuant to subsection 4 grower licensee may acquire hemp seeds directly from a certified seed source or from a hemp seed distributor licensed in this State distributing hemp seeds pursuant to subsection 2-A.

A. A grower licensee may save seeds from hemp plants that the person has grown and harvested and, after having ensured through testing by an independent 3rd-party tester that the plants that will grow from the seeds will meet the definition of hemp, may use those seeds for breeding and planting hemp.

B. A grower licensee, within 14 days after planting hemp seeds or clones, shall provide to the commissioner a listing of the varieties of seeds or clones planted and a statement that the seeds or clones meet the definition of hemp. This paragraph may not be interpreted to require providing the information required by this paragraph to the commissioner in advance of an application to grow hemp.

**2-A. Seed distribution.** The commissioner may issue a license for a hemp seed distributor if the hemp seeds distributed by the hemp seed distributor are from a certified seed source. The commissioner may issue a license under this subsection to a holder of a seed labeling license pursuant to section 1044-A.

**3. Application.** A person desiring to grow hemp for commercial purposes shall apply to the commissioner for a license on a form prescribed by the commissioner. The application must include the name and address of the applicant, the legal description of the land area or indoor facility to be used for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating the production fields or the floor plan of any indoor facility. For purposes of this subsection, "indoor facility" includes a building, greenhouse, cold frame, hoop house, high tunnel, floating row cover or other agricultural or horticultural method of extending the growing season by enclosing the growing area.

**4. License issued.** Upon review and approval of an application, the commissioner shall notify the applicant for a license to grow hemp under subsection 3 of the approval and request that the application fee determined under subsection 7 be submitted. Upon receipt of the appropriate fee, the commissioner shall issue a license, which is valid for a period of one year and only for the site or sites specified in the license.

A person who manufactures, sells, offers for sale or serves ingestible consumer products containing hemp or cannabidiol derived from hemp must be licensed pursuant to section 2901-C; Title 22, chapters 551, 562 or 562-A; or Title 28-A.

**5-A. Final location for growing hemp.** A grower licensee shall, within 14 days of planting hemp, provide the commissioner with a final legal description of the land area or indoor facility to be used for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating each field, site or indoor facility where hemp is growing.

**6. Rules.** The commissioner shall adopt rules to establish an application fee, a license fee, per acre or per square foot fees for monitoring, sampling and testing and guidelines for monitoring the growth and harvest of hemp. Rules adopted pursuant to this subsec-

tion are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The rules must establish methods for verifying that plant materials used in breeding, tissue culture and cloning are hemp and not marijuana.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**6-A. Preliminary program; indoor cultivation.**

The commissioner shall establish a preliminary program to allow the growing of hemp inside buildings and greenhouses. The number of grower licensees selected for the program under this subsection may be limited by available resources as determined by the department. Notwithstanding subsection 7, the rules may specify additional fees based on square footage and the number of buildings or greenhouses approved under the program. A grower licensee who uses a hoop house, high tunnel, row cover or other season extender over crops approved for outdoor cultivation may not be required to be part of the program and may not be assessed additional fees.

**7. Fees.** The commissioner shall establish through rulemaking under subsection 6 an application fee, a license fee and per acre or per square foot fees for monitoring, sampling and testing that are reasonable and necessary to cover the costs of the department. The application fee must be no less than \$50 and no more than \$100, the license fee must be no less than \$100 and no more than \$500, and the fees for monitoring, sampling and testing must be no less than \$1 per acre and no more than \$100 per acre and no more than 25¢ per square foot.

All fees received pursuant to this subsection must be paid to the Treasurer of State and credited to a separate, nonlapsing account in the department. Money received pursuant to this subsection must be used for the expenses of administering this chapter.

**9. Confidentiality.** Notwithstanding Title 1, section 402, the legal description of the land area or indoor facility to be used for the production of hemp provided under subsections 3 and 5-A, including a map, an aerial photograph or global positioning coordinates sufficient for locating each field, site or indoor facility where hemp will be grown, handled or stored, is confidential and may be shared with state, county and local government agencies only for purposes of administration and enforcement of this section.

Summary reports of information designated as confidential may be released to the public using aggregate data that does not reveal the location of a field, site or indoor facility where hemp is grown, handled or stored.

**10. Hemp not tracked as marijuana.** Notwithstanding any provision of Title 22, chapter 558-C or

Title 28-B, chapter 1 to the contrary, hemp and products derived from hemp may not be tracked as part of the medical use of marijuana program under Title 22, chapter 558-C or the regulation of adult use marijuana under Title 28-B, chapter 1.

**11. Annual report.** No later than April 1st, the commissioner shall submit to the joint standing committee of the Legislature having jurisdiction over agricultural matters an annual report that contains at a minimum:

A. The number of licenses issued under subsection 4;

B. The number of acres all land areas licensed for the cultivation of hemp and the square footage of indoor facilities licensed for the cultivation of hemp;

C. Total amount of harvested hemp, in pounds;

D. The types of commodities or products derived from hemp manufactured or sold within the State; and

E. The types of commodities or products derived from hemp exported outside the State.

**Sec. 2. 17-A MRSA §1101, sub-§1,** as amended by PL 1975, c. 740, §96, is further amended to read:

**1.** "Marijuana" includes the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but shall does not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and further, shall does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant which that is incapable of germination. "Marijuana" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 3. 17-A MRSA §1101, sub-§5,** as enacted by PL 1975, c. 499, §1, is amended to read:

**5.** "Hashish" includes the resin extracted from any part of the cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin. "Hashish" does not include the resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 4. 17-A MRSA §1101, sub-§22,** as amended by PL 2019, c. 12, Pt. B, §2, is repealed.

**Sec. 5. 17-A MRSA §1101, sub-§22-A** is enacted to read:

22-A. "Hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 6. 17-A MRSA §1102, sub-§4, ¶G**, as enacted by PL 2013, c. 341, §6, is amended to read:

G. Synthetic cannabinoids, including:

(1) Tetrahydrocannabinols that are naturally contained in a plant of the genus *cannabis* or a *cannabis* plant, excluding tetrahydrocannabinols contained in hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D, as well as synthetic equivalents of the substances contained in the *cannabis* plant or in the resinous extractives extracts of *cannabis* or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity, including the following:

- (a) Delta-1 *cis* or *trans* tetrahydrocannabinol and their optical isomers;
- (b) Delta-6 *cis* or *trans* tetrahydrocannabinol and their optical isomers; or
- (c) Delta-3,4 *cis* or *trans* tetrahydrocannabinol and their optical isomers;

(2) Naphthoylindoles, including any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following:

- (a) 1-Pentyl-3-(1-naphthoyl)indole or JWH-018 or AM-678;
- (b) 1-Butyl-3-(1-naphthoyl)indole or JWH-073;
- (c) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole or JWH-081;
- (d) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole or JWH-200;
- (e) 1-Propyl-2-methyl-3-(1-naphthoyl)indole or JWH-015;
- (f) 1-Hexyl-3-(1-naphthoyl)indole or JWH-019;
- (g) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole or JWH-122;
- (h) 1-Pentyl-3-(4-ethyl-1-naphthoyl) indole or JWH-210;

(i) 1-Pentyl-3-(4-chloro-1-naphthoyl) indole or JWH-398; or

(j) 1-(5-fluoropentyl)-3-(1-naphthoyl) indole or AM-2201;

(3) Naphthylmethylindoles, including any compound containing a H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following:

- (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane or JWH-175; or
- (b) 1-Pentyl-1H-3-yl-(4-methyl-1-naphthyl)methane or JWH-184;

(4) Naphthoylpyrroles, including any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone or JWH-307;

(5) Naphthylideneindenes or naphthylmethylindenes, including any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent, including E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane or JWH-176;

(6) Phenylacetylindoles, including any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including the following:

- (a) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole or RCS-8;
- (b) 1-Pentyl-3-(2-methoxyphenylacetyl)indole or JWH-250;
- (c) 1-Pentyl-3-(2-methylphenylacetyl)indole or JWH-251; or
- (d) 1-Pentyl-3-(2-chlorophenylacetyl)indole, or JWH-203;
- (7) Cyclohexylphenols, including any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent, and their isomers with similar chemical structure and pharmacological activity, including the following:
- (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or CP 47,497;
- (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or Cannabicyclohexanol or CP 47,497-C8 homologue; or
- (c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol or CP 55,490;
- (8) Benzoylindoles, including any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including the following:
- (a) 1-Pentyl-3-(4-methoxybenzoyl)indole or RCS-4;
- (b) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole or AM-694; or
- (c) (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone or WIN-48,098 or Pravadoline; and
- (9) The following other unclassified synthetic cannabinoids:
- (a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,

10a-tetrahydrobenzo[c]chromen-1-ol or HU-210;

(b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol or Dexanabinol or HU-211;

(c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl-1-naphthalenylmethanone or WIN 55,212-2; or

(d) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone or XLR-11.

**Sec. 7. 22 MRSA §2157, sub-§11**, as corrected by RR 2011, c. 2, §26, is amended to read:

**11. Artificial flavoring and coloring.** If it bears or contains any artificial flavoring, artificial coloring or chemical preservative, unless it bears labeling stating the fact. If the artificial flavoring and artificial coloring declaration does not refer to the entire contents of the package, the words "artificial flavoring" and "artificial coloring" must follow immediately each of the ingredients of the package containing one or more of these substances. The common or usual name of any chemical preservative must be immediately followed by the words "chemical preservation." To the extent that compliance with the requirements of this subsection is impracticable, exemptions must be established by rules adopted by the Commissioner of Agriculture, Conservation and Forestry. This subsection, and subsections 7 and 9, with respect to artificial coloring, do not apply in the case of butter, cheese or ice cream; ~~or~~

**Sec. 8. 22 MRSA §2157, sub-§13, ¶C**, as enacted by PL 1989, c. 115, is further amended to read:

C. There is a conspicuously displayed directory to which customers can refer for information on the contents of unpackaged products offered for sale;

**Sec. 9. 22 MRSA §2157, sub-§14, ¶C**, as amended by PL 1991, c. 506, §5, is further amended to read:

C. The owner or manager of a retail outlet shall ensure that produce without post-harvest treatment, as determined by the commissioner, is identified by a sign contiguous to the specific produce; or

**Sec. 10. 22 MRSA §2157, sub-§15** is enacted to read:

**15. Hemp or cannabidiol derived from hemp.** If it contains hemp or cannabidiol derived from hemp unless:

A. The package in which the food, food additive or food product is offered for sale conspicuously bears a label or stamp that:

(1) Indicates that the food, food additive or food product contains hemp or cannabidiol derived from hemp;

(2) Describes the cannabidiol content by weight or volume;

(3) Includes the source of the hemp from which the cannabidiol was derived;

(4) In the case of extracts or tinctures, indicates the batch number; and

(5) Includes a disclosure statement that the food, food additive or food product has not been tested or evaluated for safety; or

B. In the case of food, food additives or food products sold, offered for sale or served for consumption unpackaged:

(1) A conspicuous label or sign indicating that the food, food additive or food product contains cannabidiol is placed on or immediately next to the food, food additive or food product or immediately next to the food's listing on the menu or in an open manner where the food order or food product is served; and

(2) The retail store, hotel, restaurant or other public eating place conspicuously displays a directory for use by customers that contains information on the contents of all unpackaged products sold, offered for sale or served that contain cannabidiol derived from hemp.

For the purposes of this subsection, "hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 11. 22 MRSA §2158-A**, as enacted by PL 2019, c. 12, Pt. A, §1, is amended to read:

**§2158-A. Food, food additives and food products containing hemp not adulterated**

Notwithstanding any ~~other~~ provision of law to the contrary, food, food additives or food products that contain hemp, including cannabidiol derived from hemp, are not considered to be adulterated ~~or misbranded~~ under this subchapter based solely on the inclusion of hemp or cannabidiol derived from hemp. The nonpharmaceutical or nonmedical production, manufacturing, marketing, sale or distribution of food, food additives or food products within the State that contain hemp may not be ~~restricted or~~ prohibited within the State based solely on the inclusion of hemp. A food establishment or eating establishment, as defined in section 2491, subsection 7, may not make a claim that food, food additives or food products that contain hemp can diagnose, treat, cure or prevent any disease,

condition or injury without approval pursuant to federal law. For the purposes of this section, "hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D and "manufacturing" means producing, preparing, processing, propagating, blending, infusing, compounding, concentrating or converting hemp or food, food additives or food products containing hemp either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis.

**Sec. 12. 22 MRSA §2422, sub-§§3-B and 3-C**, as enacted by PL 2017, c. 452, §3, are amended to read:

**3-B. Edible marijuana product.** "Edible marijuana product" means a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested marijuana. "Edible marijuana product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**3-C. Harvested marijuana.** "Harvested marijuana" means the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products. "Harvested marijuana" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 13. 22 MRSA §2422, sub-§4-B**, as amended by PL 2017, c. 452, §3, is further amended to read:

**4-B. Mature marijuana plant.** "Mature marijuana plant" means a flowering female marijuana plant. "Mature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 14. 22 MRSA §2422, sub-§§4-D to 4-I**, as enacted by PL 2017, c. 447, §1 and c. 452, §3, are repealed.

**Sec. 15. 22 MRSA §2422, sub-§§4-J to 4-M**, as enacted by PL 2017, c. 452, §3, are amended to read:

**4-J. Marijuana extraction.** "Marijuana extraction" means the process of extracting marijuana concentrate from harvested marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. "Marijuana extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**4-K. Marijuana plant.** "Marijuana plant" means a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis or their hybrids and the seeds of those plants.

"Marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**4-L. Marijuana product.** "Marijuana product" means a product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**4-M. Nonflowering marijuana plant.** "Nonflowering marijuana plant" means a marijuana plant that is in a stage of growth in which the plant's pistils are not showing or the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the plant. "Nonflowering marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 16. 22 MRSA §2422, sub-§§4-N to 4-S** are enacted to read:

**4-N. Immature marijuana plant.** "Immature marijuana plant" means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**4-O. Inherently hazardous substance.** "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

**4-P. Long-term care facility.** "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with section 2423-A, subsection 1, paragraph F-1, subparagraph (2).

**4-O. Manufacture or manufacturing.** "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

**4-R. Manufacturing facility.** "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

**4-S. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Marijuana concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or any compound, manufacture, salt, derivative, mixture or preparation therefrom.

**Sec. 17. 28-B MRSA §102, sub-§§16 and 19,** as enacted by PL 2017, c. 409, Pt. A, §6, are amended to read:

**16. Edible marijuana product.** "Edible marijuana product" means a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing marijuana or marijuana concentrate. "Edible marijuana product" does not include an edible product containing "hemp" as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**19. Immature marijuana plant.** "Immature marijuana plant" means a marijuana plant that is not a mature marijuana plant or a seedling. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 18. 28-B MRSA §102, sub-§27,** as amended by PL 2019, c. 12, Pt. B, §12, is further amended to read:

**27. Marijuana.** "Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a marijuana product.

**Sec. 19. 28-B MRSA §102, sub-§§28, 30 to 33 and 35 to 37,** as enacted by PL 2017, c. 409, Pt. A, §6, are amended to read:

**28. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Marijuana concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. In determining the weight of marijuana concentrate in a marijuana product, the weight of any other ingredient combined with marijuana or marijuana concentrate to prepare the marijuana product may not be included.

**30. Marijuana extraction.** "Marijuana extraction" means the process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. "Marijuana extraction" does not include the process of

extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**31. Marijuana flower.** "Marijuana flower" means the pistillate reproductive organs of a mature marijuana plant, whether processed or unprocessed, including the flowers and buds of the plant. "Marijuana flower" does not include marijuana trim or whole mature marijuana plants or the flower of hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**32. Marijuana plant.** "Marijuana plant" means all species of the plant genus cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant or a seedling. "Marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**33. Marijuana product.** "Marijuana product" means a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**35. Marijuana trim.** "Marijuana trim" means any part of a marijuana plant, whether processed or unprocessed, that is not marijuana flower or a marijuana seed. "Marijuana trim" does not include any part of a hemp plant as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**36. Mature marijuana plant.** "Mature marijuana plant" means a marijuana plant that is flowering. "Mature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**37. Mother plant.** "Mother plant" means a mature marijuana plant that is used solely for the taking of seedling cuttings. "Mother plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 20. Review of laws and rules regarding hemp; report.** All state agencies shall review the laws and rules applicable to their areas of jurisdiction that pertain to hemp seeds and crops, agricultural commodities and products derived from hemp, and topical or ingestible consumer products, including food, food additives and food products derived from hemp. The reviews must identify laws and rules that require amendment to bring them into agreement with the Maine Revised Statutes, Title 7, chapter 406-A and Title 22, chapter 551. By January 1, 2020, all state agencies that have in their areas of jurisdiction laws or rules pertaining to hemp shall submit to the Joint Standing Committee on Agriculture, Conservation and Forestry reports regarding the reviews undertaken un-

der this section, including proposals for legislation to bring laws and rules into agreement with Title 7, chapter 406-A and Title 22, chapter 551. After reviewing any report submitted pursuant to this section, the committee may report out legislation related to the subject matter of that report. As used in this section, "hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D.

**Sec. 21. Appropriations and allocations.**

The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Bureau of Agriculture 0393**

Initiative: Provides allocation for one Professional Licensing Supervisor position and associated All Other costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$59,980	\$83,673
All Other	\$12,500	\$12,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$72,480	\$96,173

**Bureau of Agriculture 0393**

Initiative: Provides allocation for contracted lab services.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$7,000	\$7,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$7,000	\$7,000

**Bureau of Agriculture 0393**

Initiative: Provides allocation to change one half-time Certified Seed Specialist position to a seasonal position.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
POSITIONS - FTE COUNT	0.577	0.577
Personal Services	\$4,816	\$5,060
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,816	\$5,060

AGRICULTURE,  
CONSERVATION AND  
FORESTRY,  
DEPARTMENT OF

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$84,296	\$108,233
DEPARTMENT TOTAL - ALL FUNDS	\$84,296	\$108,233

See title page for effective date.

CHAPTER 529  
S.P. 593 - L.D. 1761

An Act To Assist Small Beer  
Manufacturers and Small  
Hard Cider Manufacturers

Be it enacted by the People of the State of  
Maine as follows:

Sec. 1. 28-A MRSA §2, sub-§2-B is enacted to read:

2-B. Barrel. "Barrel" means 31 United States gallons.

Sec. 2. 28-A MRSA §2, sub-§29, as amended by PL 1993, c. 730, §12, is further amended to read:

29. Small brewery. "Small brewery" means a facility that is ~~brewing, lagering and kegging, bottling or packaging brews, lagers and kegs, bottles or packages its own malt liquor, not to exceed 50,000 gallons~~ 30,000 barrels per year.

Sec. 3. 28-A MRSA §2, sub-§29-B, as enacted by PL 2011, c. 629, §5, is amended to read:

29-B. Small winery. "Small winery" means a facility that is ~~fermenting, aging and bottling its own wine, not to exceed 50,000 gallons per year. ferments, ages and bottles:~~

A. Up to 50,000 gallons per year of its own wine that is not hard cider; and

B. Up to 3,000 barrels per year of its own wine that is hard cider.

Sec. 4. 28-A MRSA §1355-A, sub-§1, as enacted by PL 2011, c. 629, §22, is amended to read:

1. Issuance of licenses. The bureau may issue ~~manufacturer licenses to distill, rectify, brew or bottle spirits, wine or malt liquor to distillers, rectifiers, brewers, bottlers and wineries operating licenses under this section to breweries, small breweries, wineries, small wineries, distilleries and small distilleries in the~~

State that operate under federal law and federal supervision.

Sec. 5. 28-A MRSA §1355-A, sub-§3, ¶¶A and B, as enacted by PL 2011, c. 629, §22, are amended to read:

A. A holder of a brewery license may produce more than ~~50,000 gallons~~ 30,000 barrels of malt liquor per year.

B. A holder of a small brewery license may produce ~~not more than 50,000 gallons up to~~ 30,000 barrels of malt liquor per year.

(1) Upon application by a holder of a small brewery license ~~whose brewery that~~ that has produced malt liquor in an amount that exceeds ~~50,000 gallons~~ 30,000 barrels in one year, the bureau may renew that holder's small brewery license for only one additional year.

(2) A holder of a small brewery license may sell or deliver its products to licensed retailers or wholesalers. The licensee may sell, on the premises for consumption off the premises, malt liquor produced at the licensed premises by the bottle, by the case or in bulk to licensed retailers, including, but not limited to, off-premises retail licensees, restaurants and clubs. Notwithstanding section 1361, the holder of a small brewery license may sell its products directly to a retail licensee under this paragraph without selling to a wholesale licensee.

Sec. 6. 28-A MRSA §1355-A, sub-§4, ¶¶A and B, as enacted by PL 2011, c. 629, §22, are amended to read:

A. A holder of a winery license may produce more than 50,000 gallons per year of ~~wines, sparkling wines and fortified wines wine that is not hard cider and may produce more than 3,000 barrels per year of wine that is hard cider.~~

B. A holder of a small winery license may produce ~~not more than up to 50,000 gallons per year of wines, sparkling wines and fortified wines wine that is not hard cider and may produce up to 3,000 barrels per year of wine that is hard cider.~~

(1) A holder of a small winery license may sell or deliver its products to licensed retailers or wholesalers. The licensee may sell, on the premises for consumption off the premises, any wine produced at the licensed premises by the bottle, by the case or in bulk to licensed retailers, including, but not limited to, off-premises retail licensees, restaurants and clubs. Notwithstanding section 1361, the licensee may sell its products directly to a retail licensee under this paragraph without selling to a wholesale licensee.

(2) A holder of a small winery license, upon application to and approval of the bureau and payment of the license fees, may obtain licenses for off-premises consumption for up to 2 additional locations other than the location of the in-state manufacturer licensed under this section. The holder of the licenses is not required to conduct any bottling or production at the additional licensed locations but may conduct all activities permitted by this section at the additional licensed locations.

**Sec. 7. 28-A MRSA §1361, sub-§4**, as amended by PL 2011, c. 629, §23, is further amended to read:

**4. No sales of malt liquor or wine to person without wholesale license.** No certificate of approval holder, except a licensed small brewery or small winery licensee allowed authorized under section 1355-A to sell its own products directly to retailers, may sell or cause to be transported into the State any malt liquor or wine to any person to whom a Maine wholesale license has not been issued by the bureau. Malt liquor or wine must be delivered to the place of business of the wholesaler as shown in the wholesaler's license, must be unloaded and inventoried at the wholesaler's premises upon the wholesaler's receipt of the shipment and must come to rest before delivery is made to any retailer to enable the bureau to inspect and inventory wholesale warehouses for the purpose of verifying taxes that are required to be paid on malt liquor and wine purchased by importers.

**Sec. 8. 28-A MRSA §1455, sub-§1**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**1. Written notice.** Before any termination procedure initiated by the certificate of approval holder, the certificate of approval holder shall give the wholesale licensee written notice of any claimed deficiency existing in his the wholesale licensee's territory and the certificate of approval holder shall give the wholesale licensee reasonable time or, if the certificate of approval holder is a small beer manufacturer or a small hard cider manufacturer, at least 30 days to correct the claimed deficiency or deficiencies. After this reasonable time has elapsed, the certificate of approval holder shall provide the wholesale licensee at least 90 days prior with written notice of any the certificate of approval holder's intent to amend, cancel, terminate, cancel or not refuse to continue, refuse to renew any or cause the wholesale licensee to resign from an agreement. The notice must state all the reasons for the at least 90 days prior to the effective date of the intended amendment, cancellation, termination, cancellation refusal to continue, refusal to renew or nonrenewal causing of resignation. The written notice must state all of the reasons for the intended amendment, cancellation, termination, refusal to continue, refusal to renew or causing of resignation. The notice provisions

of this section do not apply if the reason for the intended amendment, cancellation, termination, cancellation refusal to continue, refusal to renew or nonrenewal causing of resignation is:

- A. The bankruptcy or insolvency of the wholesale licensee;
- B. An assignment for the benefit of creditors or similar disposition of the assets of the wholesale licensee's business;
- C. Revocation of the wholesale licensee's license; or
- D. Conviction or a plea of guilty or no contest to a charge of violating a law relating to the business that materially affects the wholesale licensee's ability to remain in business.

For purposes of this section, "small beer manufacturer" and "small hard cider manufacturer" have the same meanings as in section 1457, subsection 1-A.

**Sec. 9. 28-A MRSA §1457**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

#### **§1457. Compensation**

**1. Reasonable compensation.** ~~Any certificate of approval holder which amends, cancels, terminates or refuses to continue or renew any agreement, or causes a wholesale licensee to resign, unless for good cause shown, as defined in section 1454, from an agreement or unreasonably withholds consent to any assignment, transfer or sale of a wholesale licensee's business, shall pay the wholesale licensee reasonable compensation for the value of the wholesale licensee's business related to the terminated brand or brands. The value of the wholesale licensee's business includes inventory and other tangible assets and its good will.~~

**1-A. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Affected brand or brands" means the brand or brands of a certificate of approval holder that will no longer be distributed by a wholesale licensee after the certificate of approval holder makes a triggering change to the agreement between the certificate of approval holder and the wholesale licensee.
- B. "Case equivalent" means a volume equivalent to 24 12-ounce units.
- C. "Good cause" has the same meaning as described in section 1454.
- D. "Small beer manufacturer" means a small brewery or out-of-state brewer that brews, lagers and kegs, bottles or packages its own malt liquor, not to exceed 30,000 barrels per year.

E. "Small hard cider manufacturer" means a small winery or out-of-state winery that ferments, ages or bottles any amount of wine, as long as it ferments, ages or bottles no more than 3,000 barrels per year of wine that is hard cider.

F. "Triggering change" means an amendment, cancellation in whole or in part, termination, refusal to continue or refusal to renew an agreement by a certificate of approval holder or the resignation of a wholesale licensee from an agreement if the resignation is caused by the certificate of approval holder, unless good cause can be established or proven for the amendment, cancellation, termination, refusal to continue, refusal to renew or caused resignation. "Triggering change" includes the unreasonable withholding of consent by a certificate of approval holder to any assignment, transfer or sale of a wholesale licensee's business.

**1-B. Reasonable compensation; general rule.**

Except as otherwise provided in subsections 1-C and 1-D, if a certificate of approval holder makes a triggering change to an agreement, the certificate of approval holder shall pay the wholesale licensee reasonable compensation for the fair market value of the wholesale licensee's business related to the affected brand or brands. The fair market value of the wholesale licensee's business related to the affected brand or brands includes inventory and other tangible assets and the wholesale licensee's good will.

**1-C. Exception; small beer manufacturer or small hard cider manufacturer.** Notwithstanding subsection 1-B, a small beer manufacturer or small hard cider manufacturer must pay a wholesale licensee reasonable compensation in accordance with subsection 1-D if:

A. The small beer manufacturer makes a triggering change to an agreement that prevents the wholesale licensee from continuing to distribute a brand or brands of malt liquor or the small hard cider manufacturer makes a triggering change to an agreement that prevents the wholesale licensee from continuing to distribute a brand or brands of hard cider; and

B. During the 12-month period immediately preceding the date on which the small beer manufacturer or the small hard cider manufacturer provides the wholesale licensee with the first written notice of the triggering change, if notice is required under section 1455, or the date on which the small beer manufacturer or small hard cider manufacturer unreasonably withholds its consent to any assignment, transfer or sale of the wholesale licensee's business, the total number of case equivalents of the affected brand or brands of malt liquor or hard cider distributed by the wholesale licensee was less than 10,000 and represented no

more than 3% of the total number of case equivalents of all brands of liquor for all certificate of approval holders that were distributed by the wholesale licensee.

**1-D. Reasonable compensation; alternative calculation.** Notwithstanding subsection 1-B, if a small beer manufacturer or small hard cider manufacturer makes a triggering change to an agreement that meets the requirements of subsection 1-C, the small beer manufacturer or small hard cider manufacturer shall pay the wholesale licensee reasonable compensation for the fair market value of the wholesale licensee's business related to the affected brand or brands of malt liquor or hard cider in accordance with this subsection.

A. If the wholesale licensee's total gross profits with respect to the affected brand or brands during the 12-month period described in subsection 1-C were equal to or less than the wholesale licensee's total gross profits with respect to the affected brand or brands during the next preceding 12-month period, the small beer manufacturer or small hard cider manufacturer shall pay as reasonable compensation an amount equal to the wholesale licensee's total gross profits with respect to the affected brand or brands during the 12-month period described in subsection 1-C.

B. If the wholesale licensee's total gross profits with respect to the affected brand or brands during the 12-month period described in subsection 1-C were greater than the wholesale licensee's total gross profits with respect to the affected brand or brands during the next preceding 12-month period, the small beer manufacturer or small hard cider manufacturer shall pay as reasonable compensation an amount equal to twice the wholesale licensee's total gross profits with respect to the affected brand or brands during the 12-month period described in subsection 1-C.

This subsection does not govern the reasonable compensation that a small hard cider manufacturer is required to pay a wholesale licensee for the fair market value of the wholesale licensee's business related to an affected brand or brands of wine that is not hard cider.

**1-E. Waiver.** Notwithstanding section 1462, nothing in this chapter prevents a wholesale licensee from limiting or waiving its right to receive reasonable compensation under subsection 1-B or 1-D from a small beer manufacturer or a small hard cider manufacturer in an agreement between the wholesale licensee and the small beer manufacturer or the small hard cider manufacturer.

**2. Neutral arbitrator.** If the certificate of approval holder and the wholesale licensee are unable to agree on the amount of reasonable compensation to be paid for the fair market value of the wholesale licen-

see's business, as defined in subsection 1 related to the affected brand or brands of the certificate of approval holder, they shall submit the matter to a neutral arbitrator selected by the parties, or, if they cannot agree, by the Chief Justice of the Supreme Judicial Court. The costs of the arbitration shall must be paid 1/2 by the wholesale licensee and 1/2 by the certificate of approval holder or otherwise the arbitration proceeding shall must be governed by the Maine Uniform Arbitration Act. The arbitrator shall issue a written decision on the matter no later than 45 days after the date of the commencement of the arbitration proceeding.

**3. Distribution during arbitration.** Notwithstanding any provision of this Title to the contrary or the terms, conditions or other provisions of any agreement, when a small beer manufacturer or a small hard cider manufacturer makes a triggering change to an agreement, the small beer manufacturer or the small hard cider manufacturer may immediately:

A. If the small beer manufacturer is a small brewery, sell the affected brand or brands of malt liquor directly to retail licensees in the wholesale licensee's territory in accordance with section 1355-A, subsection 3, paragraph B, subparagraph (2);

B. If the small hard cider manufacturer is a small winery, sell the affected brand or brands of hard cider directly to retail licensees in the wholesale licensee's territory in accordance with section 1355-A, subsection 4, paragraph B, subparagraph (1);

C. Appoint one or more new wholesale licensees to sell the affected brand or brands of malt liquor or hard cider in all or any portion of the territory of the wholesale licensee subject to the triggering change; or

D. Engage in any combination of actions described in paragraphs A, B and C, if applicable.

See title page for effective date.

**CHAPTER 530  
H.P. 758 - L.D. 1028**

**An Act To Prevent and Reduce Tobacco Use with Adequate Funding and by Equalizing the Taxes on Tobacco Products and To Improve Public Health**

Be it enacted by the People of the State of Maine as follows:

**PART A**

**Sec. A-1. 36 MRSA §4401, sub-§§2-A, 2-B and 7-A** are enacted to read:

**2-A. Electronic smoking device.** "Electronic smoking device" means a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

**2-B. Hookah.** "Hookah" means a device used for smoking tobacco that consists of a tube connected to a container where the smoke is cooled by passing through water.

**7-A. Smoking.** "Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

**Sec. A-2. 36 MRSA §4401, sub-§9,** as amended by PL 2005, c. 627, §4, is further amended to read:

**9. Tobacco products.** "Tobacco products" means cigars; cheroots; stogies; electronic smoking devices and liquids used in electronic smoking devices whether or not they contain nicotine; periques, granulated, plug cut, crimp cut, ready rubbed; and other smoking tobacco; snuff; snuff flour; snus; cavendish; plug and twist tobacco; finecut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not include tobacco products that are subject to the tax provided by chapter 703 intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means. "Tobacco products" does not include:

A. Products that are subject to the tax provided by chapter 703;

B. Drugs, devices or combination products authorized for sale by the United States Department of Health and Human Services, Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act;

C. Any product that contains adult use marijuana subject to tax under Title 28-B, section 1001; or

D. Any product that contains marijuana or marijuana products subject to control under Title 22, chapter 558-C.

**Sec. A-3. 36 MRSA §4403, sub-§1,** as repealed and replaced by PL 2009, c. 213, Pt. H, §1 and affected by §3, is amended to read:

**1. Smokeless tobacco.** A tax is imposed on smokeless tobacco, including chewing tobacco and snuff, at the rate of:

A. On amounts of smokeless tobacco packaged for sale to the consumer in a package that contains one ounce or more of smokeless tobacco, \$2.02 per ounce and prorated; and

B. On smokeless tobacco packaged for sale to the consumer in a package that contains less than one ounce of smokeless tobacco, \$2.02 per package.

Beginning January 2, 2020, the tax rates in this subsection are subject to adjustment pursuant to subsection 5.

**Sec. A-4. 36 MRSA §4403, sub-§2,** as amended by PL 2005, c. 627, §8, is further amended to read:

**2. Other tobacco.** A tax is imposed on cigars, pipe tobacco and other tobacco intended for smoking at the rate of 20% of the wholesale sales price beginning October 1, 2005. Beginning January 2, 2020, a tax is imposed on all tobacco products, other than those subject to tax under subsection 1, at the rate of 43% of the wholesale sales price. Beginning January 2, 2020, the tax rate imposed pursuant to this subsection is subject to adjustment pursuant to subsection 5.

**Sec. A-5. 36 MRSA §4403, sub-§5** is enacted to read:

**5. Equivalence.** If the tax on cigarettes under chapter 703 is increased after January 2, 2020, the assessor shall calculate a rate of tax on other tobacco products under subsections 1 and 2 that is equivalent to the same percentage change in the tax rate for one cigarette. The adjusted rates calculated by the assessor take effect at the same time as the increase in the tax on cigarettes.

**Sec. A-6. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides funding for one Tax Examiner position and related costs to review and process additional tobacco products tax returns.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$65,492	\$85,661
All Other	\$12,089	\$2,700
<b>GENERAL FUND TOTAL</b>	<b>\$77,581</b>	<b>\$88,361</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
<b>GENERAL FUND</b>	<b>\$77,581</b>	<b>\$88,361</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$77,581</b>	<b>\$88,361</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Maine Center for Disease Control and Prevention 0143**

Initiative: Appropriates funds for evidence-based tobacco use prevention and cessation, in accordance with the United States Department of Health and Human Services, Centers for Disease Control and Prevention best practices.

GENERAL FUND	2019-20	2020-21
All Other	\$2,050,000	\$4,100,000
<b>GENERAL FUND TOTAL</b>	<b>\$2,050,000</b>	<b>\$4,100,000</b>

**Medical Care - Payments to Providers 0147**

Initiative: Appropriates and allocates funds for tobacco use cessation medications and counseling provided to MaineCare members.

GENERAL FUND	2019-20	2020-21
All Other	\$500,000	\$750,000
<b>GENERAL FUND TOTAL</b>	<b>\$500,000</b>	<b>\$750,000</b>

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$1,776,235	\$1,332,177
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,776,235</b>	<b>\$1,332,177</b>

HEALTH AND HUMAN SERVICES, DEPARTMENT OF	2019-20	2020-21
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$2,550,000</b>	<b>\$4,850,000</b>

FEDERAL EXPENDITURES FUND	\$1,776,235	\$1,332,177
DEPARTMENT TOTAL - ALL FUNDS	\$4,326,235	\$6,182,177
SECTION TOTALS	2019-20	2020-21
GENERAL FUND	\$2,627,581	\$4,938,361
FEDERAL EXPENDITURES FUND	\$1,776,235	\$1,332,177
SECTION TOTAL - ALL FUNDS	\$4,403,816	\$6,270,538

**Sec. A-7. Effective date.** Those sections of this Part that amend the Maine Revised Statutes, Title 36, section 4401, subsection 9 and that enact Title 36, section 4401, subsections 2-A, 2-B and 7-A take effect January 2, 2020.

**PART B**

**Sec. B-1. 22 MRSA §3174-JJ**, as amended by PL 2013, c. 441, §1, is further amended to read:

**§3174-JJ. MaineCare reimbursement for ambulance services**

The department shall reimburse for ambulance services under MaineCare at a level that is not less than the average allowable reimbursement rate under Medicare for such services or at the highest percent of that level that is possible within resources appropriated for those purposes. Beginning March 1, 2015, the department shall reimburse for ambulance services under MaineCare at a level that is not less than 65% of the average allowable reimbursement rate under Medicare for such services. Beginning January 1, 2020, the department shall reimburse for ambulance services under MaineCare at a level that is not less than the average allowable reimbursement rate under Medicare for such services and shall reimburse for neonatal transport services under MaineCare at the average rate for critical care transport services under Medicare.

**Sec. B-2. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding to increase the reimbursement rate for ambulance services under the MaineCare program so the rates are not less than the average al-

lowable reimbursement rate under Medicare and increase the reimbursement rate for neonatal transport services under MaineCare so the rates are equal to the average rate for critical care transport services under Medicare.

GENERAL FUND	2019-20	2020-21
All Other	\$1,662,060	\$3,329,640
GENERAL FUND TOTAL	\$1,662,060	\$3,329,640
FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$4,894,815	\$5,868,260
FEDERAL EXPENDITURES FUND TOTAL	\$4,894,815	\$5,868,260

**PART C**

**Sec. C-1. 36 MRSA §5122, sub-§2, ¶QQ** is enacted to read:

QQ. For taxable years beginning on or after January 1, 2020, to the extent included in federal adjusted gross income and not subtracted under paragraph FF, student loan payments made by the taxpayer's employer directly to a lender on behalf of a qualified health care employee. As used in this paragraph, "qualified health care employee" means an individual who is employed by a hospital located in this State and who is licensed under Title 32, chapter 31, subchapter 3 or 4; chapter 36, subchapter 4; or chapter 48, subchapter 2.

**Sec. C-2. Reimbursement for rural hospitals and nonrural hospitals.** The Department of Health and Human Services shall amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45 in order to provide MaineCare reimbursement for rural hospitals at 100% of inpatient hospital-based physician costs, outpatient emergency room hospital-based physician costs, outpatient nonemergency room hospital-based physician costs and graduate medical education costs. The department shall also amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45 in order to provide MaineCare reimbursement for nonrural hospitals at 93.3% of inpatient hospital-based physician costs, 93.4% of outpatient emergency room hospital-based physician costs and 83.8% of outpatient nonemergency room hospital-based physician costs.

The department shall adopt routine technical rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to establish a definition of "rural hospital" that reflects the regional access to hospital care and the population density of the public health district

in which the hospital is located, as long as the following hospitals are considered rural hospitals:

1. Northern Light A.R. Gould Hospital in Presque Isle;
2. Cary Medical Center in Caribou;
3. Franklin Memorial Hospital in Farmington;
4. Northern Light Inland Hospital in Waterville;
5. Northern Light Maine Coast Hospital in Ellsworth; and
6. Northern Maine Medical Center in Fort Kent.

**Sec. C-3. Reimbursement for acute care critical access hospitals.** The Department of Health and Human Services shall amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45 regarding acute care critical access hospital physician services to require MaineCare reimbursement of 100% for all hospital-based physician costs.

**Sec. C-4. Reimbursement for rural health clinics.** The Department of Health and Human Services shall amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 103 regarding the department's reimbursement methodology to provide an alternative payment methodology option that, effective January 1, 2020, is the same as the existing methodology except that rural health clinics may be reimbursed on the basis of 100% of the average of the reasonable costs of providing MaineCare-covered services during calendar years 2016 and 2017 as long as reimbursement is no less than reimbursement received under the prospective payment system described in Section 1902(bb) of the United States Social Security Act. Each rural health clinic must be given the option to be reimbursed under the methodology required by this section or under the existing prospective payment system methodology.

**Sec. C-5. State plan amendments; rule-making.** The Department of Health and Human Services shall submit any necessary state plan amendments to implement the requirements of this Part to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services no later than January 1, 2020. Upon approval, the department shall amend its rules within 180 days of approval. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. C-6. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides appropriations and allocations to allow for MaineCare reimbursement of 100% for all hospital-based physician costs.

GENERAL FUND	2019-20	2020-21
All Other	\$371,768	\$753,736
<b>GENERAL FUND TOTAL</b>	<b>\$371,768</b>	<b>\$753,736</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$793,942	\$1,577,684
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$793,942</b>	<b>\$1,577,684</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides appropriations and allocations to allow for MaineCare reimbursement for rural hospitals at 100% of inpatient hospital-based physician costs, outpatient emergency room hospital-based physician costs, outpatient nonemergency room hospital-based physician costs and graduate medical education costs and to allow for MaineCare reimbursement for nonrural hospitals at 93.3% of inpatient hospital-based physician costs, 93.4% of outpatient emergency room hospital-based physician costs and 83.8% of outpatient nonemergency room hospital-based physician costs.

GENERAL FUND	2019-20	2020-21
All Other	\$263,428	\$534,084
<b>GENERAL FUND TOTAL</b>	<b>\$263,428</b>	<b>\$534,084</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$562,573	\$1,117,918
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$562,573</b>	<b>\$1,117,918</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides appropriations and allocations to allow for an alternative payment methodology option that is the same as the existing methodology except that rural health clinics may be reimbursed on the basis of 100% of the average of the reasonable costs of providing MaineCare-covered services during calendar years 2016 and 2017 as long as reimbursement is no less than reimbursement received under the prospective payment system.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$739,449	\$1,499,185
	\$739,449	\$1,499,185
<b>GENERAL FUND TOTAL</b>	\$739,449	\$1,499,185
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,579,154	\$3,138,020
	\$1,579,154	\$3,138,020
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	\$1,579,154	\$3,138,020
<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$1,374,645</b>	<b>\$2,787,005</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$2,935,669</b>	<b>\$5,833,622</b>
	<b>\$4,310,314</b>	<b>\$8,620,627</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$4,310,314</b>	<b>\$8,620,627</b>

**PART D**

**Sec. D-1. Transfer.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer from the Hospital Tax, Other Special Revenue Funds account in the Department of Health and Human Services \$946,925 on or before June 30, 2020 and \$946,925 on or before June 30, 2021 to the unappropriated surplus of the General Fund.

See title page for effective date.

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PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019

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**CHAPTER 1**  
**H.P. 272 - L.D. 346**

**An Act To Amend the  
Brunswick Sewer District  
Charter**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. P&SL 1981, c. 103, §32, sub-§4** is enacted to read:

**4. Rates and fees; readiness to serve.** The district's rates may include readiness to serve rates charged against owners of real estate abutting or accessible but not connected to sewers or drains of the district, whether or not the real estate is improved.

**Sec. 2. P&SL 1981, c. 103, §35, sub-§3-A** is enacted to read:

**3-A. Waiver of sewer district lien foreclosure.** The treasurer of the district, when authorized by the trustees of the district, may waive the foreclosure of a district lien mortgage created pursuant to this charter by recording in the registry of deeds a waiver of foreclosure before the right of redemption from the mortgage has expired. The lien mortgage remains in full effect after the recording of the waiver. Other methods established by law for the collection of any unpaid rate are not affected by the filing of a waiver under this subsection.

The waiver of foreclosure under this subsection must be in substantially the following form:

The foreclosure of the sewer lien mortgage on real estate for charges against ..... (NAME) to the Brunswick Sewer District dated ..... and recorded in the Cumberland County Registry of Deeds in Book ....., Page ..... is hereby waived.

The form must be dated, signed by the treasurer of the district and notarized. A copy of the form must be provided to the party named on the lien mortgage and each record holder of a mortgage on the real estate.

See title page for effective date.

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**CHAPTER 2**  
**S.P. 113 - L.D. 435**

**An Act To Provide for the 2019  
and 2020 Allocations of the  
State Ceiling on Private  
Activity Bonds**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 10, section 363 and Private and Special Law 2017, chapter 12 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2019 but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds that may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

**Whereas,** if these bond issues must be delayed due to the lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Allocation to the Treasurer of State.** The \$5,000,000 of the state ceiling on private activity bonds for calendar year 2019 previously allocated to the Treasurer of State remains allocated to the Treasurer of State to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5 for calendar year 2019. Five million dollars of the state ceiling for calendar year 2020 is allocated to the Treasurer of State to be used or reallocated in accordance with Title 10, section 363, subsection 5.

**Sec. 2. Allocation to the Finance Authority of Maine.** The \$40,000,000 of the state ceiling on

private activity bonds for calendar year 2019 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6 for calendar year 2019. Forty million dollars of the state ceiling for calendar year 2020 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

**Sec. 3. Allocation to the Maine Municipal Bond Bank.** The \$10,000,000 of the state ceiling on private activity bonds for calendar year 2019 previously allocated to the Maine Municipal Bond Bank remains allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7 for calendar year 2019. Ten million dollars of the state ceiling for calendar year 2020 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

**Sec. 4. Allocation to the Finance Authority of Maine as successor to the Maine Educational Loan Authority.** The \$15,000,000 of the state ceiling on private activity bonds for calendar year 2019 previously allocated to the Finance Authority of Maine as successor to the Maine Educational Loan Authority remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 2019. An additional \$30,000,000 of the state ceiling on private activity bonds for calendar year 2019, previously unallocated, is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 8. Fifteen million dollars of the state ceiling for calendar year 2020 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 8.

**Sec. 5. Allocation to the Maine State Housing Authority.** The \$50,000,000 of the state ceiling on private activity bonds for calendar year 2019 previously allocated to the Maine State Housing Authority remains allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 for calendar year 2019. Fifty million dollars of the state ceiling for calendar year 2020 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4.

**Sec. 6. Unallocated state ceiling.** One hundred seventy-one million two hundred forty-five thousand dollars of the state ceiling on private activity bonds for calendar year 2019 is unallocated and must be reserved for future allocation in accordance with applicable laws. Two hundred one million seven hundred forty-five thousand dollars of the state ceiling for

calendar year 2020 is unallocated and must be reserved for future allocation in accordance with applicable laws.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 5, 2019.

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### CHAPTER 3

#### H.P. 76 - L.D. 90

#### An Act To Amend the Law Governing the Membership of the Town of York Planning Board and the Town of York Appeals Board

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** current law, enacted in 1977, requires the Town of York Appeals Board and Town of York Planning Board each to have at least one member who is a resident of the York Beach geographical area; and

**Whereas,** the Town of York has had difficulty finding residents from the York Beach geographical area to serve on the appeals board and the planning board; and

**Whereas,** this continued vacancy is a barrier to the ability of the appeals board and the planning board to conduct the business of the Town of York; and

**Whereas,** other residents in the Town of York are interested in serving on these boards; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. P&SL 1977, c. 62, §10** is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 11, 2019.

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**CHAPTER 4**  
**S.P. 207 - L.D. 694**

**An Act To Amend the Charter  
of the Town of Madison's  
Department of Electric Works**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. P&SL 1975, c. 53, §8**, as amended by P&SL 1999, c. 7, §2, is repealed and the following enacted in its place:

**Sec. 8. Borrowing.** The Department of Electric Works constitutes a utility district for the purpose of borrowing amounts of money by the issuance of its revenue obligation securities for its electric works for any purpose allowed by law. Borrowing pursuant to this section must be approved by the board of directors of the electric works and, unless the vote authorizing such securities otherwise provides, bonds and notes must be signed by the board of directors and by a treasurer appointed by the board of directors for the purpose of assisting in the issuance and post-issuance requirements associated with the securities, who may also be the superintendent.

**Sec. 2. P&SL 1975, c. 53, §9**, as amended by P&SL 1995, c. 15, §1 and affected by §2, is repealed.

**Sec. 3. P&SL 1975, c. 53, §14, first ¶**, as amended by P&SL 1999, c. 7, §7, is further amended to read:

**Sec. 14. Duties of superintendent.** Subject to any specific limitations imposed by the board of directors pursuant to section 9 7, the superintendent is responsible for the daily administration and operation of the electric works department.

See title page for effective date.

**CHAPTER 5**  
**S.P. 488 - L.D. 1553**

**An Act Directing That the  
Towns Constituting Hospital  
Administrative District No. 4  
Hold a Vote on the Proposed  
Merger with Northern Light  
Health**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of

all of the members elected to each House have determined it necessary to enact this measure.

**Emergency preamble. Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, Hospital Administrative District No. 4, established pursuant to Private and Special Law 1973, chapter 76, is composed of the member communities of Abbot, Atkinson, Bradford, Cambridge, Dexter, Dover-Foxcroft, Guilford, Milo, Monson, Parkman, Sangerville, Sebec and Willimantic; and

**Whereas**, the board of directors of the district has determined that Mayo Regional Hospital, which is the hospital serving the communities in the district, is unable to continue operation in a financially sustainable manner as an independent hospital and that the best way to ensure access to necessary, high-quality, affordable health care for the people served by Mayo Regional Hospital is for the district to merge with Northern Light Health, a larger nonprofit health care system; and

**Whereas**, in order for such a merger to take place, the Legislature must amend the charter for the district; and

**Whereas**, before the legislative delegations representing the affected communities pursue legislation to amend the charter to facilitate such a merger, it is important to solicit input from the affected communities; and

**Whereas**, this legislation directs the towns of Abbot, Atkinson, Bradford, Cambridge, Dexter, Dover-Foxcroft, Guilford, Milo, Monson, Parkman, Sangerville, Sebec and Willimantic to each hold a vote on the proposed merger by May 7, 2019 and transmit the results of the vote to the board of directors of the district; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Special advisory vote on merger of Hospital Administrative District No. 4.** Notwithstanding any applicable notice requirements, each of the towns of Abbot, Atkinson, Bradford, Cambridge, Dexter, Dover-Foxcroft, Guilford, Milo, Monson, Parkman, Sangerville, Sebec and Willimantic shall hold an advisory vote no later than May 7, 2019 on the proposed merger of Hospital Administrative District No. 4 with Northern Light Health, in accordance with the agreement and plan of merger dated

March 19, 2019 between Hospital Administrative District No. 4 and Northern Light Health. Unless a town's charter otherwise provides, the vote must be taken at a town meeting. The municipal officers of each town shall invite the inhabitants of the town to give their opinion on this question by voting on the following:

"Do you favor the merger of Hospital Administrative District No. 4, which is served by Mayo Regional Hospital, with Northern Light Health, a Maine nonprofit corporation, in accordance with the agreement and plan of merger between Hospital Administrative District No. 4 and Northern Light Health dated March 19, 2019, and amending the Hospital Administrative District No. 4 charter in order to facilitate the completion of the merger?"

The results of the vote in each town must be declared by the municipal officers of the town and transmitted to the board of directors of Hospital Administrative District No. 4.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 25, 2019.

**CHAPTER 6**

**H.P. 451 - L.D. 623**

**An Act To Amend the Charter of the City of Brewer High School District**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the annual compensation for City of Brewer High School District trustees begins in fiscal year 2019-20, which begins July 1, 2019; and

**Whereas,** to conduct its official business in a financially responsible manner for the benefit of its residents, the City of Brewer must include all upcoming financial obligations in the budget prepared for fiscal year 2019-20; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. P&SL 1925, c. 4, §4, 2nd ¶, 5th sentence** is repealed and the following enacted in its place:

Beginning in fiscal year 2019-20, each trustee of the City of Brewer High School District receives equal compensation annually as determined by the council of the City of Brewer to be paid from the funds of the City of Brewer High School District.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 30, 2019.

**CHAPTER 7**

**S.P. 504 - L.D. 1585**

**An Act To Allow the City of Augusta To Adjust the Definition of "Original Assessed Value" for the City of Augusta's Performance Food Group Municipal Tax Increment Financing District and To Validate the Assessment, Commitment and Collection of Property Taxes Dedicated for the District for the Fiscal Years 2018-19 and 2019-20**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Legislature has established a municipal tax increment financing program, pursuant to the Maine Revised Statutes, Title 30-A, chapter 206, as a local economic development tool to permit municipalities to finance new development projects; and

**Whereas,** the City of Augusta may suffer financial liability because it did not timely complete the steps statutorily required for designation of a municipal tax increment financing district; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Authorization to adjust the definition of original assessed value.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5222, subsection 13, the City of Augusta may define "original assessed value" for the Performance Food Group municipal tax increment financing district designated on July 2, 2016 as the assessed value of the district as of March 31, 2016.

**Sec. 2. Authorization to adjust the start date of the district.** Notwithstanding the Maine Revised Statutes, Title 30-A, chapter 206, the effective date of the Performance Food Group municipal tax increment financing district is July 1, 2017, with a duration of up to 30 consecutive years.

**Sec. 3. Assessment, tax commitment and tax collection of property taxes dedicated for the Performance Food Group district for fiscal years 2018-19 and 2019-20 are ratified, made legal and valid.** Notwithstanding the Maine Revised Statutes, Title 36, section 504, the assessment, commitment and collection of the portion of the assessed property taxes for the fiscal years 2018-19 and 2019-20 dedicated to the Performance Food Group municipal tax increment financing district designated on July 2, 2016 is ratified, made legal and valid.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 30, 2019.

**CHAPTER 8**

**S.P. 449 - L.D. 1469**

**An Act To Amend the Charter of the Rumford-Mexico Sewerage District**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. P&SL 1971, c. 79, §17, last ¶** is amended to read:

If a surplus exists at the end of a calendar year, it may be transferred to a surplus or capital account ~~which shall that, in total, may~~ not exceed ~~\$25,000~~ \$80,000 or ~~3%~~ 10% of the total sum apportioned in the prior calendar year to the Town of Rumford and Mexico Sewer District, whichever is the larger. The trustees may add to the sinking fund, if any, so much of any excess over ~~said the~~ limitations as they determine advisable, and any remainder ~~shall~~ must be credited on an equitable basis against sums otherwise to be apportioned to the Town of Rumford, the Mexico Sewer District and any persons, firms or corporations other than ~~said the~~ town and sewer district under contract to

pay for the use of the district's facilities during the year as at the end of which ~~such the~~ surplus was ~~so~~ created.

See title page for effective date.

**CHAPTER 9**

**H.P. 863 - L.D. 1189**

**An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2020**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Allocation.** Gross revenues of the Maine Turnpike Authority for the calendar year ending December 31, 2020 must be segregated, apportioned and disbursed as designated in the following schedule.

MAINE TURNPIKE AUTHORITY	2020
<b>Administration</b>	
Personal Services	\$1,236,323
All Other	1,602,478
<hr/>	
TOTAL	\$2,838,801
<b>Accounts and Controls</b>	
Personal Services	\$3,211,944
All Other	1,425,848
<hr/>	
TOTAL	\$4,637,792
<b>Highway Maintenance</b>	
Personal Services	\$4,728,166
All Other	3,553,281
<hr/>	
TOTAL	\$8,281,447
<b>Equipment Maintenance</b>	
Personal Services	\$1,243,333
All Other	2,571,249
<hr/>	
TOTAL	\$3,814,582

**Fare Collection**

Personal Services	\$10,992,128
All Other	4,403,506
	<hr/>
TOTAL	\$15,395,634

**Public Safety and Special Services**

Personal Services	\$561,210
All Other	7,338,305
	<hr/>
TOTAL	\$7,899,515

**Building Maintenance**

Personal Services	\$671,671
All Other	642,523
	<hr/>
TOTAL	\$1,314,194

Subtotal of Line Items Budgeted \$44,181,965

General Contingency - 10% of line items budgeted for 2020 (10% allowed) \$4,418,196

**MAINE TURNPIKE AUTHORITY** 

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**TOTAL REVENUE FUNDS** \$48,600,161

**Sec. 2. Transfer of allocations.** Any balance of the allocation for "General Contingency" made by the Legislature for the Maine Turnpike Authority may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year. Any balance of any other allocation or subdivision of any other allocation made by the Legislature for the Maine Turnpike Authority that at any time is not required for the purpose named in the allocation or subdivision may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing the transfer, other than a transfer from "General Contingency," must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In the case of extraordinary emergency transfers, the 30-day prior submission requirement

may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

**Sec. 3. Encumbered balance at year-end.**

At the end of each calendar year, encumbered balances may be carried to the next calendar year.

**Sec. 4. Supplemental information.** As required by the Maine Revised Statutes, Title 23, section 1961, subsection 6, the following statement of the revenues in 2020 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2020, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

**Turnpike Revenue Bond Resolution Adopted April 18, 1991; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsections 1 and 2-A** **2020**

Debt Service Fund \$35,499,715

Reserve Maintenance Fund 40,000,000

General Reserve Fund, to be applied as follows:

Capital Improvements 24,364,145

Debt Service Fund under the General Special Obligation Bond Resolution Adopted May 15, 1996; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 2-A 2,442,250

TOTAL 

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\$102,306,110

See title page for effective date.

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**CHAPTER 10  
H.P. 1067 - L.D. 1455**

**An Act To Change the Name of  
Township 17, Range 3 to  
Van Buren Cove**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation proposes a referendum to ratify changing the name of the unorganized territory referred to currently as Township 17, Range 3, WELS, and located in Aroostook County to Van Buren Cove, and requires the referendum to be held no later than 6 months after adjournment of the First Regular Session of the 129th Legislature; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Van Buren Cove.** Wherever the designation Township 17, Range 3, WELS, appears or reference is made to that unorganized territory, that designation or reference means Van Buren Cove.

**Sec. 2. Referendum for ratification.** This Act must be submitted to the legal voters residing in the unorganized territory of Township 17, Range 3, WELS, in Aroostook County. The date of the submission must be determined by the Aroostook County Board of Commissioners but may not be later than 6 months after adjournment of the First Regular Session of the 129th Legislature. The Aroostook County commissioners are authorized to expend such funds as necessary to implement the referendum.

The county commissioners shall cause the preparation of the required ballots, on which they shall state the subject matter of this Act in the following question:

"Do you favor changing the name of Township 17, Range 3, WELS, to Van Buren Cove?"

The voters shall indicate by a cross or a check mark placed against the word "Yes" or "No" their opinion of the question.

The result of the election must be declared by the Aroostook County commissioners and due certificate filed with the Secretary of State.

**Sec. 3. Emergency clause; effective date.** In view of the emergency cited in the preamble, this legislation takes effect when approved only for the purpose of submitting it to the legal voters residing in the unorganized territory of Township 17, Range 3, WELS, in Aroostook County no later than 6 months after adjournment of the First Regular Session of the 129th Legislature. The name change in section 1 of this Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election held pursuant to section 2.

Effective pending referendum.

**CHAPTER 11  
H.P. 1248 - L.D. 1753**

**An Act Amending the Charter  
of the Boothbay-Boothbay  
Harbor Community School  
District**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. P&SL 1953, c. 156, §4, first ¶** is amended to read:

**Sec. 4. Referendum on bond issues.** When the trustees ~~shall~~ have authorized the issue of any bonds, an attested copy of the vote of the trustees ~~shall~~ must be forthwith filed with the municipal officers of each of the participating towns and published in a newspaper having a circulation in the district not later than 8 days following the day on which such vote was adopted by the trustees. A vote of the trustees authorizing an issue of bonds in the principal amount of less than \$250,000 under this ~~act shall~~ Act does not become effective before the expiration of a period of ~~15~~ 21 days from the date upon which such vote is adopted. If within said 21-day period a petition, signed by 300 registered voters of the district not less than 100 of whom ~~shall~~ must be from each participating town, ~~shall be~~ is filed with the chairman or the secretary of the board of trustees, asking that the question of whether such bonds should be issued be submitted to the voters of the district, such vote of the trustees ~~shall~~ be is further suspended from becoming effective and the trustees shall immediately reconsider such vote. If such vote is not rescinded by the trustees, the trustees shall submit the question of whether such bonds ~~shall~~ may be issued to the voters of the district at a special

meeting of the qualified voters in the district to be held in said district within 60 days of their vote using the same procedures as set forth herein for an issue of bonds in the principal amount of \$250,000 or greater under this Act. If the trustees vote to authorize an issue of bonds in the principal amount of \$250,000 or greater under this Act, the trustees shall submit the question of whether such bonds may be issued to the voters of the district at a special meeting of the qualified voters in the district to be held in said district within 60 days of their vote. Said special meeting shall must be called and held as provided in section 16 hereof except that the notice shall must set forth the vote of the trustees authorizing said bonds, the approval or disapproval of the issue of which is to be submitted to the voters of the district, together with the proposed form of the ballot to be used at such special meeting. At such special meeting the vote on the question of whether such bonds shall may be issued shall must be by ballot, the form of which shall must be substantially as follows:

**Sec. 2. P&SL 1953, c. 156, §9,** as amended by P&SL 1969, c. 27, §3 and P&SL 1975, c. 28, is further amended to read:

**Sec. 9. Application of general law; certain exceptions.** The community schools, for which provision is herein made, when established shall be are considered the official schools of the participating towns to the extent consistent with action taken pursuant to sections 18 and 18-A and all provisions of general law relating to public education shall, so far as applicable, apply to said schools. Teaching positions, special courses and other basis for allocations to towns because of this school, shall must be divided according to the ~~proportional~~ proportional assessment of each participating town for operating expenses as determined in section 13 of this ~~act~~ Act. Unless a specific procurement method is otherwise provided for by state law, a competitive bidding process must be used for any procurement of the district in the amount of \$20,000 or greater, in which bids from competing contractors, suppliers or vendors must be invited by openly advertising the scope, specifications and terms and conditions of the proposed contract as well as the criteria by which the bids will be evaluated. Transportation of pupils shall must be provided by the district as provided by law and the expenditure for transportation shall be is considered an expense of operation of the schools. Tuition charges for pupils from outside the district accepted at this school shall must be determined by the trustees, notwithstanding other provisions in the general law; ~~provided, however, except that~~ such tuition shall may not exceed the average cost per pupil paid by a participating town for the year preceding the year for which the tuition is paid, as determined by the trustees.

**Sec. 3. P&SL 1953, c. 156, §12, 2nd sentence** is amended to read:

Said voters may determine and include in said capital budget the sum, if any, to be set aside in the current year for a capital reserve fund; ~~provided, however, except that the an amount which may up to \$140,000 for a capital reserve fund must be set aside in any one year shall not exceed \$12,500 for the 2020 fiscal year,~~ which runs from July 1, 2019 to June 30, 2020. For each fiscal year after 2020 the capital reserve fund set-aside amount must equal the greater of the prior year's set-aside amount or the prior year's set-aside amount adjusted by the percentage change in the Consumer Price Index for the most recently concluded calendar year.

See title page for effective date.

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## CHAPTER 12

### H.P. 1247 - L.D. 1752

#### An Act To Amend the Charter of the Boothbay Harbor Sewer District

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. P&SL 1961, c. 161,** as enacted by P&SL 1961, c. 161; and amended by P&SL 1971, c. 54; P&SL 1991, c. 81, §1; P&SL 1993, c. 59, §1; P&SL 1997, c. 14, §1; and P&SL 2005, c. 34, §§1 and 2, is further amended to read:

**Sec. 1. Territorial limits; incorporation.** The territory and the inhabitants of the Town of Boothbay Harbor in the County of Lincoln and the territory and the inhabitants of the Town of Boothbay in the County of Lincoln constitute a public sewerage district and a body politic and corporate under the name of "Boothbay Harbor Sewer District." The purpose of this district, subject to the provisions of section 10, is to take over, control, operate and manage the sewers now owned by the Town of Boothbay Harbor with all appurtenances thereto; to extend, increase, enlarge and improve these sewers; to extend the present system or systems so as to furnish sewerage facilities to parts of the district not now served with those facilities; to provide for removal and treatment of sewage when, as and if that treatment becomes necessary; and generally to construct, maintain, operate and provide a system of sewerage, sewage disposal and sewage treatment for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the district.

**Sec. 2. Authority to locate, construct and maintain; coordination with municipal planning.** Within said territory and the territory of any adjoining municipality, said Boothbay Harbor Sewer District is authorized to lay pipes, drains, sewers and conduits, and to take up, repair and maintain the same

or to contract for the same to be done, in, along and through any public or private ways and public grounds, and in, along and through lands of any person or corporation as hereafter provided, to and into tidal waters, rivers, watercourses or treatment works or to or into any drain or sewer now or hereafter built which empties into tidal waters, rivers, watercourses or treatment works, the discharge therefrom to be at such points consistent with the requirements of public health as shall be found convenient and reasonable for said district and the flow of existing watercourses; to locate, construct and maintain treatment works, pumping stations, basins, reservoirs, flush tanks and such other appliances for collecting, holding, purifying, distributing and disposing of sewage matter, commercial and industrial waste and, subject to the provisions of section 10, of surface and waste water, all as may be necessary or proper; and in general, do any or all other things necessary or incidental to accomplish the purposes of this act.

The coordination of municipal planning and sewer extension planning is governed by the Maine Revised Statutes, Title 38, section 1037, subsection 1.

**Sec. 3. Authority to acquire and hold property; right of eminent domain conferred.**

Upon acceptance of this act as hereafter provided, and subject to the provisions of section 10, title to all public sewers in the Town of Boothbay Harbor shall forthwith pass to and be vested in said district, and said district thereafter shall maintain and operate the same. The said district is authorized and empowered to acquire and hold real and personal property necessary or convenient for the purposes of this act, and is expressly granted the right of eminent domain, and for the purposes of this act is authorized to take and hold, either by exercising its right of eminent domain, or by purchase, lease or otherwise, as for public uses any land, real estate, easements or interests therein, and any sewers, drains or conduits and any sewer or drainage rights necessary for constructing, establishing, maintaining and operating sewers, drains, reservoirs, flush tanks, manholes, catch basins, treatment works, pumping stations and other appliances and property used or useful for collecting, holding, purifying, distributing and disposing of sewage matter and industrial waste and surface and waste waters. Nothing herein contained should be construed as authorizing said district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or required for future use by the owner thereof in the performance of a public duty, unless expressly authorized by subsequent act of the Legislature.

**Sec. 3-A. Authority to acquire and hold property; right of eminent domain conferred; procedures; damages.** The authority and procedures for the exercise of eminent domain are governed by the Maine Revised Statutes, Title 38, section 1040.

**Sec. 4. Notice; procedure under eminent domain.** In exercising from time to time the right of eminent domain conferred upon it, said district, by its board of trustees, shall file in the office of the county commissioners of Lincoln County and cause to be recorded in the registry of deeds in said county plans of the location of all lands, real estate, easements or interest therein, and sewers, drains or conduits and any sewer or drainage rights to be taken, with an appropriate description and the names of the owners thereof, if known. When for any reason the district fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective and uncertain, it may, at any time, correct and perfect such location and file a new description thereof; and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of 10 days from such filing, whereupon possession may be had of all said lands, real estate, easements or interests therein and other property and rights as aforesaid to be taken, but title thereto shall not vest in said district until payment therefor.

**Sec. 5. Assessment of damages by county commissioners; procedure on appeals.** If any person sustaining damages by any taking as aforesaid shall not agree with said district upon the sum to be paid therefor, either party, upon petition to the county commissioners of Lincoln County, may have said damages assessed by them; the procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways.

**Sec. 6. Limitations on crossing a public utility.** In case of crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by said district, the Public Utilities Commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district. If any sewer line of the district as provided above crosses the property or line of any railroad corporation, the procedure is the same as stated in the previous sentence, except that the Department of Transportation must be substituted for the Public Utilities Commission. Nothing herein contained shall be construed as authorizing said district to take by right of eminent domain any of the property or facilities of any other public service corporation or

district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized herein or by subsequent act of the Legislature.

**Sec. 7. Rights of abutters or others to enter.** A person not otherwise required to connect a private sewer into a sewer of the district may connect to the district's sewer if that person obtains a permit from the district and pays any charges required by this section. Any such person may enter ~~his~~ the private sewer into any sewer of the district while the same is under construction and before completion of said sewer at the point of entry, and before an entrance charge is established, on obtaining a permit in writing from the ~~trustees superintendent of the district;~~ but after the sewer is completed to the point of entry and an entrance charge established on that location, no such person shall enter ~~his~~ the private sewer into such sewer until ~~he~~ the person has paid the entrance charge and obtained a permit in writing from the ~~trustees superintendent~~ as aforesaid. All such permits shall be recorded by the clerk of the district in its records before the same are issued.

**Sec. 8. Contracts with municipalities authorized.** The said district is authorized to contract with persons, corporations, districts ~~and other, utilities,~~ municipalities, ~~both the State or other governmental entity whether located inside and or outside the boundaries of the district, including the Town of Boothbay Harbor and the Town of Boothbay,~~ to provide for disposal of sewage and commercial and industrial waste through the district's system and through the system of any such person, corporation, district ~~or other, utility or municipality or the State or other governmental entity;~~ and said Town of Boothbay Harbor ~~is~~ and Town of Boothbay are authorized to contract, individually or together, with said district for the collection, distribution and disposal of sewage, ~~surface water~~ and other waste matter, and for said purposes, said ~~town~~ towns may raise money as for other municipal charges.

**Sec. 9. Excavation or repair work, closing of ways.** Whenever said district shall enter, dig up or excavate any public way or other land for the purpose of laying its sewers, drains or pipes, constructing man-holes or catch basins or their appurtenances, or maintaining the same, or for any other purpose, the work shall be expeditiously done with the least possible interruption, and on completion of the work, the district shall restore said way or land to the condition it was in prior to such work, or to a condition equally as good.

Whenever the character of the work is such as to endanger travel on any public way, the municipal officers of the Town of Boothbay Harbor, the Town of Boothbay or the Department of Transportation, as appropriate, may order a temporary closing of such way,

and of any intersecting way, upon request of said district, and the way shall remain closed to public travel until said municipal officers or officials of the department deem it is restored to a condition safe for traffic.

**Sec. 10. Surface water facilities; joint facilities; separation of same.** Any other provision of this act to the contrary notwithstanding, the said district shall be under no duty or obligation to construct, maintain, improve, extend or provide drains, pipes, catch basins or any other facilities for storm or surface water drainage, and all drains, pipes, catch basins or other facilities owned by ~~said the~~ Town of Boothbay Harbor or the Town of Boothbay and used exclusively for storm or surface water drainage shall remain the property of ~~said the~~ town, and no such drain, pipe, catch basin or other facility shall be transferred to the district to be thereafter maintained and operated by the district without the joint approval of the ~~selectmen municipal officers of said the~~ Town of Boothbay Harbor or the Town of Boothbay and the trustees of said district. Any sewer or drain owned by said Town of Boothbay Harbor at the time of acceptance of this act and used for both sanitary sewage disposal and storm and surface water drainage shall pass to and be vested in said district, and said district shall be entitled to charge said town for the use of the same for storm or surface water drainage at such rates as the trustees may determine. No additional catch basins or other facilities draining into any such combined sewer or drain shall be constructed without the approval of said trustees. If and when the district shall construct and provide a sewer or drain which permits separation of sanitary sewage previously disposed of through any such combined sewer or drain, the said district, by vote of the trustees, shall transfer and convey back to said Town of Boothbay Harbor the facilities for storm and surface water drainage.

**Sec. 10-A. Lease of property.** The lease of property by the district is governed by the Maine Revised Statutes, Title 38, section 1045.

**Sec. 11. Free access to premises.** The officers or agents of the district shall have free access to all premises served by its sewers, at all reasonable hours, for inspection of plumbing and sewage fixtures, to ascertain the quality and quantity of sewage discharged and the manner of discharge, and to enforce the provisions of this act and the rules and regulations prescribed by the trustees hereunder.

**Sec. 12. Buildings to connect with sewer if available.** Every ~~Every~~ Except as provided in this section, upon receiving a request from the district to connect a building in the district intended for industrial, business or recreational use or for human habitation or occupancy which or that has facilities for discharge or disposal of waste water or commercial or industrial waste and that is located within 400 200 feet of a public sewer on property abutting on a street or way in which

there is a public sewer, or any such building within ~~100~~ 200 feet of a public sewer, shall have a house drainage system which shall be caused to be connected with the sewer by the owner or person against whom taxes on the premises are assessed in the most direct manner possible the owner of that building shall arrange to have the building connected through a sanitary sewer or drainage system to the district's accessible sewer or drain within 90 days after receiving request therefor from the district, or within such further time as the trustees of the district may grant, and, if feasible, with a separate connection for each house or building; provided, however, that existing buildings which are already served by a satisfactory private sewer system which meets and continues to meet, in the judgment of the trustees, the applicable requirements of the State Plumbing Code and all applicable laws and ordinances shall not be required to connect with the public sewer connections for existing buildings which are already served by a private sewer system are governed by the Maine Revised Statutes, Title 38, section 1046, subsection 4. A person who receives a notice in accordance with this section to connect to a building and fails to connect to the building in accordance with this section is subject to a civil penalty not to exceed \$2,500, payable to the district. This penalty is recoverable in a civil action.

**Sec. 13. Sanitary provisions and penalty for violations.** Any A person who shall may not place, discharge or leave any offensive or injurious matter or material on or in the conduits, catch basins or receptacles of said district contrary to its regulations; or shall willfully knowingly injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by said district for the purposes of this act shall be liable to pay twice the amount of the damages to said district, to be recovered in any proper action; and such person, on conviction of any of said acts or willful injury aforesaid and any person who violates the provisions of sections 11 or 12, shall be punished by a fine not exceeding \$200 or by imprisonment not exceeding one year, or by both. A person who violates this section is liable to pay twice the amount of the damages to the district to be recovered in any proper action and is subject to a civil penalty not to exceed \$2,500 for each violation, payable to the district. The civil penalty is recoverable in a civil action. Penalty for violation of standards by an industrial user is governed by the Maine Revised Statutes, Title 38, section 1046, subsection 1.

**Sec. 14. Trustees and officer; tenure of office; election to office; organization; vacancies; compensation.** All of the affairs of said the district shall be are managed by a board of 3 trustees, who must be residents therein, who shall be chosen as hereinafter provided of the district.

~~As soon as may be after acceptance of this act, the municipal officers of the Town of Boothbay Harbor shall appoint 3 trustees of said district to hold office as follows: one to serve until the first annual meeting of said town following the acceptance of this act; one to serve until the 2nd annual meeting of said town following such acceptance; and one to serve until the 3rd annual meeting of said town following such acceptance. At each annual meeting of said town, beginning with the first annual meeting after acceptance of this act, one trustee shall be elected by ballot as hereafter provided to serve until the annual meeting of said town occurring 3 years thereafter and until his successor is elected and qualified. When any trustee ceases to be a resident of said district, he vacates his office as trustee. All trustees, if residents of said district, shall be eligible for reelection or reappointment.~~

The nomination of all candidates for trustee to be elected as provided by this act shall be by nomination papers signed in the aggregate for each candidate by not less than 25 nor more than 50 qualified voters resident in said district. Each voter signing a nomination paper shall make his signature in person, and each voter may subscribe to as many nominations as there are trustees to be elected in said district and no more. Such nomination papers, before being filed, shall be submitted to the town clerk of the Town of Boothbay Harbor, who shall forthwith certify thereon that number of the signatures which are names of qualified voters resident in said district. One of the signers to each such separate paper shall swear to the truth thereon, and the certificate of such oath shall be annexed to or made upon the nomination papers. Such nomination papers shall be filed with the town clerk of the Town of Boothbay Harbor not less than 14 days, exclusive of Sundays, previous to the day of such election. With such nomination papers shall also be filed the consent in writing of the person or persons nominated. All nomination papers, being filed and being in apparent conformity with the foregoing provisions, shall be deemed to be valid. If not in apparent conformity, they may be seasonably amended under oath. In case any candidate who has been duly nominated under the provisions hereof shall die before the day of election, or shall withdraw in writing, or shall remove his place of residence from said district, the vacancy may be supplied in the manner herein provided for such nominations, except that the time limit for filing such nomination papers shall not apply. The name so supplied for the vacancy shall, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or if the ballots have been printed, new ballots containing the new nomination shall, if practical, be furnished, or slips containing the new nomination shall be printed under the direction of the town clerk which shall be pasted upon said ballots and over the name of the candidate whose nomination has been vacated as aforesaid, and thereafter shall become part of said ballots as if originally printed thereon. The

ballot in said district shall contain the names of all candidates so nominated in such district alphabetically arranged, printed in one column under the heading "For Trustee of the Boothbay Harbor Sewer District." Above such heading shall be printed "Vote for ????" (the number to be elected to be inserted therein). Make a cross or a check mark to the right of the name(s) voted for." As many blank spaces shall be left after the names of the candidates as there are trustees to be elected in which the voter may, by writing, insert the name of any person or persons for whom he desires to vote. In preparing his ballot the voter shall mark a cross (X) or a check mark (v) against and to the right of such names on the ballot as he desires to vote for, not to exceed the number of trustees so to be elected in said district. At each annual meeting of said Town of Boothbay Harbor, balloting for trustee of said district shall take place concurrently with balloting for the municipal officers of said town, but separate ballots shall be provided for the balloting for trustee of the district as hereinbefore provided. The result of such election shall be declared by the selectmen of said Town of Boothbay Harbor and due certificate thereof filed with the town clerk and the clerk of the district. The district shall reimburse the town for the expense of any district election.

As soon as convenient after their appointment, the first board of trustees shall hold a meeting at some convenient place in the district, to be called by any member thereof in writing, designating the time and place and delivered in hand to the other 2 members not less than 2 full days before the meeting; provided, however, that they may meet by agreement without such notice. At this original meeting the trustees shall organize by electing from their own members a chairman, a treasurer and a clerk and adopting a corporate seal. The trustees may adopt and establish by laws, consistent with the laws of the State of Maine and necessary for their own convenience and the proper management of the affairs of the district, and perform any other acts within the powers delegated to them by law.

Within one week after each annual election, the trustees shall meet for the purpose of electing a chairman, treasurer and clerk to serve for the ensuing year and until their successors are elected and qualified. The trustees from time to time may choose and employ, and fix the compensation of, any other necessary officers and agents who shall serve at their pleasure. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost thereof to be paid by the district.

Members of the board of trustees shall be eligible to any office under the board. The trustees, as such, shall serve without compensation; but the treasurer may be allowed such compensation as the trustees shall determine.

The trustees shall be sworn to the faithful performance of their duties as such, which shall include the duties of any member who shall serve as clerk or clerk pro tem. They shall make and publish an annual report, including a report of the treasurer, and such report may be included in, and published as part of, the town report.

Vacancies in the office of trustee from whatever cause shall be filled by appointment by the remaining trustees until the next annual election. If at any annual election there shall exist a vacancy in an unexpired term, a trustee shall be elected to fill such vacancy for such unexpired term, and the voters of the district shall cast their ballots as hereinbefore prescribed, voting for as many candidates as there are offices to be filled.

1. Nominations and elections of trustees must be conducted in accordance with the laws relating to municipal elections in the Maine Revised Statutes, Title 30-A, chapter 121, and all elections must be conducted by secret ballot in accordance with Title 30-A, section 2528.

When the term of office of a trustee expires, the trustee's successor is elected at large by a plurality vote of the voters of the district. For the purpose of election, a special election must be called and held on the date established by the trustees. The election must be called by the trustees of the district in the same manner as town meetings are called and, for this purpose, the trustees are vested with the powers of municipal officers.

The trustees shall acquire a complete list of all the registered voters residing in the district. The trustees may acquire this list from the registrar of any town within the district. The towns may charge a fee for providing the list. The list acquired by the trustees governs the eligibility of a voter, since a voter eligible to vote for trustees and on district matters generally must be a voter in the town from which the trustee is elected. Voters who reside outside the territorial limits of the district, as defined in this act, are not eligible voters. All warrants issued for elections by the trustees must show that only the voters residing within the territorial limits of the district are entitled to vote.

2. When any trustee ceases to be a resident of the district, that trustee vacates the office as trustee. A trustee, if a resident of the district, is eligible for reelection or reappointment. A person who is a municipal officer, as defined in the Maine Revised Statutes, Title 30-A, section 2001, subsection 10, of either of the towns located within the district is not eligible for appointment, nomination or election as a trustee of the district.

3. The trustees may adopt and establish bylaws, consistent with the laws of the State of Maine and necessary for their own convenience and the proper man-

agement of the affairs of the district, and perform any other acts within the powers delegated to them by law.

4. Within 2 weeks after each annual election, the trustees shall meet for the purpose of electing a chair, treasurer and clerk to serve for the ensuing year and until their successors are elected and qualified. The trustees from time to time may choose and employ, and fix the compensation of, any other necessary officers and agents who shall serve at their pleasure. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost thereof to be paid by the district.

5. The trustees of the district receive compensation in accordance with the Maine Revised Statutes, Title 38, section 1036, subsection 7.

6. The trustees must be sworn to the faithful performance of their duties as such, which must include the duties of any member who serves as clerk or clerk pro tem. They shall make and publish an annual report, including a report of the treasurer, and such report may be included in, and published as part of, the town report.

7. Business of the district must be conducted in accordance with the applicable provisions of the Freedom of Access Act.

8. Vacancies in the office of trustee from whatever cause must be filled by appointment by the remaining trustees until the next annual election. If at any annual election there exists a vacancy in an unexpired term, a trustee must be elected to fill such vacancy for such unexpired term, and the voters of the district shall cast their ballots as hereinbefore prescribed, voting for as many candidates as there are offices to be filled.

**Sec. 15. Special meetings; qualifications of voters of district.** Special meetings of the district may be called by the board of trustees at any time, and notice of special meetings, stating the place and time thereof and the business to be transacted thereat, shall be signed by the chairman or clerk of the board of trustees and shall be conspicuously posted in at least 2 public places within the district, not less than 7 days inclusive of Sundays, before the meeting. Any such meeting may be adjourned from time to time by vote of the qualified voters present thereat, though less than a quorum, and without notice of the time and place of the adjourned session, other than announcement at the meeting. Twenty five persons qualified to vote in such meetings shall constitute a quorum. All meetings of the district shall be presided over by a moderator chosen in the same manner and with the same authority as moderators of town meetings. All persons resident in said district and qualified to vote for Governor under the laws of this State shall be entitled to vote in any meeting of the district, including the meeting for acceptance of this charter.

**Sec. 16. Property tax exempt.** The property, both real and personal, rights and franchises of said district shall be forever exempt from taxation.

**Sec. 17. Authorized to receive government aid, borrow money, issue bonds and notes.** For accomplishing the purposes of this act, said district, by vote of its board of trustees, without district vote ~~except as hereinafter provided~~, is hereby authorized to borrow money temporarily and to issue therefor its negotiable notes, and for the purpose of renewing and ~~refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including organizational and other necessary expenses and liabilities whether incurred by the district or the Town of Boothbay Harbor,~~ the district being authorized to reimburse said Town of Boothbay Harbor for any such expense incurred or paid by it, and in acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating a sewage plant or system and making renewals, additions, extensions and improvements to the same and to cover interest payments ~~during the period of construction, said Boothbay Harbor Sewer District, by votes of its board of trustees,~~ without district vote except as hereinafter provided, is also hereby authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine receive government aid, borrow money, hold funds and issue, secure and refund bonds and notes as set forth in the Maine Revised Statutes, Title 38, section 1052 and subject to all requirements therein. All bonds, notes or other evidences of indebtedness issued under this act and the transfer of and the income from those bonds, notes or other evidences of indebtedness, including any profit made on the sale, are exempt from taxation in the State. Bonds and notes issued by the district under this section are securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies and associations and other persons carrying on an insurance business, trust companies, banks, bankers, banking associations, savings banks and savings associations, including savings and loan associations, credit unions, building and loan associations, investment companies, executors, administrators, trustees and other fiduciaries, pension, profit-sharing and retirement funds, and other persons carrying on a banking business, and all other persons authorized to invest in bonds or other obligations of the State may properly and legally invest funds, including capital in their control or belonging to them. The bonds and notes are securities that may properly and legally be deposited with and received by any state, municipal or public officer, or any agency or political subdivision of the State, for any purpose for which the deposit of bonds or other obligations of the State is authorized by law. The total indebtedness of the dis-

trict at any one time outstanding may not exceed the sum of \$8,500,000. In the case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, for the cost of a sewage plant or system or part thereof, for renewals or additions or for other improvements in the nature of capital costs, the estimated cost of which singly or in the aggregate is \$50,000 or more, but not for renewing or refunding existing indebtedness or to pay for maintenance, repairs or for current expenses, notice of the proposed debt, the general purpose or purposes for which it was authorized and of the date of a special district meeting for the purpose of voters of the district voting thereon shall be given by the clerk by publication at least once in a newspaper having a general circulation in the Town of Boothbay Harbor. After 7 full days following the date on which such notice was first published the trustees shall hold a special district meeting for the purpose of permitting the voters of the district to express approval or disapproval of the amount of debt so authorized. If at such district meeting a majority of voters present and voting thereon expresses disapproval of the amount of debt authorized by the trustees, the said debt shall not be incurred and the vote of the trustees authorizing the same shall be void and of no effect. If at such district meeting a majority of voters present and voting thereon expresses disapproval of the amount of debt authorized by the trustees, the said debt shall not be incurred and the vote of the trustees authorizing the same shall be void and of no effect. Said bonds, notes and evidences of indebtedness may be issued to mature serially in annual installments of not less than 1% of the face amount of the issue and beginning not later than 2 years from the date thereof, or made to run for such periods as the trustees may determine, but no issue thereof shall run for a longer period than 40 years from the date of original issue thereof. Bonds, notes or evidences of indebtedness may be issued with or without provision for calling the same prior to maturity, and if callable may be made callable at par or at such premium as the trustees may determine. All bonds, notes or other evidences of indebtedness shall have inscribed upon their face the words "Boothbay Harbor Sewer District," shall be signed by the treasurer and countersigned by the chairman of the board of trustees of the district, and if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile of the signature of the treasurer. All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is hereby declared to be a quasi municipal corporation within the meaning of the Revised Statutes of 1954, chapter 90 A, section 23, as amended, and all provisions of said section shall be applicable thereto. The said district may, from time to time, issue in one series or in separate series, its bonds, notes and other evidences of indebtedness, for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each

authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by said district shall be legal investments for savings banks in the State of Maine and shall be tax exempt. The said district is authorized and empowered to enter into agreements with the State or Federal Government, or any agency of either, or any corporation, commission or board authorized by the State or Federal Government to grant or loan money to or otherwise assist in the financing of projects such as the district is authorized to carry out, and to accept grants and borrow money from any such government agency, corporation, commission or board as may be necessary or desirable to enforce the provisions of this act. The district may increase this debt limit by referendum as provided by Title 38, section 1054.

**Sec. 18. Sinking fund provided for; investments.** In case any of said bonds or notes are made to run for a period of years, a sinking fund shall be established by the trustees of said district for the purpose of redeeming said bonds or notes when they become due and a sum equal to not less than 1% of the aggregate principal of the outstanding bonds or notes issued on account of or in behalf of said district, as aforesaid, shall be turned into said sinking fund each year to provide for the final extinguishment of said district funded debt.

The money set aside for the sinking fund shall be devoted to the retirement of said notes and bonds, and shall be used for no other purposes, and shall be invested in such securities as savings banks are allowed to hold.

Whenever any bonds of said district become due, or can be purchased by said trustees on favorable terms, said trustees shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds, and cancel them. In no case shall bonds so cancelled or redeemed be reissued.

In case the amount in said sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time, authority to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund is hereby granted to said trustees.

The district may invest its funds, including the sinking fund, reserve funds and trust funds, in accordance with the Maine Revised Statutes, Title 38, section 1055.

**Sec. 19. Rates and tolls; application of revenues.** All persons, firms and corporations, whether public, private or municipal, shall pay to the treasurer of said district the rates, tolls, rents, entrance charges and other lawful charges established or revised by the trustees for the sewer or drainage service used or available with respect to their real estate, which rates shall be fair and reasonable charges for

connection with and for the use of the sewer or drainage service and may include a charge for the district's readiness to serve to be charged against owners of real estate abutting on or accessible to sewers or drains of the district but not actually connected thereto, whether or not such real estate is improved. In establishing or revising such rates, tolls, rents or charges, the trustees may classify the property connected or to be connected with the sewerage or drainage system and may give consideration to any factors relating to kind, quality or extent of use of any such property or qualification of property including: (a) the volume of water discharged into the sewerage or drainage system; (b) the type and size of buildings connected with such system; (c) the number of plumbing fixtures connected with such system; (d) the number of persons customarily using the property served by such system; (e) in the case of commercial or industrial property, the average number of employees, customers and guests using the property; and (f) the quality and character of the material discharged into the sewerage or drainage system. The trustees may establish minimum charges in connection with and for the use of a sewerage or drainage system.

Rates, tolls, rents and entrance charges shall be uniform within the district whenever the cost to the district of installation and maintenance of sewers and drains and their respective appurtenances and the cost of service is substantially uniform; ~~but nothing in this act shall preclude~~ except that the district from establishing may establish a higher rate, toll, rent or entrance charge than the regular rates, tolls, rents and entrance charges in sections where, for any reason, the cost to the district of construction and maintenance, or the cost of service, exceeds the average, ~~but such as long as the higher rates, tolls, rents and entrance charges shall be~~ are uniform throughout the sections where they apply, and trustees may reduce the impact or connection fee for sewer service to newly constructed affordable housing in accordance with the Maine Revised Statutes, Title 38, section 1048, subsection 1, paragraph B.

Adoption of a new rate schedule is governed by the Maine Revised Statutes, Title 38, section 1048, subsection 5.

The sewer rates, tolls, rents and entrance charges shall be so established as to provide revenue for the following purposes:

I. To pay the current expenses for operating and maintaining the sewerage, drainage and treatment system;

II. To ~~provide for the payment of interest on the indebtedness created~~ pay the principal of and premium, if any, and interest on all bonds and notes issued by the district;

III. To ~~provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness~~

~~created by said district, which sum shall be used to pay serial bonds or notes when due or be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. Money set aside for the sinking fund shall be devoted to the retirement of the obligations of said sewer district, and invested in such securities as savings banks in this State are allowed to hold~~ create and maintain reserves as may be required by any trust agreement or resolution securing bonds and notes;

IV. ~~If any surplus remains at the end of the year, it may be turned into the sinking fund. To provide funds for paying the cost of all necessary repairs, replacements and renewals of the sewerage, drainage and treatment systems of the district;~~

V. To pay or provide for all amounts that the district may be obligated to pay or provide for by law or contract, including any resolution or contract with or benefit of the holder of its bonds and notes; and

VI. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by said district, which sum shall be used to pay serial bonds or notes when due or be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. Money set aside for the sinking fund shall be devoted to the retirement of the obligations of said sewer district and invested in such securities as savings banks in this State are allowed to hold. If any surplus remains at the end of the year, it may be turned into the sinking fund.

**Sec. 20. Sewer extensions; assessment against lot benefited.** Sewer extensions are governed by the Maine Revised Statutes, Title 38, section 1042. When the district has constructed and completed a common sewer, the trustees may, if they so determine, in order to defray a portion of the expense thereof, determine what lots or parcels of land, whether or not buildings or other structures are located thereon or whether or not they are otherwise improved, are benefited by such main or sewer, and estimate and assess upon such lots and parcels of land, and against the owner thereof, or person in possession or against whom taxes thereon are assessed, whether said person to whom the assessment is so made shall be the owner, tenant, lessee or agent, and whether the same is occupied or not, such sum not exceeding such benefit as they may deem just and equitable towards defraying the expenses of constructing and completing such sewer, together with such sewage disposal units and appurtenances as may be necessary, the whole of such assessments not to exceed 1/2 of the cost of such sewer and sewage disposal units. The trustees shall file with the clerk of the district the location of such sewer and sewage disposal unit, with a profile description of the same, and a statement of the amount assessed upon each lot or parcel of land so assessed, a description of each lot or parcel, and the name of the

owner of such lots or parcels of land of person against whom said assessment shall be made, and the clerk of such district shall record the same in a book kept for that purpose, and within 10 days after such filing, each person so assessed shall be notified of such assessment by having an authentic copy of said assessment, with an order or notice signed by the ~~clerk of said district chair of the board of trustees~~, stating the time and place for a hearing upon the subject matter of said assessments, given to each person so assessed or left at ~~his the person's~~ usual place of abode in said district. If ~~he such person~~ has no place of abode in said district, then such notice shall be given or left at the abode of ~~his the person's~~ tenant or lessee if ~~he the person~~ has one in said district. If ~~he such person~~ has no such tenant or lessee in said district, then notice must be given by posting said notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed; at least 30 days before said hearing; or such notice may be given by publishing the same once a week, for 3 successive weeks in any newspaper of general circulation in said district, the first publication to be at least 30 days before said hearing. A return made upon a copy of such notice by any constable in said Town of Boothbay Harbor or the Town of Boothbay or the production of the paper containing such notice shall be conclusive evidence that said notice has been given, and upon such hearing the trustees shall have power to revise, increase or diminish any of such assessments, and all such revisions, increases or diminutions shall be in writing and recorded by the clerk of the district.

**Sec. 21. Right of appeal.** Any person ~~aggrieved by dissatisfied with~~ the decision of said trustees as it relates to any assessment for sewer construction shall have the same rights of appeal as are provided ~~in the case of laying out of town ways by the Maine Revised Statutes, Title 30-A, section 3443, as amended.~~

**Sec. 22. Assessments; lien; enforcement.** All assessments made under the provisions of section 20 shall create a lien upon each and every lot or parcel of land so assessed and the buildings upon the same, which lien shall take effect when the trustees file with the clerk of the district the completed assessment, and shall continue for one year thereafter; ~~and within~~ Within 10 days after the date of hearing on said assessment, the clerk of the district shall make out a list of all such assessments, the amount of each, and the name of the person against whom the same is assessed, and ~~he~~ shall certify the list and deliver it to the treasurer of said district. If said assessments are not paid within 3 months from the date thereof, the treasurer may bring ~~an a civil~~ action of ~~debt~~ for the collection of said assessment in the name of the district against the person against whom said assessment is made and for the enforcement of said lien. ~~Such action shall be begun by writ of attachment commanding the officer serving it to specially attach the real estate upon which~~

~~the lien is claimed, which shall be served as other writs of attachment to enforce liens on real estate.~~ The ~~declaration~~ complaint in such action shall contain a statement of such assessment, a description of the real estate against which the assessment is made, and an allegation that a lien is claimed on said real estate to secure the payment of the assessment. If no service is made upon the defendant or it shall appear that any other persons are interested in such real estate, the court shall order such further notice of such action as appears proper, and shall allow such other persons to become parties thereto. If it shall appear upon trial of such action that such assessment was legally made against said real estate, and is unpaid, and that there is an existing lien on said real estate for the payment of such assessment, judgment shall be rendered for such assessment, interest and costs of suit against the defendants and against the real estate upon which the assessment was made, and execution issued thereon to be enforced by sale of such real estate in the manner provided for a sale on execution of real estate attached on original ~~writs~~ process; provided that in making said sale, the officer shall follow the procedure in selling and conveying and there shall be the same rights of redemption as are provided in the Maine Revised Statutes of 1954, chapter 91-A Title 36, section 87, as amended 941.

**Sec. 23. Additional method of collection of assessments.** If assessments under section 20 are not paid, and said district does not proceed to collect unpaid assessments by a ~~sheriff's sale of the real estate upon which such assessments are made~~ proceedings under section 22, or does not collect or is any manner delayed or defeated in collecting such assessments by ~~a sheriff's sale of said real estate~~ proceedings under section 22, then the ~~treasurer~~ district, in ~~the its~~ name of ~~said district~~, may maintain ~~an a~~ civil action against the party so assessed for the amount of said assessment, as for money paid, laid out and expended, in any court of competent jurisdiction, and in such suit may recover the amount of such assessment with 10% interest on the same from the date of said assessment and costs.

**Sec. 24. Assessments paid by other than owner, how recovered.** When any assessment under section 20 shall be paid by any person against whom such assessment has been made, who is not the owner of such lot or parcel of land, then the person so paying the same shall have a lien upon such lot or parcel of land with the buildings thereon for the amount of said assessment so paid by said person, and incidental charges, which lien shall continue for one year and which lien may be enforced in ~~an a~~ civil action of ~~assumpsit as for money paid, laid out and expended,~~ and by attachment in the way and manner provided for the enforcement of liens upon buildings and lots under the Maine Revised Statutes of 1954, chapter 178 Title 10.

**Sec. 25. Lien for payment of rates.** There shall be a lien on real estate served or benefited by the sewers of the district to secure the payment of rates established and due under section 19, which shall take precedence of all other claims on such real estate, excepting only claims for taxes. Real estate for the purposes of this act shall have the same definition as given in the Revised Statutes of 1954, chapter 91-A, section 4, as amended means an identified parcel of land and its improvements, if any, including, but not limited to, a mobile home.

When a rate, toll, rent or other charge has been committed to the treasurer of the Boothbay Sewer District for collection, the treasurer may, after the expiration of 3 months and within one year after the date when the charge became due and payable, give to the owner of the real estate served, or leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the owner's last known address, a written notice signed by the treasurer or bearing the treasurer's facsimile signature stating the amount of that rate, toll, rent or other charge, describing the real estate upon which the lien is claimed and stating that a lien is claimed to secure payment of the charge and demanding payment within 30 days after service or mailing of the notice plus \$1 for the treasurer for mailing the notice together with the certified mail, return receipt requested fee. The notice must contain a statement that the district is willing to arrange installment payments of the outstanding debt. For the purpose of this section, a mobile home is defined as real estate. After the expiration of the 30 day period and within one year, the treasurer shall record in the Lincoln County Registry of Deeds a certificate signed by the treasurer setting forth the amount of the rate, toll, rent or other charge, and a description of the real estate on which the lien is claimed, stating that a lien is claimed to secure payment of the charge and that notice and demand for payment of the charge has been given or made in accordance with the provisions of this section, and that the charge remains unpaid. At the time of the recording of a certificate in the Registry of Deeds, the treasurer shall file in the office of the district a true copy of the certificate and shall mail a true copy of the certificate by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to the record holder at the record holder's last and usual place of abode.

The filing of the certificate in the Registry of Deeds is deemed to create, and creates, a mortgage on the real estate described in the deed for the district that has priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and gives to the district all the rights usually possessed by mortgagees, except that the district as mortgagee does not have a right to possession of the real estate until the right of redemption provided for has expired. If the mortgage,

together with interest and costs, is not paid within 18 months after the date of filing of the certificate in the Registry of Deeds, the mortgage is deemed foreclosed and the right of redemption expired. The filing of the certificate in the Registry of Deeds is sufficient notice of the existence of the mortgage. In the event that the rate, toll, rent or other charge, with interest and costs, is paid within the period of redemption, the treasurer of the district shall discharge the mortgage in the same manner as provided for discharge of real estate mortgages.

The cost to be paid by the owner of the real estate served is the sum of the fees for receiving, recording and indexing the lien, or its discharge, as established by the Maine Revised Statutes, Title 33, section 751, plus \$13 and all certified mail, return receipt requested fees.

The district shall pay the treasurer \$1 for filing the lien certificate and the amount paid for certified mail, return receipt requested fees. The fees for recording the lien certificate must be paid by the district to the Register of Deeds.

A discharge of the certificate given after the right of redemption has expired and that has been recorded in the Registry of Deeds for more than one year terminates all title of the sewer district derived from that certificate or any other recorded certificate for which the right of redemption expired 10 years or more prior to the foreclosure date of this discharge lien, unless the sewer district has conveyed any interest based upon the title acquired from any of the affected liens.

The treasurer of the district has full and complete authority and power to collect rates and fees established under section 19 or otherwise authorized by law. The treasurer may, after demand for payment, sue in the name of the district in a civil action in any court of competent jurisdiction for any rates remaining unpaid. In addition to other methods established by law for the collection of rates and without waiver of the right to sue for the collection of rates, the lien created under this section may be enforced in the following manner.

1. The treasurer may, after the expiration of 3 months and within one year after the date when the rates became due and payable, give to the owner of the real estate served, leave at the owner's last and usual place of abode or send by certified mail, return receipt requested, to the owner's last known address a notice in writing signed by the treasurer or bearing the treasurer's facsimile signature, stating the amount of the rates due, describing the real estate upon which the lien is claimed, stating that a lien is claimed on the real estate to secure the payment of the rates and demanding the payment of the rates within 30 days after service or mailing, with \$1 added to the demanded rate for the treasurer and an additional fee to cover mailing the notice by certified mail, return receipt requested.

The notice must contain a statement that the district is willing to arrange installment payments of the outstanding debt.

2. After the expiration of 30 days and within one year after giving notice pursuant to subsection 1, the treasurer of the district shall record in the Lincoln County Registry of Deeds a certificate signed by the treasurer setting forth the amount of the rates due, describing the real estate on which the lien is claimed and stating that a lien is claimed on the real estate to secure payment of the rates and that a notice and demand for payment has been given or made in accordance with this section and stating further that the rates remain unpaid. At the time of the recording of the certificate in the registry of deeds, the treasurer shall file in the office of the district a true copy of the certificate and shall mail a true copy of the certificate by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to the record holder at the record holder's last and usual place of abode.

3. The filing of the certificate in the Lincoln County Registry of Deeds creates a mortgage held by the district on the real estate described in the certificate that has priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and gives to the district all the rights usually possessed by mortgagees, except that the district as mortgagee does not have any right to possession of that real estate until the right of redemption has expired.

4. If the mortgage created under subsection 3, together with interest and costs, has not been paid within 18 months after the date of filing the certificate in the Lincoln County Registry of Deeds in accordance with subsection 2, the mortgage is foreclosed and the right of redemption expires. The filing of the certificate in the registry of deeds is sufficient notice of the existence of the mortgage. In the event that the rate, with interest and costs, is paid within the period of redemption, the treasurer of the district shall discharge the mortgage in the same manner as provided for discharge of real estate mortgages.

5. The owner of the real estate shall pay the sum of the fees for receiving, recording and indexing the lien, or its discharge, as established by the Maine Revised Statutes, Title 33, section 751, plus \$13, plus all certified mail, return receipt requested, fees.

6. Not more than 45 days or less than 30 days before the foreclosing date of the mortgage created under subsection 3, the treasurer of the district shall notify the party named on the mortgage and each record holder of a mortgage on the real estate in a writing signed by the treasurer or bearing the treasurer's facsimile signature and left at the holder's last and usual place of abode or sent by certified mail, return receipt requested, to the holder's last known address of the

impending automatic foreclosure and indicating the exact date of foreclosure. For sending this notice, the district is entitled to receive \$3 plus all certified mail, return receipt requested, fees, which must be added to and become a part of the amount due under subsection 5. If notice is not given in the time period specified in this subsection, the person not receiving timely notice has up to 30 days after the treasurer provides notice as specified in this subsection in which to redeem the mortgage. The notice of impending automatic foreclosure must be substantially in the following form:

**STATE OF MAINE**  
**BOOTHBAY HARBOR SEWER DISTRICT**  
**NOTICE OF IMPENDING AUTOMATIC**  
**FORECLOSURE**  
**SEWER LIEN**  
**M.R.S.A. Title 38, section 1050**  
**IMPORTANT: DO NOT DISREGARD THIS**  
**NOTICE**  
**YOU WILL LOSE YOUR PROPERTY UNLESS**  
**YOU PAY THE CHARGES, COSTS AND**  
**INTEREST FOR WHICH**  
**A LIEN ON YOUR PROPERTY HAS BEEN**  
**CREATED BY THE**  
**BOOTHBAY HARBOR SEWER DISTRICT.**  
**TO: .....**  
**IF THE LIEN FORECLOSES,**  
**THE BOOTHBAY HARBOR SEWER DISTRICT**  
**WILL OWN**  
**YOUR PROPERTY, SUBJECT ONLY TO**  
**MUNICIPAL TAX LIENS.**  
**.....**  
**District Treasurer**

7. The district shall pay the treasurer \$1 for the notice, \$1 for filing the lien certificate and the amount paid for certified mail, return receipt requested, fees. The fees for recording the lien certificate must be paid by the sewer district to the Lincoln County Registry of Deeds.

8. A discharge of the certificate given after the right of redemption has expired, which discharge has been recorded in the Lincoln County Registry of Deeds for more than one year, terminates all title of the sewer district derived from that certificate or any other recorded certificate for which the right of redemption expired 10 years or more prior to the foreclosure date of this discharge lien, unless the district has conveyed any interest based upon the title acquired from any of the affected liens.

9. The district has had and continues to have the authority to collect rates and fees in this manner without having to become a qualified sewer district under Title 38, section 1050, and all liens issued and record-

ed under the district's authority prior to and subsequent to the effective date of this subsection remain valid.

10. The district may waive a lien foreclosure in accordance with the Maine Revised Statutes, Title 38, section 1049.

**Sec. 25-A. Landlord access to tenant bill payment information.** Landlord access to information regarding the current status of a tenant's account is governed by the Maine Revised Statutes, Title 38, section 1051.

**Sec. 26. Construction of this act; bylaws and regulations authorized; incidental powers and rights.** This act shall be construed as authorizing a charge by said district for the use of sewers, sewer systems and treatment works in addition to any other assessments now lawfully imposed by general law. The trustees may adopt such rules and regulations and bylaws as may be necessary or convenient to carry out the provisions of this act. All incidental powers, rights and privileges necessary to the accomplishment of the main objects of this act as set forth herein are granted to said district; including the right of the trustees to determine when and where sewerage facilities are most needed, and when and how sewers shall be built.

**Sec. 27. Existing statutes not affected; rights conferred subject to provisions of law.** Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with any applicable provisions of the ~~Revised Statutes of 1954, chapters 44 and 79 and any acts amendatory thereof or additional thereto~~ laws of the State of Maine.

**Sec. 2. Referendum; effective date.** This Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Boothbay Harbor Sewer District at an election called for that purpose and held by November 5, 2020. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the regular workday preceding the election. The subject matter of this Act is reduced to the following question:

"Do you favor adopting the 2019 revision of the Boothbay Harbor Sewer District charter?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Boothbay Harbor and the Town

of Boothbay and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all other purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section as long as the referenda are held within 2 years after the effective date of this Act.

Effective pending referendum.

**CHAPTER 13**

**H.P. 1130 - L.D. 1568**

**An Act Authorizing the Deorganization of Magalloway Plantation**

**Be it enacted by the People of the State of Maine as follows:**

**PART A**

**Sec. A-1. Deorganization of Magalloway Plantation.** Notwithstanding any contrary requirement of the Maine Revised Statutes, Title 30-A, chapter 302, if in accordance with Title 30-A, section 7207 a majority of the voters in Magalloway Plantation approve the deorganization procedure developed in accordance with Title 30-A, section 7205, the question of Magalloway Plantation's deorganization is approved by the registered voters of Magalloway Plantation pursuant to section 8 of this Part and Magalloway Plantation has executed a withdrawal agreement with Regional School Unit No. 78, Magalloway Plantation in Oxford County is deorganized, except that the corporate existence, powers, duties and liabilities of the plantation survive for the purposes of prosecuting and defending all pending suits to which the plantation is, or may be, a party and all needful process arising out of any suits, including provisions for the payment of all or any judgments or debts that may be rendered against the plantation or exist in favor of any creditor.

**Sec. A-2. Financial obligations and other liabilities.** Any financial obligations or other liabilities that were incurred by Magalloway Plantation as a municipality or that were incurred by Magalloway Plantation as a member of Regional School Unit No. 78 are hereby excepted and reserved in accordance with the Maine Revised Statutes, Title 30-A, section 7303 and remain liabilities for the inhabitants of lawful age residing in the territory included in the deorganized Magalloway Township for the duration of the liabilities. The State Tax Assessor shall assess taxes against the property owners in the deorganized Magalloway Township to provide funds to satisfy any municipal or educational obligations or other liabilities.

These financial obligations or other liabilities are not the responsibility of either the Department of Education or the taxpayers in the Unorganized Territory Tax District as described in Title 36, chapter 115.

**Sec. A-3. Deorganization procedure.** The deorganization of Magalloway Plantation must be conducted in accordance with the approved deorganization procedure for the plantation dated October 23, 2018 that was developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 and approved by a majority of the plantation's voters as required in Title 30-A, section 7207, subsection 2.

**Sec. A-4. Unexpended school funds.** The treasurer of Magalloway Plantation or any other person who has custody of the funds of the plantation shall pay the Treasurer of State all unexpended school funds that, together with the credits due the plantation for school purposes, are to be used by the State Tax Assessor to settle any school obligations incurred by the plantation before deorganization. The State Tax Assessor shall approve any written requests or invoices for payments and submit the approved documents to the fiscal administrator of the unorganized territory within the Office of the State Auditor to process through the Office of the State Controller. Any unexpended school funds remaining with the Treasurer of State after all the obligations have been met must be deposited to the Unorganized Territory Education and Services Fund, as established in the Maine Revised Statutes, Title 36, chapter 115.

**Sec. A-5. Unexpended municipal funds and property.** The treasurer of Magalloway Plantation or any other person who has custody of the funds of the plantation shall pay the Treasurer of State all unexpended funds of the plantation that, together with the credits due the plantation for its purposes, are to be used by the State Tax Assessor to settle any obligations of the plantation incurred by the plantation before deorganization. The State Tax Assessor shall approve any written requests or invoices for payments and shall submit the approved documents to the fiscal administrator of the unorganized territory within the Office of the State Auditor to process through the Office of the State Controller. Pursuant to the Maine Revised Statutes, Title 30-A, section 7304, at the end of the 5-year period during which the powers, duties and obligations relating to the affairs of the plantation are vested in the State Tax Assessor or when in the judgment of the State Tax Assessor final payment of all known obligations against the plantation has been made, any funds that have not been expended must be deposited with the county commissioners of Oxford County as undedicated revenue for the unorganized territory fund of Oxford County.

Any property of the plantation that has not been sold must be held by the State in trust for the unorganized territory or transferred to Oxford County to be

held in trust for the unorganized territory. Income from the use or sale of that property held by the State must be credited to or deposited in the Unorganized Territory Education and Services Fund under Title 36, chapter 115. Income from the use or sale of that property held by Oxford County must be credited to the unorganized territory fund of the county pursuant to Title 36, section 1604, subsection 4.

**Sec. A-6. Provision of education services.** Notwithstanding any other law, education in the unorganized territory of Magalloway Township must be provided under the direction of the Commissioner of Education as described in the Maine Revised Statutes, Title 20-A, chapter 119 and must meet the general standards for elementary and secondary schooling and special education established pursuant to Title 20-A. The provisions of subsections 1 to 5 must be implemented at the time of deorganization.

1. Students in prekindergarten and kindergarten to grade 5 whose parents or legal guardians are legal residents of the unorganized territory of Magalloway Township must be provided educational services at schools located within Regional School Unit No. 78. Transportation services to and from the designated schools must be provided under the direction of the Department of Education's division of state schools, education in the unorganized territory.

2. Students in grade 6 to grade 12 whose parents or legal guardians are legal residents of the unorganized territory of Magalloway Township must be provided educational services at schools located within Regional School Unit No. 78. Transportation services to and from the designated schools must be provided under the direction of the Department of Education's division of state schools, education in the unorganized territory.

3. Tuition to approved secondary schools other than those identified in subsection 2 may be provided on behalf of resident pupils with the prior approval of the director of state schools within the Department of Education. Tuition may not exceed limits set out in Title 20-A, section 3304. The receiving school must be approved by the Commissioner of Education for the purpose of tuition.

4. Special education services must be provided to eligible resident students as required by federal and state laws, rules and regulations. Special education services are administered by the director of special education for the division of state schools, education in the unorganized territory within the Department of Education.

5. Career and technical education must be provided to eligible resident students pursuant to Title 20-A, section 3253-A.

The provision of educational services is subject to future modification in response to changes in educational conditions.

**Sec. A-7. Assessment of taxes.** The State Tax Assessor shall assess the real and personal property taxes in Magalloway Plantation as of April 1, 2021 as provided in the Maine Revised Statutes, Title 36, section 1602.

**Sec. A-8. Referendum; certificate to Secretary of State.** This Part takes effect 90 days after its approval only for the purpose of permitting its submission by the plantation officers of Magalloway Plantation to the legal voters of the plantation by ballot at the next general election to be held in November. This election must be called, advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections 2528 and 2532. The plantation clerk shall prepare the required ballots on which the clerk shall reduce the subject matter of this Part to the following question:

"Shall Magalloway Plantation be deorganized?"

The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." Before becoming effective, this Part must be approved by at least 2/3 of the legal voters casting ballots at the general election, and the total number of votes cast for and against the acceptance of this Part at the election must equal or exceed 50% of the total number of votes cast in the plantation for Governor at the last gubernatorial election.

The plantation officers of Magalloway Plantation shall declare the result of the vote. The plantation clerk shall file a certificate of the election result with the Secretary of State within 10 days after the date of the election.

**Sec. A-9. Effective date.** Sections 1 to 7 of this Part take effect July 1, 2021 if the legal voters of Magalloway Plantation approve the referendum under section 8 of this Part.

**PART B**

**Sec. B-1. Register and transmit copy of approved deorganization procedure.** Before the effective date of the deorganization of Magalloway Plantation pursuant to Part A, the fiscal administrator of the unorganized territory within the Office of the State Auditor shall transmit a copy of the approved deorganization procedure for the plantation dated October 23, 2018 that was developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 and approved by a majority of the plantation's voters as required under section 7207, subsection 2 to the Oxford County Administrator and register the approved deorganization procedure with the Oxford County Registry of Deeds.

**Sec. B-2. Effective date.** This Part takes effect upon approval of the referendum under Part A, section 8.

Effective pending referendum.

**CHAPTER 14**

**H.P. 1220 - L.D. 1708**

**An Act To Provide for the Merger of Hospital Administrative District No. 4 into MRH Corp., a Maine Nonprofit, Nonstock Private Corporation**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Legislature created Hospital Administrative District No. 4 by Private and Special Law 1973, chapter 76, in order to provide for the health, welfare and public benefit of the inhabitants of the district; and

**Whereas,** the district has determined that it is unable to continue to fulfill its purpose of providing for the health, welfare and public benefit of the inhabitants of the district unless it is affiliated with a strong, integrated health care system; and

**Whereas,** the district has decided that it would be in the best interest of the district to affiliate with Eastern Maine Healthcare Systems, doing business as Northern Light Health, because of its experience of successfully operating other critical access hospitals and the opportunity to create a network with other Eastern Maine Healthcare Systems' hospitals located in the Piscataquis region to continue and improve the delivery of high-quality health care to the inhabitants of the district and the entire Piscataquis region; and

**Whereas,** as authorized by the affirmative votes of their respective governing boards, the district and Eastern Maine Healthcare Systems have entered into an agreement and plan of merger dated March 19, 2019 setting forth the terms and conditions by which the district will merge into MRH Corp., a Maine nonprofit, nonstock private corporation having Eastern Maine Healthcare Systems as its sole member, as soon as reasonably practicable; and

**Whereas,** in advisory votes held during April 2019 at town meetings in 12 towns and at a town council meeting in one town comprising the district, 12 of the 13 towns, representing 97.4% of the population of the district, indicated their approval of the merger of the district; and

**Whereas**, it is in the public interest for the district to be able to merge into MRH Corp. as soon as practicable, as long as all conditions and the parties' respective obligations under the agreement and law are satisfied, to ensure the continuation of the provision for the health, welfare and public benefit of the inhabitants of the district; and

**Whereas**, in the judgment of the Legislature, this merger is in the public interest; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Merger of Hospital Administrative District No. 4 and Eastern Maine Healthcare Systems authorized.** Notwithstanding any provision of Private and Special Law 1973, chapter 76, as amended, Hospital Administrative District No. 4, as created by Private and Special Law 1973, chapter 76, referred to in this Act as "the district," is authorized to merge into MRH Corp., a nonprofit, nonstock private corporation having Eastern Maine Healthcare Systems as its sole member.

The merger is subject to the following.

1. Notwithstanding any provision of Private and Special Law 1973, chapter 76, as amended, and the Maine Revised Statutes, Title 13-B, section 901, subsection 1, except for the vote of the directors that occurred on March 19, 2019 and the advisory vote of the town inhabitants in April 2019, no vote of the district, any towns in the district or the inhabitants of either the district or towns in the district is required to authorize the merger;

2. The merger may occur only if, upon the effective date of the merger, all indebtedness of the district is paid or adequate provision for the payment of that indebtedness is made by the assumption of indebtedness of the district by MRH Corp., by defeasance of any outstanding bonds of the district or otherwise;

3. The merger may occur only if, upon the effective date of the merger, the responsibilities for all obligations and liabilities of the district, including liability stemming from the merger and related actions of the district, are transferred, merged and vested in MRH Corp.;

4. The legal effect of the merger must be the same as if the district were a Maine nonprofit corporation organized pursuant to and governed by the Maine Nonprofit Corporation Act;

5. The merger may occur only if the certificate of need process as outlined in the Maine Revised Statutes, Title 22, chapter 103-A is successfully completed; and

6. MRH Corp. takes all endowment funds held by the district subject to any restrictions on use applicable to those funds.

**Sec. 2. Effective date and effect of merger.**

The merger takes effect after all of the conditions set forth in section 1 have been satisfied and all of the conditions set forth in the agreement and plan of merger dated March 19, 2019 have been satisfied or waived per the terms of the agreement and plan of merger and the articles of merger are filed with and accepted by the Secretary of State.

The following provisions apply on the effective date of the merger:

1. MRH Corp. is the single surviving corporation, Eastern Maine Healthcare Systems is MRH Corp.'s sole member and the district ceases to exist and operate;

2. MRH Corp. shall continue to serve the health care needs of the communities served by the district by offering a complement of clinical core services as described in the Section 6.7 and Schedule 6.7(a) of the merger agreement and plan of merger beginning on the effective date of the merger;

3. MRH Corp. has all the rights, privileges, immunities and powers and is subject to all of the duties and liabilities of a corporation organized under the Maine Revised Statutes, Title 13-B;

4. All property, whether real, personal or mixed, and all debts due on whatever account, and all other choses in action, and all other interest, of or belonging to or due to the district, are deemed to be transferred to and vested in MRH Corp. without further act or deed. The title to any real estate, or any interest therein, vested in the district may not revert or be in any way impaired by reason of the merger;

5. Governmental quasi-municipal rights, privileges and immunities of the district do not transfer, merge or otherwise vest in MRH Corp.; and

6. Mayo Regional Hospital is no longer a municipally funded hospital as specified in Title 36, section 2891, subsection 1-A.

**Sec. 3. Repeal of Hospital Administrative District No. 4 charter.** After the articles of merger are filed with and accepted by the Secretary of State, the Secretary of State shall notify the Joint Standing Committee on State and Local Government of the merger. The joint standing committee shall introduce legislation to repeal Private and Special Law 1973, chapter 76 and amend the Maine Revised Statutes,

Title 36, section 2891, subsection 1-A to remove reference to Mayo Regional Hospital.

**Sec. 4. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Adjusts funding in the Medical Care - Payments to Providers program between the General Fund and the Other Special Revenue Funds related to an increase in hospital tax funding being received from the newly established MRH Corp.

GENERAL FUND	2019-20	2020-21
All Other	(\$116,314)	(\$117,122)
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GENERAL FUND TOTAL	(\$116,314)	(\$117,122)
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,063,239	\$1,063,239
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,063,239	\$1,063,239

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for the reimbursement of the cost of the tax.

GENERAL FUND	2019-20	2020-21
All Other	\$116,314	\$117,122
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GENERAL FUND TOTAL	\$116,314	\$117,122
FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$206,602	\$205,794
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FEDERAL EXPENDITURES FUND TOTAL	\$206,602	\$205,794

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$206,602	\$205,794

OTHER SPECIAL REVENUE FUNDS	\$1,063,239	\$1,063,239
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DEPARTMENT TOTAL - ALL FUNDS	\$1,269,841	\$1,269,033
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**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 28, 2019.



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**RESOLVES OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019**

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**CHAPTER 1  
H.P. 8 - L.D. 7**

**Resolve, To Name a Bridge in  
the Town of Lincoln and the  
Town of Chester the Master  
Sergeant Gary Gordon Bridge**

**Sec. 1. Bridge in Lincoln and Chester named. Resolved:** That the Department of Transportation shall designate Bridge 3790, which crosses the Penobscot River between the Town of Lincoln and the Town of Chester, the Master Sergeant Gary Gordon Bridge and shall erect an appropriate sign or signs to proclaim this designation.

See title page for effective date.

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**CHAPTER 2  
H.P. 18 - L.D. 17**

**Resolve, Designating a Portion  
of Route 1 in Downeast Maine  
the Hannah and Rebecca  
Weston Trail**

**Sec. 1. Designate portion of Route 1 the Hannah and Rebecca Weston Trail. Resolved:** That the Department of Transportation shall designate Route 1 from its intersection with Route 1A in the Town of Jonesboro to the southern entrance to the Jeremiah O'Brien Memorial Bridges in the Town of Machias the Hannah and Rebecca Weston Trail.

See title page for effective date.

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**CHAPTER 3  
H.P. 33 - L.D. 32**

**Resolve, Naming a Highway  
and Renaming a Bridge in the  
Town of Whiting**

**Sec. 1. Designate portion of U.S. Route 1. Resolved:** That the Department of Transportation shall designate U.S. Route 1 from the point 0.78 mile north of the Dodge Road in the Town of Whiting to the boundary line between the Town of Whiting and

Edmunds Township the Brigadier General John Crane Memorial Highway.

**Sec. 2. New Crane Bridge renamed. Resolved:** That the Department of Transportation shall designate Bridge 2194 in the Town of Whiting, currently known as the New Crane Bridge, the Purple Heart Veterans Memorial Bridge.

See title page for effective date.

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**CHAPTER 4  
H.P. 163 - L.D. 200**

**Resolve, To Name the Bridge  
on Main Street in the Town of  
Orono the Brandon M. Silk  
Memorial Bridge**

**Sec. 1. Ferry Hill Bridge renamed. Resolved:** That the Department of Transportation shall designate Bridge 2278 in the Town of Orono, currently known as the Ferry Hill Bridge, the Brandon M. Silk Memorial Bridge.

See title page for effective date.

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**CHAPTER 5  
H.P. 40 - L.D. 39**

**Resolve, To Designate a Bridge  
in Waterville as the Specialist  
Wade A. Slack Memorial  
Bridge**

**Sec. 1. Interstate 95 bridge in Waterville named. Resolved:** That the Department of Transportation shall designate Bridge 1457 on Interstate 95, which crosses Main Street in the City of Waterville, the Specialist Wade A. Slack Memorial Bridge and shall erect an appropriate sign or signs to proclaim this designation.

See title page for effective date.

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**CHAPTER 6  
H.P. 24 - L.D. 23**

**Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 3: Maine Clean Election Act and Related Provisions, a provisionally adopted major substantive rule of the Commission on Governmental Ethics and Election Practices that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 19, 2019.

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**CHAPTER 7  
S.P. 56 - L.D. 244**

**Resolve, To Rename the Stinson Bridge the Woodsome Bridge**

**Sec. 1. Stinson Bridge renamed. Resolved:** That the Department of Transportation shall designate Bridge 2807 in the Town of Waterboro and

the Town of Limerick, currently known as the Stinson Bridge, the Woodsome Bridge.

See title page for effective date.

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**CHAPTER 8  
H.P. 84 - L.D. 98**

**Resolve, Regarding Legislative Review of Portions of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A within the rule acceptance period, is authorized only if the following changes are made.

1. The rule must be amended in Section 5 as follows: the scoring of the applicant's capacity in Section 4, subsection 2, paragraphs A and B will make up 20% of the total score; the scoring of the programmatic criteria in Section 4, subsection 2 will make up 50% of the total score; the scoring of the budget and budget criteria in Section 4, subsection 3 will make up 25% of the total score; and the scoring of priority areas re-

ferred to in Section 4, subsection 4 will make up 5% of the total score.

2. The rule must be amended in Section 6, subsection 2 by providing that an applicant or partner who receives a grant award from the fund in a given fiscal year is not eligible to apply for another grant award from the fund until one fiscal year after the end of the program, function or service funded by the initial grant, and any subsequent application from that applicant or partner must be for a new program, service or function that was not funded by the previous award from the fund.

3. The rule must be amended in Section 6 by adding a subsection on the replication of grants that provides that the replication of a project of similar scope or service previously funded by an award from the fund is permissible by a new applicant and partners.

The Department of Education is not required to hold hearings or undertake further proceedings prior to the final adoption of the rule in accordance with this section.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 25, 2019.

**CHAPTER 9**

**H.P. 86 - L.D. 100**

**Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of

the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 25, 2019.

**CHAPTER 10**

**H.P. 170 - L.D. 207**

**Resolve, To Rename the Stillwater Bridges in Old Town the Llewellyn Estes Bridge**

**Sec. 1. Stillwater bridges renamed. Resolved:** That the Department of Transportation shall designate Bridge 1472 and Bridge 2806 in the City of Old Town, currently known as Stillwater Bridge #1 and Stillwater Bridge #2, the Llewellyn Estes Bridge.

See title page for effective date.

**CHAPTER 11**

**H.P. 293 - L.D. 384**

**Resolve, Directing the Secretary of State To Review the Revised Uniform Law on Notarial Acts**

**Sec. 1. Secretary of State to review uniform legislation. Resolved:** That the Secretary of State shall review the uniform law entitled "Revised Uniform Law on Notarial Acts," which was approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws on November 15, 2010 and any subsequent amendments to that uniform law approved by the National Conference of Commissioners on Uniform State Laws. In conducting this review, the Secretary of State may consult with state and national associations for notaries public, as well as other experts in the field of notarial law and practice. Based on that review, the Secretary of State shall submit a report including a recommendation regarding whether the Legislature

should adopt the uniform law, with or without changes, together with any proposed implementing legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 2021. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over judiciary matters is authorized to report out a bill to the First Regular Session of the 130th Legislature.

See title page for effective date.

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## CHAPTER 12

H.P. 207 - L.D. 283

**Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 19, 2019.

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## CHAPTER 13

H.P. 400 - L.D. 543

**Resolve, To Facilitate the Protection of Public Health through Increased Subsurface Wastewater Inspections**

**Sec. 1. Department of Health and Human Services; report. Resolved:** That, on or before January 15, 2020, the Department of Health and Human Services, in consultation with the Department of Environmental Protection, shall submit a report to the Joint Standing Committee on Environment and Natural Resources that contains the following information:

1. A description of the time frame for adoption of rules pursuant to the Maine Revised Statutes, Title 22, section 42, subsections 3 and 3-B regarding minimum standards for septic system inspections and the qualifications and training required for certification as a septic system inspector by the Department of Health and Human Services and the time frame for implementation of a revised septic system inspector certification program consistent with those new rules following their adoption;

2. If available, an estimate of the number of individuals currently performing septic system inspections in the State, including an estimate of the total number of such individuals who have been certified by the Department of Health and Human Services under the current septic system inspector certification program, as well as an estimate of the number of septic system inspections that are performed in the State in any given calendar year;

3. An assessment by the Department of Health and Human Services of the ability of the State's septic system inspection industry to meet an increased demand for septic system inspections if the Legislature were to amend the Maine Revised Statutes, Title 30-A, section 4216 to require a person purchasing any property on which a septic system is located to have the system inspected prior to purchase, subject to the same exceptions currently included in section 4216. The assessment must, if applicable, include specific proposals to address any identified issues with the industry's ability to meet such increased demand; and

4. Recommendations regarding the need for increased resources or funding for the Department of Health and Human Services to address issues raised by the implementation by the department of a revised septic system inspector certification program described in subsection 1 or by the implementation by the Legislature of the proposal described in subsection 3, as well as any other recommendations relating to the

department's administration of the laws and rules regarding septic system inspections and certification of septic system inspectors.

After reviewing the report under this section, the committee may report out a bill related to the information contained in the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 14**  
**H.P. 83 - L.D. 97**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
38: Suicide Awareness and  
Prevention in Maine Public  
Schools, a Major Substantive  
Rule of the Department of  
Education**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 38: Suicide Awareness and Prevention in Maine Public Schools, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A within the rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by specifying that protocols must be based on the best practices established and maintained by the

National Alliance on Mental Illness or a similar organization authorized by the Department of Health and Human Services through its suicide prevention program and the Department of Education;

2. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by providing that the protocol development resources must provide protocol templates, models and examples of forms, protocols and flow charts that can be adapted as needed by school administrative units;

3. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by requiring that the school administrative units must certify to the Department of Education that the required protocols are in place;

4. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by striking the provision that guidance for protocols is available through the Maine Suicide Prevention Program; and

5. All other necessary changes must be made to the rule to ensure conformity throughout the rule with the changes directed in this section.

The Department of Education is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 22, 2019.

**CHAPTER 15**  
**S.P. 458 - L.D. 1495**

**Resolve, Regarding the  
Revision of Title 28-A of the  
Maine Revised Statutes**

**Sec. 1. Resolve 2017, c. 18, repealed. Resolved:** That Resolve 2017, c. 18 is repealed.

**Sec. 2. Office of Policy and Legal Analysis to prepare and submit analysis. Resolved:** That the Office of Policy and Legal Analysis shall prepare an analysis regarding inconsistencies, duplications and ambiguities contained within the text of the Maine Revised Statutes, Title 28-A and, on or before January 1, 2020, submit that analysis to the Joint Standing Committee on Veterans and Legal Affairs.

**Sec. 3. Authority for legislation. Resolved:** That the Joint Standing Committee on Veterans and Legal Affairs may report out legislation to the Second Regular Session of the 129th Legislature pro-

posing revisions to the Maine Revised Statutes, Title 28-A in response to the analysis submitted by the Office of Policy and Legal Analysis staff pursuant to section 2.

See title page for effective date.

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**CHAPTER 16**  
**H.P. 25 - L.D. 24**

**Resolve, Regarding Legislative  
Review of Chapter 26:  
Producer Margins, a Major  
Substantive Rule of the Maine  
Milk Commission**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Maine Milk Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is not authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 30, 2019.

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**CHAPTER 17**  
**H.P. 85 - L.D. 99**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
101: MaineCare Benefits  
Manual, Chapter III, Section  
29: Allowances for Support  
Services for Adults with  
Intellectual Disabilities or  
Autism Spectrum Disorder, a  
Major Substantive Rule of the  
Department of Health and  
Human Services**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following change is made:

1. The rule must be amended in Appendix I to increase the rate for procedure code T2017 QC from \$1.63 per 1/4 hour to \$2.00 per 1/4 hour.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 30, 2019.

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**CHAPTER 18  
H.P. 34 - L.D. 33**

**Resolve, To Encourage the  
Commissioner of Inland  
Fisheries and Wildlife To  
Establish a Youth Turkey  
Hunting Day during the Fall  
Season**

**Sec. 1. Fall youth turkey hunting day. Resolved:** That the Commissioner of Inland Fisheries and Wildlife shall consider establishing, pursuant to the Maine Revised Statutes, Title 12, section 11701, a special youth turkey hunting day during the fall season that will allow hunters with a valid junior hunting license to harvest wild turkey. If the commissioner establishes a fall youth turkey hunting day, the commissioner shall consider a day that would encourage participation, take place when there is minimal competition from other open hunting seasons and more likely result in a successful harvest. These factors must be weighed against what is necessary to best manage the wild turkey population.

See title page for effective date.

**CHAPTER 19  
H.P. 159 - L.D. 196**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
320: Electric Transmission and  
Distribution Utility Service  
Standards, a Major  
Substantive Rule of the Public  
Utilities Commission**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in section 3, subsection D to require utilities to keep all records for 10 years, rather than 6 years; and

2. The rule must be amended in section 5, subsection C, paragraphs 1 and 2 to require that each investor-owned transmission and distribution utility maintain and report System Average Interruption Duration Index, in addition to Consumer Average Interruption Duration Index and System Average Interruption Frequency Index, and amended in paragraph 3 to clarify that the Annual Reliability Reports provide information for the Metrics listed in section 5, subsection C, paragraph 1.

The Public Utilities Commission is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 30, 2019.

**CHAPTER 20  
H.P. 206 - L.D. 282**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
101: MaineCare Benefits  
Manual, Chapter III, Section  
21: Allowances for Home and  
Community Benefits for Adults  
with Intellectual Disabilities or  
Autism Spectrum Disorder, a  
Major Substantive Rule of the  
Department of Health and  
Human Services**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative au-

thorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, a major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 30, 2019.

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**CHAPTER 21**

**H.P. 292 - L.D. 383**

**Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority**

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, a major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 101: ConnectME Authority, a provisionally adopted major substantive rule of the ConnectME Authority that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following change is made:

1. The rule must be amended in section 2, subsection A, in the definition of "advanced communications technology infrastructure" to clarify the conditions of the definition by stating the definition in outline form.

The ConnectME Authority is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 30, 2019.

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**CHAPTER 22**

**H.P. 508 - L.D. 687**

**Resolve, To Create a Flag To Recognize the Bicentennial of the State**

**Sec. 1. State of Maine Bicentennial Flag. Resolved:** That the Secretary of State shall create, within existing resources, a commemorative flag in recognition and celebration of the bicentennial of the State, which became the 23rd state on March 15, 1820.

See title page for effective date.

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**CHAPTER 23**

**H.P. 446 - L.D. 618**

**Resolve, To Temporarily Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy**

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the current legal times for raising and hauling lobster traps are determined based upon sunrise and sunset; and

**Whereas**, the area described in this resolve is fished by Canadians, for whom commercial fishing is not subject to the same restrictions on the raising or hauling of lobster traps; and

**Whereas**, it is necessary that this resolve take effect by September 1, 2019 in order to take advantage of the fall harvest and in order to allow lobster license holders to fish efficiently and safely and on equal footing with other persons who fish commercially in the area; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. One-time exception. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 12, section 6440, subsection 1, the Commissioner of Marine Resources shall permit a person to raise or haul any lobster trap from September 1, 2019 through October 31, 2019 during any time of the day in an area in the Bay of Fundy referred to as the "gray zone" that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada, if that person is authorized to fish in the lobster management zone in which the area described in this section is located. The commissioner shall adopt rules to define this area to ensure the boundaries of this area are clearly delineated. Rules adopted pursuant to this section regarding the boundaries of the area are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Report. Resolved:** That, by February 1, 2020, the Commissioner of Marine Resources shall submit a report to the Joint Standing Committee on Marine Resources describing the results associated with allowing lobster fishing in accordance with section 1. The commissioner may make recommendations to the committee regarding the continuation of this limited allowance. The committee may report out a bill based on the report to the Second Regular Session of the 129th Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 8, 2019.

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**CHAPTER 24  
H.P. 495 - L.D. 674**

**Resolve, Regarding  
Implementation and Funding  
of E-9-1-1 Dispatch Protocols**

**Sec. 1. Stakeholder group. Resolved:** That the Public Utilities Commission, Emergency Services Communications Bureau shall convene a stakeholder group to develop recommendations regarding standardized dispatch protocol requirements and use of the E-9-1-1 fund to cover costs of emergency dispatch protocol implementation. The bureau shall invite, at a minimum, representatives of the Department of Public Safety, public safety answering points, dispatch centers that are not public safety answering points, chiefs of police, county sheriffs, fire chiefs, county commissioners, emergency medical service providers, dispatchers, the Maine Municipal Association, the Maine Emergency County Communications Association and the Maine Chapter of the National Emergency Number Association to participate in the stakeholder group. The stakeholder group shall examine and make recommendations regarding:

1. The use of funds available in the E-9-1-1 fund to cover costs associated with the adoption and implementation of standardized dispatch protocols and related requirements, with attention to efficient and effective use of funds and providing relief to local taxpayers;
2. Issues identified by stakeholders related to the adoption and implementation of standardized dispatch protocols for fire 9-1-1 calls and medical 9-1-1 calls, with consideration of staffing, training, funding, quality assurance, dispatch response time and effectiveness of emergency services; and
3. Potential future implementation of standardized dispatch protocols for police 9-1-1 calls on a mandatory or voluntary basis.

**Sec. 2. Report. Resolved:** That, no later than November 1, 2019, the Public Utilities Commission, Emergency Services Communication Bureau shall submit a report on the work of the stakeholder group established in section 1 to the Joint Standing Committee on Energy, Utilities and Technology. The report must include the recommendations of the stakeholder group regarding the issues identified in section 1, along with an outline of changes to law or rule necessary to implement those recommendations. The committee may report out a bill to the Second Regular Session of the 129th Legislature related to the report.

See title page for effective date.

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**CHAPTER 25****H.P. 420 - L.D. 576****Resolve, Directing the Department of Education To Study and Develop an Online Learning Platform for Students and Educators**

**Sec. 1. Online learning platform. Resolved:** That the Department of Education shall establish a working group to study and develop an online platform to facilitate the provision of online, virtual instruction by state-certified teachers to students in every public school in the State and the provision of a variety of high-quality professional development opportunities to educators across the State. The Department of Education shall report to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2020 on the progress toward and obstacles to the development, expected costs and a strategy for implementation of the online platform. The joint standing committee may report out a bill to the Second Regular Session of the 129th Legislature to address any obstacles to the development and implementation of the online platform and any other concerns.

See title page for effective date.

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**CHAPTER 26****H.P. 632 - L.D. 858****Resolve, Directing the Department of Education To Study and Make Recommendations Relating to School Safety and Security**

**Sec. 1. Study establishment of a Maine School Safety Center. Resolved:** That the Department of Education shall study and make recommendations relating to school safety and security, including, but not limited to, planning to mitigate the potential risks associated with opening school facilities to the public when a school is used as a polling place and the establishment of a Maine School Safety Center based on a report created by Safe Havens International pursuant to Resolve 2013, chapter 76, the top recommendation of which was the establishment of such a center, as detailed in the Safe Havens International report entitled "Excerpts from the School Security Reports Submitted to the Maine Department of Education January, 2014." The department shall submit a preliminary report regarding the study with initial findings to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2019 and shall submit a final report, including its recommendations relating to school safety and security and any suggest-

ed legislation, to the joint standing committee of the Legislature having jurisdiction over education matters by December 15, 2020. The joint standing committee may submit a bill to the First Regular Session of the 130th Legislature.

See title page for effective date.

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**CHAPTER 27****H.P. 205 - L.D. 281****Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 692: Siting of Oil Storage Facilities, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in section 2(U) to delete the definition for "same property";

2. The rule must be amended in section 3 to clarify that for the purpose of section 3(A)(2) and section 3(A)(3), the oil storage facility owner is required to notify the local public water utility or other community public water provider, if any, of the owner's expansion or conversion intentions prior to the installation of any tanks;

3. The rule must be amended in sections 3(A)(2), 3(A)(3), 4(A)(2) and 4(A)(3) to remove language authorizing the expansion of an underground or above-ground oil storage facility on parcels contiguous to the facility;

4. The rule must be amended in sections 3(A)(2) and 3(A)(3) to remove language clarifying that fill pipes for product delivery to tanks and the loading and unloading area of bulk plants or other distribution facilities where oil is transferred to tank trucks or railroad cars may not be located closer to private or public drinking water wells than their location prior to the expansion;

5. The rule must be amended in section 3(B) to provide that the Commissioner of Environmental Protection may require an applicant for a variance to provide additional information to be used in making the variance determination;

6. The rule must be amended in section 4(C)(1) to clarify that the Commissioner of Environmental Protection may grant a variance for a proposed facility located on a polluted significant sand and gravel aquifer or other significant sand and gravel aquifer with low potential for use if the proposed facility is located in an urban area of dense commercial or industrial land uses or an area where a public water supply well is unlikely in the foreseeable future and a public drinking water system serves all drinking water users within 1,000 feet of the proposed facility;

7. The rule must be amended in section 4(C)(1) to remove language authorizing the Commissioner of Environmental Protection to grant a variance for a proposed facility located on a polluted significant sand and gravel aquifer or other significant sand and gravel aquifer with low potential for use if the proposed facility is located in an area where a public water supply well is zoned by a municipality specifically for commercial or industrial land uses;

8. The rule must be amended in section 4(D)(1) to provide that the Commissioner of Environmental Protection may require a hydrogeologic evaluation when a proposed facility is located in an area identified by the Department of Environmental Protection as an area with a high likelihood of containing an unmapped, high yield significant sand and gravel aquifer, including, but not limited to, an aquifer associated with a surface water body or containing deep glacial drift deposits or an area with a high likelihood of being used for a public water supply or the expansion of an existing public water utility. This determination must be made based on readily available information and best professional judgment and with input from the local public water utility, if any;

9. The rule must be amended in section 4(E)(4) to clarify the variance requirement that the applicant submit a letter from the municipality in which the pro-

posed facility is located stating that the facility is needed within the community and that the specific location is acceptable to the municipality and to the local public water utility, if any;

10. The rule must be amended in section 4(F) to delete the cross-reference to section 3(B);

11. All necessary grammatical, formatting, punctuation or other technical nonsubstantive editing changes must be made to the rule; and

12. All other necessary changes must be made to the rule to ensure conformity throughout the rule and consistency with the provisions of this section.

The Department of Environmental Protection is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 16, 2019.

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## CHAPTER 28

### H.P. 726 - L.D. 971

#### **Resolve, To Establish a Specialty Crops Certification Cost-share Pilot Program**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Commissioner of Agriculture, Conservation and Forestry stands ready to establish immediately a specialty crops certification cost-share pilot program for qualified farms to certify their crops under the "Good Agricultural Practices" and "Good Handling Practices" voluntary audit programs under the United States Department of Agriculture, Agricultural Marketing Service; and

**Whereas,** as implementation of the federal Food Safety Modernization Act progresses, there is an increasing interest among growers of specialty crops in voluntary audit programs; and

**Whereas,** these voluntary audit programs are among the best tools available to growers and distributors of specialty crops to ensure a base level of sanitation and food safety; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Establishment of a specialty crops certification cost-share pilot program. Resolved:** That the Commissioner of Agriculture, Conservation and Forestry shall establish a specialty crops certification cost-share pilot program, referred to in this resolve as "the pilot program" for a period of 4 years. Under the program, qualified farms may be entitled to reimbursement of up to 50% of the cost of certification of specialty crops under the "Good Agricultural Practices" and "Good Handling Practices" voluntary audit programs under the United States Department of Agriculture, Agricultural Marketing Service. "Specialty crops" means qualifying fruits and vegetables, tree nuts, dried fruits and horticulture and nursery crops, including floriculture;

**Sec. 2. Reimbursement. Resolved:** That reimbursement of funds under the pilot program is for initial one-time payment and may not be more than \$500 per qualified farm;

**Sec. 3. Report. Resolved:** That the Commissioner of Agriculture, Conservation and Forestry shall monitor the pilot program and report findings and recommendations to the joint standing committee having jurisdiction over agricultural matters no later than December 15, 2023. The joint standing committee having jurisdiction over agricultural matters may submit a bill to the Second Regular Session of the 131st Legislature relating to the subject matter of the report.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 16, 2019.

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**CHAPTER 29**

**H.P. 472 - L.D. 651**

**Resolve, To Facilitate School Access to Federal Title I Funds and Improve the Delivery of Special Education Services**

**Sec. 1. Delivery of special education services. Resolved:** That the Department of Education, no later than January 1, 2020, shall report to the Joint Standing Committee on Education and Cultural Affairs on the progress, including recommendations and suggested legislation, on the following current projects, which were recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services during the 128th Legislature:

1. Enhancement of response to intervention to become an all-encompassing multitiered system of

support in all school administrative units and removing the regulations on general education interventions from Department of Education rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty and amending rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to include regulations on general education interventions;

2. Facilitation of the process by which schools apply for schoolwide status with respect to funds under Title I of the federal Elementary and Secondary Education Act of 1965;

3. Increased use of dual certification programs for general education and special education certification;

4. Review of the maintenance of effort funding component of the essential programs and services funding formula under the Maine Revised Statutes, Title 20-A, section 15681-A, subsection 2, paragraph D; and

5. Improvement of regional programs that facilitate MaineCare billing for medically necessary services for schools.

The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 129th Legislature to implement any recommendations in the report.

See title page for effective date.

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**CHAPTER 30**

**H.P. 479 - L.D. 658**

**Resolve, To Increase Energy Independence for Maine**

**Sec. 1. Energy planning. Resolved:** That the Governor's Energy Office shall, as a complement to the State's overall interagency and regional planning goals and in coordination with development of the state energy plan prepared pursuant to Title 2, section 9, subsection 3, paragraph C or other planning initiatives, conduct an analysis for at least one scenario through which the State, by 2030, can become a net exporter of energy through the development and expansion of energy generating capacity within the boundaries of the State and its coastal waters, energy conservation and energy efficiency at levels sufficient to offset the total value of the State's domestic energy consumption across all sectors. This analysis must identify economic benefits to the State from becoming a net exporter and policies that would be necessary to achieve this outcome.

**Sec. 2. Report. Resolved:** That the Governor's Energy Office shall provide a report on progress regarding the state energy plan and the analysis re-

quired under section 1, along with any recommended policy initiatives, to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2019.

See title page for effective date.

**CHAPTER 31**

**H.P. 752 - L.D. 1010**

**Resolve, Directing the Department of Education To Develop a Model School Disciplinary Policy**

**Sec. 1. Model school disciplinary policy. Resolved:** That the Department of Education shall develop a model school disciplinary policy to effectuate the policies in the Maine Revised Statutes, Title 20-A, section 1001, subsection 15-A, including, but not limited to, policies that focus on positive and restorative interventions designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability. The model policy must also promote interventions designed to close economic, disability-related, gender and racial gaps. The department shall provide assistance to school administrators, superintendents and school boards to implement the model school disciplinary policy.

**Sec. 2. Report. Resolved:** That the Department of Education, in developing a model school disciplinary policy under section 1, shall review existing law regarding disciplinary policies, including but not limited to policies on bullying and cyberbullying, and report back to the Joint Standing Committee on Education and Cultural Affairs on any recommended legislation no later than January 15, 2020. The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 129th Legislature to implement the recommendations on school disciplinary policies.

See title page for effective date.

**CHAPTER 32**

**H.P. 848 - L.D. 1159**

**Resolve, To End Hunger in Maine by 2030**

**Preamble. Whereas,** the Legislature finds that, for the economic and social well-being of the people of the State, all people must be free from hunger, food insecurity, malnutrition, starvation or endangerment of life from scarcity of or lack of access to nourishing and culturally appropriate food; and

**Whereas,** the human, social and economic costs of hunger, food insecurity and malnutrition to the State are enormous and far reaching, leading to lost productivity, health-related problems, reduced well-being, decreased learning ability, reduced fulfilment of human potential and social and political unrest that undermines development efforts; and

**Whereas,** one in 4 children in Maine goes to bed hungry every night, 37% of the Maine people who face hunger, food insecurity or malnutrition do not qualify for any public assistance and Maine ranks first in New England and 9th in the nation for food insecurity; and

**Whereas,** many emergency food relief sites in the State regularly lack fresh fruits and vegetables and other nutrient-dense foods for residents struggling with hunger, food insecurity or malnutrition; and

**Whereas,** for the consumer, producer and the environment, the cost of food produced by and for the global industrial food system has risen in the last decade; and

**Whereas,** 90% of the food Maine people consume is imported from elsewhere; and

**Whereas,** Maine has all the natural resources and hard-working, self-reliant people to grow, catch, harvest and process enough food to reduce imports and provide the people of the State with a diet based more on Maine-produced foods and yet state food policy to date has not significantly reduced hunger, food insecurity or malnutrition for the people of the State; now, therefore, be it

**Sec. 1. Plan to eliminate hunger, food insecurity and malnutrition in the State. Resolved:** That the Department of Agriculture, Conservation and Forestry, in consultation and collaboration with interested parties and stakeholders, including, but not limited to, statewide and community-based advocacy and emergency food relief organizations and nonprofit organizations, financial institutions, private foundations, interfaith religious councils, farmers, persons who fish commercially, food producers, state and local granges, civic organizations, regional, local and community food policy councils and people who struggle with hunger, food insecurity or malnutrition, shall collaborate with the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Health and Human Services, the Department of Labor, the Department of Economic and Community Development, the Department of Education, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services and the University of Maine Cooperative Extension to develop a comprehensive strategic plan to eliminate hunger in the State by 2030. The strategic plan designed under this resolve must at least:

1. Use existing programs, staff and resources to the extent possible;

2. Define and articulate the scope of the food and nutrition situation in the State, including accurate data and information related to the contribution of relevant sectors on nutrition, food consumption and production, food distribution systems, household incomes and other relevant demographic data, in order to address the multiple dimensions of hunger, food insecurity and malnutrition;

3. Include any recommendations of legislative commissions, task forces, working groups or studies on ending hunger for any targeted population that will prove effective for the general population;

4. Determine any disproportionate impact of hunger, food insecurity or malnutrition on people living in food deserts across the State and include proposals to close those gaps more quickly as the State moves toward eradicating hunger;

5. Determine the barriers to access to healthy and culturally appropriate food and include proposals to eliminate those barriers for persons who struggle with intergenerational hunger, food insecurity or malnutrition and for persons who struggle with intermittent hunger, food insecurity or malnutrition;

6. Balance supply-side policies and solutions such as increasing agricultural productivity and accessing markets, investing in family farms, small-scale fisheries and forestry and fostering governance of land tenure and natural resources with policies and solutions that promote food self-sufficiency, including hunting, foraging and the policies outlined in the Maine Revised Statutes, Title 7, section 219;

7. Establish benchmarks and measurable outcomes based on sound evidence and analysis to monitor progress, assess impacts and interpret outcomes in order to ensure that actions bring the State closer to eradicating hunger, food insecurity and malnutrition by 2030; and

8. Identify and propose adequate resource allocation in order to translate policies, programs and legislation into concrete action.

**Sec. 2. Initial design commencement. Resolved:** That, no later than 30 days after the effective date of this resolve, the Department of Agriculture, Conservation and Forestry shall begin inviting interested parties, stakeholders and the departments outlined under section 1 to convene the first planning session.

**Sec. 3. Initial design report. Resolved:** That, by February 10, 2020, the Department of Agriculture, Conservation and Forestry shall submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry detailing the initial design for the plan under section 1. The committee is author-

ized to submit legislation based on the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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## CHAPTER 33

### H.P. 909 - L.D. 1248

#### **Resolve, To Direct the ConnectME Authority To Report on the Progress of the Detailed 2019-2021 Strategic Plan for Broadband Service in Maine**

**Sec. 1. Direction to report. Resolved:** That in 2020, 2021 and 2022 the ConnectME Authority established under the Maine Revised Statutes, Title 35-A, section 9203 shall include in its annual report due January 15th to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters, as required under Title 35-A, section 9208, information outlining the progress of the authority in meeting the goals of its Detailed 2019-2021 Strategic Plan for Broadband Service in Maine developed pursuant to Title 35-A, section 9218, including but not limited to an explanation of the measures that the authority has taken to:

1. Build partnerships with private businesses and state, county and municipal planning organizations, including but not limited to regional transportation planning authorities; and

2. Coordinate and communicate with the Department of Transportation in order to facilitate the installation of broadband infrastructure along roadways.

See title page for effective date.

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## CHAPTER 34

### H.P. 595 - L.D. 821

#### **Resolve, To Review Case Loads for Child Welfare Caseworkers**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** child welfare caseworkers need sufficient time to focus on each child welfare case to ensure timely and thorough investigations of abuse and neglect and to keep children safe; and

**Whereas**, the Department of Health and Human Services must begin a review of child welfare case loads immediately; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Department of Health and Human Services to review case load standards. Resolved:** That the Department of Health and Human Services shall review case load standards for child welfare caseworkers and develop standard case load recommendations with input from child welfare caseworkers and the Public Consulting Group contracted by the department under contract number CBH-19-9000. The department shall submit an initial report with its findings and recommendations on staffing in the department's child welfare program in relation to the standard case load recommendations no later than October 1, 2019 and subsequent annual reports by January 31st of each year beginning in 2020 and ending in 2030 to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint legislative committee established to oversee program evaluation and government accountability matters.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective May 21, 2019.

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**CHAPTER 35**

**H.P. 836 - L.D. 1147**

**Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Study Registration Fees for All-terrain Vehicles and Snowmobiles**

**Sec. 1. Registration fees for all-terrain vehicles and snowmobiles. Resolved:** That the Commissioner of Inland Fisheries and Wildlife shall, in consultation with interested parties, review the registration fees in the Maine Revised Statutes, Title 12, section 13104, subsection 4 and section 13155, subsection 5 to determine if there are alternatives to the current fee structure. In considering alternatives, the commissioner shall also consider how any change may affect revenues. The commissioner shall submit a report to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2020 detailing the alternatives that were considered and the possible ef-

fects on revenue that these alternatives may have. The report must include recommendations regarding registration fees for all-terrain vehicles and snowmobiles and a list of interested parties that participated in any discussions on this topic. The committee may report out a bill to the Second Regular Session of the 129th Legislature based on the report.

See title page for effective date.

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**CHAPTER 36**

**H.P. 515 - L.D. 710**

**Resolve, To Require the Department of Environmental Protection To Study the Establishment of a Product Stewardship Program for Mattresses**

**Sec. 1. Department of Environmental Protection to study the establishment of a product stewardship program for mattresses. Resolved:** That the Department of Environmental Protection, referred to in this resolve as "the department," shall study the establishment of a new stewardship program in the State for mattresses, in accordance with the Maine Revised Statutes, Title 38, chapter 18.

**Sec. 2. Reporting date established. Resolved:** That the department shall report the findings of its study in section 1, including recommendations and recommended legislation, to the Joint Standing Committee on Environment and Natural Resources by December 4, 2019. The joint standing committee may report out a bill relating to the subject matter of this report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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**CHAPTER 37**

**H.P. 746 - L.D. 1004**

**Resolve, To Direct the Department of Administrative and Financial Services To Study the Costs and Benefits of Telework to the State and Its Employees**

**Preamble. Whereas**, the Legislature finds that permitting state employees to telework is likely to reduce carbon emissions in the State by eliminating or substantially reducing the physical commutes to and from state employees' usual work sites; and

**Whereas**, the Legislature finds that permitting state employees to telework will have benefits and costs for the State and its employees; and

**Whereas**, the Legislature desires more information on the costs and benefits to the State and its employees; now, therefore, be it

**Sec. 1. Department of Administrative and Financial Services directed to study telework for state employees. Resolved:** That the Department of Administrative and Financial Services, referred to in this resolve as "the department," shall study the costs and benefits of telework to the State and its employees. For purposes of this resolve, "telework" means a flexible work arrangement under which an employee performs the duties and responsibilities of the employee's position from a location other than an office or location provided by the employer.

**Sec. 2. Scope of study. Resolved:** That the department in conducting the study under section 1 shall:

1. Review all executive branch positions, by agency, and identify those positions for which presence in a specific location on a regular basis is not an essential component of the position;

2. For those positions identified under subsection 1, identify the total number of employees and the number of employees by position and by agency;

3. Survey all employees in positions identified under subsection 1 to determine the total weekly mileage of those employees;

4. Survey all employees in positions identified under subsection 1 to determine the total number of employees interested in telework and the number of those employees by position and agency;

5. Evaluate the potential effects of telework on the executive branch and its employees on matters such as:

- a. Employee productivity;
- b. Office or workspace required that is provided by the executive branch;
- c. Use of state fleet vehicles;
- d. Employee health and morale;
- e. Employee retention;
- f. Size of the applicant pool;
- g. Supervisory interactions and effectiveness;
- h. Communications among supervisory and other employees;
- i. Security and confidentiality concerns;
- j. Workers' compensation liability; and
- k. Access to services by the public;

6. Assess lessons learned from the experience of other states or large employers with telework;

7. Identify and evaluate key obstacles to the implementation of telework;

8. Estimate savings achieved or costs incurred and the overall net impact of telework; and

9. Evaluate the potential and develop a timeline for a telework pilot program.

**Sec. 3. Reporting date. Resolved:** That the department shall report its findings from the study under section 1, including recommendations and recommended legislation, to the joint standing committee of the Legislature having jurisdiction over state and local government matters by October 1, 2020. The joint standing committee is authorized to submit a bill to the First Regular Session of the 130th Legislature related to the subject matter of the report.

See title page for effective date.

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## CHAPTER 38

### S.P. 451 - L.D. 1471

#### **Resolve, To Name the Route 7 Bridge in Corinna in Honor of PFC Paul Earl Sudsbury**

**Sec. 1. Corinna Bridge renamed. Resolved:** That the Department of Transportation shall designate Bridge 2177 in the Town of Corinna, currently known as the Corinna Bridge, the PFC Paul Earl Sudsbury Bridge.

See title page for effective date.

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## CHAPTER 39

### H.P. 1102 - L.D. 1510

#### **Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a Late-filed Major Substantive Rule of the Department of Health and Human Services**

**Emergency preamble. Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 30, 2019.

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**CHAPTER 40**  
**H.P. 1211 - L.D. 1696**

**Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, a Late-filed Major Substantive Rule of the Department of Health and Human Services**

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative au-

thorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 30, 2019.

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**CHAPTER 41**  
**H.P. 570 - L.D. 765**

**Resolve, To Review Asset Limits for Social Service Programs**

**Sec. 1. Department of Health and Human Services to examine asset limits. Resolved:** That the Department of Health and Human Services shall convene a stakeholder group to examine the asset limits for eligibility that are applied to the elderly low-cost drug program pursuant to the Maine Revised Statutes, Title 22, section 254-D, the Medicare savings program established in department Rule Chapter 332, the Temporary Assistance for Needy Families program under Title 22, chapter 1053-B and the statewide food supplement program established in Title 22, section 3104 and under department Rule Chapter 301. The department and stakeholder group shall examine asset limits to determine if they meet the appropriate missions of the programs or present barriers and shall determine compliance with federal laws and guidelines. The department shall submit a report, no later than December 1, 2019, to the Joint Standing Committee on

Health and Human Services with its findings, legislative recommendations and any rulemaking activities related to asset limits. The committee is authorized to report out legislation relating to the report in the Second Regular Session of the 129th Legislature.

See title page for effective date.

## CHAPTER 42

### H.P. 1041 - L.D. 1431

#### Resolve, To Support Municipal Recycling Programs

**Sec. 1. Development of product stewardship law for packaging. Resolved:** That the Department of Environmental Protection shall develop legislation establishing an extended producer responsibility law for packaging in the State. The proposed legislation must, to the greatest extent practicable, adhere to the product stewardship framework law established in the Maine Revised Statutes, Title 38, chapter 18 and must include, but is not limited to:

1. A definition of "packaging" that covers, at a minimum, materials used to wrap or protect consumer goods, including food and personal care products, and containers and packaging used in the shipping, storage, protection and marketing of consumer products;

2. A definition of "producer" that clearly identifies the person ultimately financially responsible;

3. Exemptions for small producers and for product packaging that is already covered under Maine's beverage container redemption law;

4. An allowance for producers to voluntarily participate in the program if not required by the law;

5. Provisions for the establishment of a nonprofit stewardship organization of producers of packaging to support the State's municipal solid waste management programs. The agreement establishing the stewardship organization must require producers to:

A. Cover at least 80% of the cost of recycling packaging material sold in the State that is not readily recyclable;

B. Provide per capita reimbursement payments to municipalities for nonrecyclable packaging to help municipalities cover the cost of packaging needing disposal; and

C. Invest in waste reduction and recycling education and infrastructure;

6. A requirement that the stewardship organization establish an equitable funding scheme among covered producers that encourages better packaging design in which:

A. Producers pay higher fees for packaging materials sold into the market that are not readily recyclable, are made of multiple materials or are toxic, in order to discourage the creation of materials needing disposal; and

B. Producers pay lower fees for packaging materials sold into the market that are of higher value reusable components and that contain higher percentages of recycled content to ensure that the stewardship program supports a strong recycling economy;

7. A description of the preferred methods to be used for regular data collection and reporting and recycling rate and contamination calculations in order that:

A. There is transparency and accountability in assessing the success of the program;

B. The costs of collecting and reporting data are paid for by the stewardship organization; and

C. There is consistency with internationally accepted standards and there is sufficient information to evaluate the effectiveness of the program;

8. Creation of incentives for municipalities and producers to reach predetermined performance goals based on reporting and data collection as described in subsection 7; and

9. Establishment of a method by which producers can protect themselves against producers that fail to register with a program. These methods may include private right of action, requirements that online retailers of packaging be responsible for paying into a fund in support of the program if the products they sell are from producers who are not part of the stewardship program or other strategies that ensure fairness and full compliance.

**Sec. 2. Proposed legislation. Resolved:** That the Department of Environmental Protection shall submit proposed legislation pursuant to section 1 to the Joint Standing Committee on Environment and Natural Resources no later than December 16, 2019. The joint standing committee is authorized to report out a bill relating to the proposal to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 43  
H.P. 202 - L.D. 239**

**Resolve, Directing the  
Department of Health and  
Human Services To Explore  
the Development of a  
Behavioral Health Unit at the  
Cumberland County Jail**

**Sec. 1. Department of Health and Human Services and Cumberland County Sheriff's Office to explore development of behavioral health unit at the Cumberland County Jail. Resolved:** That the Department of Health and Human Services and the Cumberland County Sheriff's Office shall jointly explore the development of a behavioral health unit at the Cumberland County Jail to determine the competency of inmates to stand trial.

**Sec. 2. Report. Resolved:** That the Department of Health and Human Services and the Cumberland County Sheriff's Office shall submit a joint report and recommendations, including recommended legislation, resulting from the directive under section 1 to the Joint Standing Committee on Health and Human Services no later than January 10, 2020. The Joint Standing Committee on Health and Human Services may report out legislation based upon the study and recommendations to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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**CHAPTER 44  
S.P. 402 - L.D. 1306**

**Resolve, To Examine Issues  
Relating to Bullying in Schools**

**Sec. 1. Stakeholder group. Resolved:** That the Commissioner of Education shall form a stakeholder group to comprehensively examine issues associated with bullying in schools and in particular how the State's laws relating to bullying should be improved. The stakeholder group must include educators, administrators, students and experts on bullying in schools. The stakeholder group shall provide the commissioner with information on how administrators are currently handling bullying situations, the difficulties in enforcing current laws and the effects of the lack of comprehensive relevant data. By February 1, 2020, the commissioner shall report on the findings and recommendations of the stakeholder group as well as the commissioner's recommendations for changes to laws relating to bullying to the Joint Standing Committee on Education and Cultural Affairs. The committee may report out a bill on the subject of the report

to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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**CHAPTER 45  
H.P. 398 - L.D. 541**

**Resolve, To Reduce Food  
Waste in Schools**

**Sec. 1. Food sharing policy. Resolved:** That, by January 1, 2020, the Department of Education shall develop a school food sharing policy to encourage schools and food banks to work together to collect whole and packaged school cafeteria surplus or leftover food and share it with the community. In developing the policy, the department shall consult the food recovery database maintained by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, section 2137-A, which includes materials relating to the development and implementation of programs for the sharing of surplus or leftover food, including, but not limited to, share tables and food donation practices and programs.

**Sec. 2. Food share table guidance. Resolved:** That the Department of Education and the Department of Health and Human Services, Maine Center for Disease Control and Prevention shall collaborate to revise the Department of Health and Human Services, Maine Center for Disease Control and Prevention's health inspection program guidance titled "Food Sharing Tables - Guidance for Schools" in a manner that is less restrictive than current guidance and meets the requirements of the United States Department of Agriculture's Food and Nutrition Service guidance for the use of share tables in school nutrition programs. The Department of Education and the Department of Health and Human Services, Maine Center for Disease Control and Prevention shall disseminate the revised state guidance for the use of share tables, by January 1, 2020, to public school food service programs throughout the State.

See title page for effective date.

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**CHAPTER 46  
S.P. 288 - L.D. 998**

**Resolve, Requiring the  
Collection of Data on the  
Marriage of Minors**

**Sec. 1. Maine Center for Disease Control and Prevention to report. Resolved:** That the Department of Health and Human Services, Maine Center for Disease Control and Prevention through its

division of data, research and vital statistics shall report by December 4, 2019 to the Joint Standing Committee on Judiciary on data on the incidence of marriage of minors in the State.

**Sec. 2. Joint standing committee may report out a bill. Resolved:** That the Joint Standing Committee on Judiciary may report out a bill based on the subject matter of the report under section 1 to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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**CHAPTER 47**

**S.P. 296 - L.D. 1017**

**Resolve, To Direct the Department of Labor To Develop a Framework for Encouraging Employers To Identify Safer Alternatives to Hazardous Chemicals**

**Sec. 1. Development of framework for safer alternatives to hazardous chemicals. Resolved:** That the Department of Labor shall, in collaboration with interested parties and employers and employees in industries that are likely to utilize hazardous chemicals, develop a framework for identifying hazardous chemicals used in the workplace and identify safer alternatives to those hazardous chemicals. The department shall submit a report to the Joint Standing Committee on Labor and Housing by December 20, 2019 that includes a proposed framework, a list of participants who participated in developing the proposed framework and a summary of the process used to develop the framework. The committee may report out a bill to the Second Regular Session of the 129th Legislature based on the report.

See title page for effective date.

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**CHAPTER 48**

**H.P. 756 - L.D. 1026**

**Resolve, Directing the Secretary of State To Examine Best Practices in Elections**

**Sec. 1. Study of post-election ballots and recounts. Resolved:** That the Secretary of State shall conduct a study of best practices in post-election ballot audits, recounts and the intersection of audits with recounts. In conducting the study, the Secretary of State may consult with state and municipal election officials, election security advocates and other experts in the field of election audits and recounts. The Secretary of State, by December 6, 2023 shall submit a re-

port of the findings and recommendations of the study, including any recommended legislation, to the joint standing committee of the Legislature having jurisdiction over election matters. The joint standing committee may report out a bill based upon the report to the Second Regular Session of the 131st Legislature.

See title page for effective date.

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**CHAPTER 49**

**H.P. 768 - L.D. 1038**

**Resolve, To Convene a Stakeholder Group on Funding and Training for the State's Hazardous Materials Emergency Response Teams and the Acquisition of Equipment**

**Sec. 1. Review of funding and training for hazardous materials emergency response teams and the acquisition of equipment. Resolved:** That the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management shall convene a stakeholder group to review and make recommendations regarding the funding currently provided to the hazardous materials emergency response teams in the Department of Environmental Protection, including the 8 regional response teams and the 7 decontamination strike teams, funding options, the training of the teams and the acquisition of equipment. The director shall invite to the stakeholder group representatives of the Maine Fire Chiefs' Association, fire chiefs from municipalities with regional response teams and decontamination strike teams and other persons who express interest in the work of the stakeholder group. The recommendations of the stakeholder group must be compatible with the strategic plan of the State Emergency Response Commission.

**Sec. 2. Report. Resolved:** That the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management shall present the findings and recommendations of the stakeholder group pursuant to section 1 to the Joint Standing Committee on Criminal Justice and Public Safety by November 6, 2019. Following receipt of the report, the joint standing committee may report out legislation based on the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 50  
H.P. 820 - L.D. 1131**

**Resolve, Directing the Maine State Housing Authority To Study and Report on the Need for Modifications To Make Homes Accessible for Senior Citizens and Persons with Disabilities**

**Sec. 1. Maine State Housing Authority to study and report on need for accessible housing. Resolved:** That the Maine State Housing Authority shall work together with local housing authorities and interested groups to conduct a study of the need, with reference to geographical areas of the State, for home modifications to provide accessibility for low-income older or disabled residents of the State in order to permit those persons to remain in their homes and avoid institutionalization. The study must evaluate the effectiveness of the income tax credit for certain home modifications. The study must identify additional programs and funding and taxpayer assistance necessary to meet the home modification needs of older and disabled individuals. The housing authority shall report its findings to the Joint Standing Committee on Labor and Housing and the Joint Standing Committee on Taxation by January 5, 2020. The joint standing committees may each report out a bill based on the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 51  
H.P. 978 - L.D. 1356**

**Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 40: Home Health Services, a Late-filed Major Substantive Rule of the Department of Health and Human Services**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 40: Home Health Services, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 6, 2019.

**CHAPTER 52  
H.P. 1121 - L.D. 1538**

**Resolve, Directing the Public Higher Education Systems Coordinating Committee To Study Compensation Equity among Public Higher Education Institutions**

**Sec. 1. Public Higher Education Systems Coordinating Committee to study compensation equity. Resolved:** That the Public Higher Education Systems Coordinating Committee established in the Maine Revised Statutes, Title 20-A, section 9 shall study the use of adjunct professors across the State and examine the equity of pay rates and pay scales across the University of Maine System, the Maine Community College System and each campus of these systems. The study must include an examination of market forces on pay rates and pay scales, how each system's pay rates and pay scales compare nationally and what changes would be necessary to implement a so-called living wage. The Public Higher Education Systems Coordinating Committee shall report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 2, 2020, on the results of the study, including, but not limited to, the issues raised, best practices for compensation equity,

recommendations and any suggested legislation. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th Legislature related to the report.

See title page for effective date.

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## CHAPTER 53

### H.P. 689 - L.D. 934

#### **Resolve, To Review the Implementation of the Maine Background Check Center Act**

##### **Sec. 1. Background check system study.**

**Resolved:** That the Commissioner of Health and Human Services shall convene a study group consisting of representatives of child care facilities, child placing agencies, children's residential care facilities, family child care providers, nursery schools, hospice providers, home health care providers, nursing facilities, personal care agencies and placement agencies, temporary nurse agencies, adult day care programs, assisted housing programs, residential care facilities, intermediate care facilities for individuals with intellectual disabilities, mental health services facilities and providers, drug treatment centers and other interested stakeholders to assess the effects of the implementation of the system of background checks established by the Maine Background Check Center Act. In conducting the assessment, the study group shall consider:

1. A cost and comprehensiveness comparison to background check systems in other states to determine the efficiency of the background check system used in this State;
2. Any instances of discrimination within the waiver process;
3. Ways to allow for the portability of a background check so that it can travel with an employee from one job to another within a 5-year time frame;
4. The necessity of subjecting to the background check system current employees who had been subject to a background check within the previous 5 years; and
5. Any barriers to implementing all required background checks under one background check system.

**Sec. 2. Report. Resolved:** That the study group convened pursuant to section 1 shall develop recommendations regarding improvements to the background check system and possible alternatives and options for greater cost-effectiveness. The Commissioner of Health and Human Services shall submit a report regarding the study group's recommendations, including any recommended legislation, to the Joint

Standing Committee on Health and Human Services no later than December 15, 2019. The committee may submit legislation based on the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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## CHAPTER 54

### H.P. 739 - L.D. 984

#### **Resolve, To Develop Plans To Return to the State Children Housed in Residential Treatment Systems outside of the State**

##### **Sec. 1. Department of Health and Human Services to coordinate with families of children receiving services out of state. Resolved:**

That the Department of Health and Human Services through its case managers shall coordinate with families of children who are receiving residential treatment services for behavioral health issues out of state to develop plans to bring the children back to the State to receive the required services that would be received under rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 97, Private Non-Medical Institution Services. The department shall negotiate reimbursement rates as necessary to find providers under Section 97 to provide services to children returning to the State, including deviating from the reimbursement rates established by department rules in order to access additional services.

See title page for effective date.

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## CHAPTER 55

### H.P. 953 - L.D. 1318

#### **Resolve, To Increase Access to Housing-related Support Services**

##### **Sec. 1. Department of Health and Human Services to examine housing-related services available under a Medicaid waiver. Resolved:**

That the Department of Health and Human Services shall examine opportunities available pursuant to a home and community-based services waiver available from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, including but not limited to a Medicaid 1915(i) state plan amendment, to provide housing-related services to persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations, including, but not limited to, individuals with disabilities and older

adults needing long-term services. For purposes of this section, "housing-related services" means assistance in securing housing and tenancy sustaining and community transition services.

**Sec. 2. Collaboration with Maine State Housing Authority; stakeholder involvement. Resolved:** That the Department of Health and Human Services shall collaborate with the Maine State Housing Authority to determine how existing Maine State Housing Authority resources may be leveraged more effectively to address the housing needs of persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations, including, but not limited to, individuals with disabilities and older adults needing long-term services.

In performing the review under this section, the department shall examine relevant data and evidence-based practices and solicit input from stakeholders, including those providing housing-related services to persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations, including, but not limited to, individuals with disabilities and older adults needing long-term service; advocates for persons experiencing homelessness or for other vulnerable populations; and other stakeholders who provide legal, health or other social services to persons experiencing homelessness or to other vulnerable populations.

**Sec. 3. Report. Resolved:** That no later than February 1, 2020 the Department of Health and Human Services shall submit a report and recommendations developed pursuant to this resolve, including any suggested legislation, to the Joint Standing Committee on Health and Human Services. The committee may report out a bill to implement the recommendations if necessary.

See title page for effective date.

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**CHAPTER 56**

**S.P. 500 - L.D. 1566**

**Resolve, To Determine Ways To Increase the Number of Recipients under the Tuition Waiver Program for Participants in Foster Care**

**Sec. 1. Public Higher Education Systems Coordinating Committee to review the tuition waiver program for participants in foster care. Resolved:** That the Public Higher Education Systems Coordinating Committee established pursuant to the Maine Revised Statutes, Title 20-A, section 9 shall review the tuition waiver program for participants in foster care. In its review, the committee shall consult

with the Finance Authority of Maine, the Department of Health and Human Services, Office of Child and Family Services and any other public or private organizations that work with children in the foster care system. The committee shall report to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2020 on the identification of barriers to the tuition waiver program for dependent students who have been adopted and independent students who have not been adopted with recommendations and any suggested legislation to support both communities through the tuition waiver program. After receiving the report, the Joint Standing Committee on Education and Cultural Affairs may submit a bill related to the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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**CHAPTER 57**

**H.P. 1016 - L.D. 1401**

**Resolve, To Study Transmission Solutions To Enable Renewable Energy Investment in the State**

**Sec. 1. Renewable energy investment; stakeholder group. Resolved:** That the Governor's Energy Office shall convene a stakeholder group to address transmission system needs and funding strategies to support renewable energy investment in the State. The stakeholder group, at a minimum, shall examine and make recommendations regarding:

1. Current constraints and barriers in the state and regional transmission systems that impede planning for and realizing increased renewable energy development and integration in the State and the impact of these current system limitations on existing renewable energy resources, including the ability to qualify for the sale of energy and capacity in the regional wholesale energy markets. The stakeholder group shall make recommendations for improving the capability of the in-state transmission system to meet in-state demand and to export excess supply for the purposes of optimizing existing renewable energy resources and promoting in-state and regional system reliability;

2. Transmission infrastructure investment solutions and system improvements to realize different renewable energy development scenarios. The stakeholder group shall examine a minimum of 4 different renewable energy development scenarios that vary by total generation capacity, resource type and site location, taking into consideration the impact on siting and ratepayers and the relative benefits of different scenarios for energy consumers, transmission costs, existing

generators, developers of new renewable energy resources and the environment;

3. Opportunities for regional coordination to advance transmission solutions to support new renewable energy resource development in the State, including deployment of new renewable energy resources capable of providing system reliability benefits to the State and the region, with consideration of publicly available data and studies available from ISO New England, Inc.; and

4. Potential funding sources and strategies, including bonding and public-private partnerships, for renewable energy development.

The office shall invite to participate in the stakeholder group, at a minimum, a representative of: the Public Utilities Commission; the Office of the Public Advocate; ISO New England, Inc.; investor-owned transmission and distribution utilities; consumer-owned transmission and distribution utilities; a statewide renewable energy association; a statewide environmental organization; a statewide construction industry trade association; community-scale renewable energy developers; grid-scale renewable energy developers; existing renewable energy resource generators; large industrial electricity consumers; and low-income electricity consumers.

**Sec. 2. Report. Resolved:** That, no later than December 15, 2019, the Governor's Energy Office shall provide a report on the work of the stakeholder group to the Joint Standing Committee on Energy, Utilities and Technology. The report must include the findings and recommendations of the stakeholder group regarding the issues listed in section 1 and identify changes to law necessary to implement the recommendations. The committee may report out a bill to the Second Regular Session of the 129th Legislature related to the report.

See title page for effective date.

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## CHAPTER 58

**H.P. 1310 - L.D. 1840**

### **Resolve, To Continue until August 3, 2019 Limited-period Positions Expiring in June 2019**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** certain positions in State Government are scheduled to expire prior to July 1, 2019, which is prior to the end of the 90-day period; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Continuation of limited-period positions. Resolved:** That, notwithstanding any provision of law to the contrary, all limited-period positions throughout State Government that are scheduled to expire during June 2019 are continued until August 3, 2019.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 7, 2019.

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## CHAPTER 59

**S.P. 531 - L.D. 1641**

### **Resolve, To Examine Issues Relating to the School Transportation Workforce**

**Sec. 1. Stakeholder group. Resolved:** That the Department of Education, in collaboration with the Department of Labor, shall comprehensively examine issues associated with the school transportation workforce, including, but not limited to, determining the best strategies for hiring, training and retaining school transportation personnel. The Department of Education shall consider ways to conduct training at no cost to the school transportation personnel. By January 1, 2020, the department shall submit a report with findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor and Housing. Each committee may report out a bill on the subject of the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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## CHAPTER 60

**H.P. 441 - L.D. 613**

### **Resolve, Concerning the Adoption of Rules To Carry Out the Purpose of the Bridging Rental Assistance Program**

**Sec. 1. Adoption of rules. Resolved:** That, by January 1, 2020, the Department of Health and Human Services shall adopt rules pursuant to the

Maine Revised Statutes, Title 34-B, section 3011 for the Bridging Rental Assistance Program in order to ensure fairness, equity and access to the program for those persons with mental illness who qualify for the program.

**Sec. 2. Delay in adoption of rules. Resolved:** That if the Department of Health and Human Services anticipates a delay in the adoption of rules under section 1, the department shall submit a report by January 1, 2020 to the Joint Standing Committee on Health and Human Services detailing the reason for the delay and the progress made.

See title page for effective date.

**CHAPTER 61**

**H.P. 492 - L.D. 671**

**Resolve, To Require Professional Licensure for Home Inspectors**

**Sec. 1. Commissioner of Professional and Financial Regulation to conduct a sunrise review regarding the proposal to license home inspectors. Resolved:** That the Commissioner of Professional and Financial Regulation shall conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the proposal to license home inspectors.

**Sec. 2. Reporting date established. Resolved:** That no later than January 10, 2020 the Commissioner of Professional and Financial Regulation shall submit a report with any necessary legislation following the independent assessment under section 1 to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business. The committee is authorized to submit legislation on the subject matter of the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 62**

**H.P. 1008 - L.D. 1394**

**Resolve, To Direct the Department of Administrative and Financial Services To Conduct a Surplus Property Inventory**

**Preamble. Whereas,** the State continues to experience a severe shortage of affordable housing; and

**Whereas,** the cost of land is one of the biggest barriers to the development of new affordable housing; now, therefore, be it

**Sec. 1. Department of Administrative and Financial Services to conduct an inventory of surplus state-owned land and structures. Resolved:**

That the Department of Administrative and Financial Services shall conduct an inventory of surplus state-owned land and structures, pursuant to the authority and process established in the Maine Revised Statutes, Title 5, section 1742, subsection 23. The inventory must include all surplus vacant land, unimproved structures and improved structures. The department shall provide the inventory to and consult with the Maine State Housing Authority in determining the suitability of land and structures for use in the development of affordable housing, consistent with Title 30-A, section 4754, subsection 3. The department shall report on the outcomes of the inventory and make recommendations regarding affordable housing to the Joint Standing Committee on Labor and Housing and the Joint Standing Committee on State and Local Government by February 1, 2020. The Joint Standing Committee on State and Local Government may report out a bill to the Second Regular Session of the 129th Legislature related to surplus state-owned land and structures including a requirement that the department provide an annual report related to surplus state-owned land and structures.

See title page for effective date.

**CHAPTER 63**

**H.P. 851 - L.D. 1168**

**Resolve, To Improve Maine's Response to Childhood Trauma**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the task force on childhood trauma response guidance, established by this resolve, is convened to develop guidance for kindergarten to grade 12 administrators on appropriate training and responses to childhood trauma; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Task force on childhood trauma response guidance. Resolved:** That the Commissioner of Education shall convene a task force, inviting the participation of experts and interested parties, to develop guidance for kindergarten to grade 12 administrators on appropriate training and responses to childhood trauma. In developing the guidance, the task force shall consult with any other task force or work group convened by the Department of Education whose work may inform the work of this task force and consider the following topics:

1. Training for preschool and kindergarten to grade 12 teachers, administrators and other faculty on adverse childhood experiences and trauma, including the establishment of state certification rules regarding training hours in trauma and the effect of trauma on learning and behavior;

2. A response-to-intervention process that includes behavioral health and social and emotional screening and referral to support procedures;

3. A policy that sets a standard ratio for students to support staff to ensure adequate staffing to meet the behavioral and emotional needs of students;

4. A social and emotional learning curriculum for kindergarten to grade 8;

5. An attendance policy and discipline policy that is established with a trauma-informed perspective; and

6. A policy that ensures publicly funded schools and preschools have the resources and funds necessary to develop school and school administrative unit action plans for addressing the needs of traumatized children and creating trauma-informed school environments.

**Sec. 2. Report. Resolved:** That the Commissioner of Education shall submit a report on the work of the task force under section 1 to the Joint Standing Committee on Education and Cultural Affairs by December 4, 2019. The committee is authorized to submit legislation related to the report to the Second Regular Session of the 129th Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 10, 2019.

## CHAPTER 64

### S.P. 509 - L.D. 1603

#### Resolve, To Coordinate a Plan To Expand Cellular Telephone Service

**Sec. 1. Plan to expand cellular telephone service. Resolved:** That the Department of Economic and Community Development, in coordination with the ConnectME Authority established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 33-F, the Department of Administrative and Financial Services and the University of Maine System, Networkmaine, shall develop a plan to leverage state assets to expand cellular telephone service to underserved areas of the State. The plan may be developed in connection with any plans to expand broadband service prepared by the ConnectME Authority pursuant to the Maine Revised Statutes, Title 35-A, chapter 93.

**Sec. 2. Report; authority for legislation. Resolved:** That, no later than February 1, 2020, the Department of Economic and Community Development shall submit a report on the plan developed under section 1 to the Joint Standing Committee on Energy, Utilities and Technology. The committee may report out a bill to the Second Regular Session of the 129th Legislature related to the report.

See title page for effective date.

## CHAPTER 65

### H.P. 925 - L.D. 1283

#### Resolve, To Advance College Affordability by Convening a Task Force To Recommend a Sustainable Funding Model for Maintaining Maine's Public Higher Education Infrastructure

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Task Force To Recommend a Sustainable Funding Model for Maintaining Maine's Public Higher Education Infrastructure is convened by this legislation to study how to adequately fund the infrastructure and related needs of public higher education institutions in the State; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be

completed and a report submitted in time for submission to the next legislative session; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Task force established. Resolved:** That the Chancellor of the University of Maine System shall convene a task force, to be known as the Task Force To Recommend a Sustainable Funding Model for Maintaining Maine's Public Higher Education Infrastructure, referred to in this resolve as "the task force."

**Sec. 2. Task force membership. Resolved:** That the task force consists of 7 members as follows:

1. The Chancellor of the University of Maine System or the chancellor's designee, who shall serve as the task force chair;
2. The President of the Maine Community College System or the president's designee;
3. The President of the Maine Maritime Academy or the president's designee;
4. The Director of the Bureau of General Services within the Department of Administrative and Financial Services or the director's designee;
5. The director of school facilities within the Department of Education;
6. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee; and
7. A member appointed by the Chancellor of the University of Maine System with relevant experience or expertise in finance or facilities management and planning.

**Sec. 3. Duties. Resolved:** That the task force shall study how to provide adequate supplemental funding to sustain the State's public higher education infrastructure without burdening students who are residents of the State with unreasonable tuition and fee increases. The task force shall consider, but may not be limited to considering, infrastructure improvements, health and safety repairs, technology improvements, energy efficiency and equipment upgrades and, when necessary, new construction.

**Sec. 4. Staff assistance. Resolved:** That the University of Maine System, the Maine Community College System and the Maine Maritime Academy shall provide necessary staffing services to the task force, as well as all requested and available data.

**Sec. 5. Report. Resolved:** That, no later than January 2, 2020, the task force shall submit a report

that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs. The joint standing committees may submit legislation to the Second Regular Session of the 129th Legislature related to the subject matter of the report.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 12, 2019.

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## CHAPTER 66

### S.P. 524 - L.D. 1635

#### **Resolve, To Improve Access to Early and Periodic Screening, Diagnostic and Treatment Services for Children from Birth to 8 Years of Age**

**Emergency preamble. Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, research on early childhood emphasizes the importance of identifying child development challenges as early as possible and addressing the needs of young children from birth to 8 years of age to ensure their successful participation in early and life-long learning; and

**Whereas**, data indicates that Maine ranks 50th in the nation for the rate of infants provided with early intervention services for developmental delays; and

**Whereas**, recent brain research has shown that it is essential to address child health and well-being issues as early as possible and to provide children with services they need to thrive in school; and

**Whereas**, the MaineCare program is underused for early and periodic screening, diagnostic and treatment services provided to eligible children; and

**Whereas**, there is a lack of information about the capacity of state or federally funded programs and services to serve the needs of Maine children from birth to 8 years of age that needs to be remedied as soon as possible; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Department of Health and Human Services to convene a stakeholder group. Resolved:** That the Department of Health and Human Services, in consultation with the Department of Education, shall convene a stakeholder group to determine the capacity of the State to respond to its child find responsibilities as required under the federal Individuals with Disabilities Education Act and to provide early and periodic screening, diagnostic and treatment services, referred to in this resolve as "screening, diagnostic and treatment services," to children from birth to 8 years of age, the gaps in services and the costs of addressing those gaps. The Department of Health and Human Services shall coordinate the collection and analysis of data from across the department and from organizations that conduct developmental screenings or offer services or treatment to children from birth to 8 years of age, including through Head Start programs, Early Head Start programs, the Child Development Services System as defined in section 7001, public health nursing organizations, the Department of Health and Human Services' home visiting service and the Department of Education. The Department of Health and Human Services shall submit a report with the findings to the Joint Standing Committee on Health and Human Services. The report must include the following:

1. Data on the number, ages and geographic locations of children from birth to 8 years of age receiving screening, diagnostic and treatment services;
2. The capacity of the State to ensure that all children from birth to 8 years of age who require screening, diagnostic and treatment services are located and receive services;
3. Current levels of federal and state funding designated or available to support child find services, screening, diagnostic and treatment services and early intervention and special education services for children from birth to 8 years of age;
4. Barriers that impede access to child find and screening, diagnostic and treatment services;
5. Data on the disposition of referrals of children from birth to 8 years of age at high risk of developmental delay or disability who are screened and eligible for either child development services or screening, diagnostic and treatment services, including how many receive needed services and how many do not receive those services by county;
6. Shortages of providers of child find and screening, diagnostic and treatment services including a breakdown by county of those shortages and a breakdown by specific service;
7. An assessment of the State's efforts to provide comprehensive developmental screening for children from birth to 8 years of age with reference to the rec-

ommendations of the American Academy of Pediatrics;

8. An assessment of the deficits in the State's efforts to provide comprehensive developmental screening;
9. An estimate of the costs to address the shortages in child find and screening, diagnostic and treatment services and any recommendations to ensure or expand services so that all children from birth to 8 years of age are adequately served regardless of health insurance status, age, geographic location or type of developmental delay or disability identified;
10. A review of existing reports from the past 10 years from organizations that screen for developmental delay or provide services or treatment to children from birth to 8 years of age to review existing data, strengths and challenges of programs providing early intervention services;
11. Additional data needed to assess the State's child find and screening, diagnostic and treatment services; and
12. Information on other states that have had success in providing child find and screening, diagnostic and treatment services to children from birth to 8 years of age and their families.

The Department of Health and Human Services shall submit the report no later than December 30, 2019. The Joint Standing Committee on Health and Human Services may report out legislation relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 13, 2019.

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**CHAPTER 67**  
**H.P. 908 - L.D. 1247**

**Resolve, To Clarify the Good Cause and Sanction Process in the Temporary Assistance for Needy Families and Additional Support for People in Retraining and Employment Programs**

**Sec. 1. Department of Health and Human Services to amend the TANF and ASPIRE-TANF program rules regarding good cause and sanctions. Resolved:** That the Department of Health and Human Services shall amend its rules for the Temporary Assistance for Needy Fam-

ilies program, referred to in this resolve as "TANF," and the Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families program, referred to in this resolve as "ASPIRE-TANF," to establish the following additional process for good cause determinations.

1. When a TANF or ASPIRE-TANF participant is notified that the participant has failed to comply with a program rule that includes notice of good cause and the participant claims within 5 working days of receiving the notification, either orally or in writing, that the participant had good cause for failing to comply, a representative of the department shall meet individually with the participant. The meeting must take place at the office of the department representative, or at a location agreed upon by the participant and the department representative, or the meeting may be conducted by telephone if the participant is unable to be physically present. The department shall provide at least 5 days' advance notice to the participant. At the meeting, the representative of the department shall:

- A. Provide the participant with a notice describing good cause. The notice must include the participant's right to apply for a good cause exception;
- B. Verbally explain to the participant the reasons for which a good cause exception may be granted and the participant's right to make an application for a good cause exception either orally or in writing; and
- C. Provide the participant with the opportunity to make a request for a good cause exception from ASPIRE-TANF participation either wholly or in part.

2. The department's representative shall make a complete written record of the meeting under subsection 1, including documenting that the participant was given the notice describing good cause, the participant's reason for good cause and that the participant was given the opportunity to make a request for a good cause exception.

3. A department representative shall make a recommendation on the participant's request for a good cause exception, including the basis for the recommendation, in writing. The department shall then issue a final determination approving or denying, wholly or in part, the participant's request for a good cause exception, including notice of the right to a fair hearing. The determination must set forth the reasons for the application for a good cause exception being approved or denied. The department may not find lack of good cause prior to the final determination unless the participant fails to attend the scheduled meeting under subsection 1 without good cause.

4. The notice of a determination that results in a proposed sanction of the participant must include a

statement of why the participant does not qualify for a good cause exception.

Nothing in this section precludes a program participant from claiming good cause at any time.

See title page for effective date.

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**CHAPTER 68**  
**H.P. 1237 - L.D. 1739**

**Resolve, Authorizing the State  
Tax Assessor To Convey the  
Interest of the State in Certain  
Real Estate in the Unorganized  
Territory**

**Sec. 1. State Tax Assessor authorized to convey real estate. Resolved:** That the State Tax Assessor is authorized to convey by sale the interest of the State in real estate in the Unorganized Territory as indicated in this resolve. Except as otherwise directed in this resolve, the sale must be made to the highest bidder subject to the following provisions.

1. Notice of the sale must be published 3 times prior to the sale, once each week for 3 consecutive weeks, in a newspaper in the county where the real estate lies, except in those cases in which the sale is to be made to a specific individual or individuals as authorized in this resolve, in which case notice need not be published.

2. A parcel may not be sold for less than the amount authorized in this resolve. If identical high bids are received, the bid postmarked with the earliest date is considered the highest bid.

If bids in the minimum amount recommended in this resolve are not received after the notice, the State Tax Assessor may sell the property for not less than the minimum amount without again asking for bids if the property is sold on or before April 1, 2020.

Employees of the Department of Administrative and Financial Services, Bureau of Revenue Services and spouses, siblings, parents and children of employees of the Bureau of Revenue Services are barred from acquiring from the State any of the real property subject to this resolve.

Upon receipt of payment as specified in this resolve, the State Tax Assessor shall record the deed in the appropriate registry at no additional charge to the purchaser before sending the deed to the purchaser.







Map WA032, Plan 2, Lot 1 298110081-2

Dinsmore, David 6.78 acres

TAX LIABILITY

2016	\$74.52
2017	\$77.22
2018	\$79.72
2019 (estimated)	\$79.72
<hr/>	
Estimated Total Taxes	\$311.18
Interest	\$11.42
Costs	\$38.00
Deed	\$19.00
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Total	\$379.60

Recommendation: Sell to the immediate former owner or the immediate former owner's heirs or devisees for \$379.60. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$400.00.

See title page for effective date.

CHAPTER 69
S.P. 117 - L.D. 439

Resolve, Directing the Commissioner of Health and Human Services To Convene a Task Force To Study the Need for Long-term Acute Care Beds

Sec. 1. Commissioner of Health and Human Services to convene task force. Resolved: That the Commissioner of Health and Human Services shall convene a task force of stakeholders to evaluate the need for long-term acute care beds in the State.

Sec. 2. Task force duties. Resolved: That the evaluation by the task force convened under section 1 must include:

- 1. An estimate of the patient population in the State needing services provided by long-term acute care hospitals and where that patient population is receiving care now;

- 2. An analysis of the financial impact of the lack of long-term acute care beds on patients, families and facilities in the State;

- 3. An evaluation of the best locations in the State for long-term acute care beds; and

- 4. An evaluation of the options available regarding the number of long-term acute care beds in the State, including an estimate of the costs to establish a long-term acute care hospital in the State and designating existing beds as long-term acute care beds.

Sec. 3. Report. Resolved: That the Commissioner of Health and Human Services shall report the findings and conclusions of the task force under section 2, including any recommended legislation, to the Joint Standing Committee on Health and Human Services by January 2, 2020. The joint standing committee is authorized to submit a bill related to the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

CHAPTER 70
H.P. 233 - L.D. 309

Resolve, Directing the Department of Education To Direct a Study of the Regional Adjustment for School Administrative Units

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve directs the Department of Education, in conjunction with the Maine Education Policy Research Institute, to study the regional adjustment for school administrative units under the Essential Programs and Services Funding Act; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Study of the regional adjustment for school administrative units. Resolved: That the Department of Education shall direct the Maine Education Policy Research Institute, in the institute's review of the Essential Programs and Services Funding Act, to study and report to the department on

the regional adjustment for school administrative units under the Essential Programs and Services Funding Act. The study must include an update of the data that is used to calculate the regional adjustment to reflect the current economic environment and must include an analysis of how any adjustment to, or removal of, the regional adjustment in the funding formula would affect all school administrative units. The department shall submit the report to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2020. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 17, 2019.

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**CHAPTER 71**  
**H.P. 1275 - L.D. 1796**

**Resolve, To Study  
Transmission Grid Reliability  
and Rate Stability in Northern  
Maine**

**Sec. 1. Convene stakeholder group. Resolved:** That the Governor's Energy Office shall convene a stakeholder group to identify and develop strategies to address the transmission grid reliability and electric rate stability for the northern Maine service territory. The stakeholder group must consist of representatives of:

1. The Governor's Energy Office;
2. The Public Utilities Commission;
3. The Office of the Public Advocate;
4. The Northern Maine Independent System Administrator;
5. A municipal government in northern Maine;
6. A large industrial electric utility customer located in northern Maine;
7. A trade association representing businesses located in northern Maine;
8. A trade association representing the forest products industry;
9. An investor-owned transmission and distribution utility serving northern Maine;
10. Two different consumer-owned transmission and distribution utilities located in northern Maine; and

11. An energy generator located in northern Maine.

**Sec. 2. Review and recommendations. Resolved:** That, in its review of transmission grid reliability and electric rate stability for the northern Maine service territory, the stakeholder group convened pursuant to section 1 shall, at minimum, address and develop recommendations concerning:

1. The continued need to assess reliability in the northern Maine service territory;
2. The shutdown of biomass plants in the region, such as those in Fort Fairfield and Ashland, that have in the past been essential to addressing reliability concerns;
3. The region's fuel security, competitive supply and rate volatility resulting from its reliance on generation resources in the region; and
4. Opportunities for transmission and nontransmission alternatives to address the current and projected reliability and rate stability needs of the region.

**Sec. 3. Report. Resolved:** That, no later than March 1, 2020, the stakeholder group shall submit to the Governor's Energy Office a report establishing the scope and priority of transmission grid reliability and electric rate stability issues for the northern Maine service territory, together with recommendations. The report must address the concerns identified in section 2 and recommend strategies that respond to those issues, including any recommended changes to the law or to the rules of the Public Utilities Commission. The Governor's Energy Office shall submit the report, together with any proposed implementing legislation, to the Joint Standing Committee on Energy, Utilities and Technology. Upon receipt and review of the report, the joint standing committee may report out a bill related to the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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**CHAPTER 72**  
**S.P. 559 - L.D. 1694**

**Resolve, To Determine  
Compliance with Federal and  
State Mental Health Parity  
Laws**

**Sec. 1. Determination of compliance with federal and state mental health parity laws. Resolved:** That the Superintendent of Insurance shall determine the compliance of health insurance carriers in this State with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and the Maine Revised Statutes, Title 24,

sections 2325-A and 2329 and Title 24-A, sections 2749-C, 2842, 2843 and 4234-A. To determine compliance as required by this section, the superintendent may authorize a market conduct examination or use a survey tool to assess compliance.

**Sec. 2. Report. Resolved:** That, no later than January 30, 2020, the Superintendent of Insurance shall submit a report to the Joint Standing Committee on Health Coverage, Insurance and Financial Services with the results of the compliance assessment required in section 1 including any recommendations.

**Sec. 3. Legislation. Resolved:** That the Joint Standing Committee on Health Coverage, Insurance and Financial Services may report out a bill to the Second Regular Session of the 129th Legislature based on the report provided in accordance with section 2.

See title page for effective date.

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**CHAPTER 73**

**H.P. 1162 - L.D. 1610**

**Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley**

**Sec. 1. Resolve 1999, c. 41, §4, amended. Resolved:** That Resolve 1999, c. 41, §4, as amended by PL 1999, c. 790, Pt. Q, §1 and affected by §2, is further amended to read:

**Sec. 4. Deed and restrictions. Resolved:** That the property must be conveyed by quit claim deed without covenants, subject to the following deed restrictions: The Town of Carrabassett Valley shall in perpetuity retain title to the property and may not sell or otherwise transfer any interest, in whole or in part, in the property except that the Town of Carrabassett Valley may lease portions of the property as long as the uses are consistent with the uses specified in this resolve. The property must remain open and available for use and enjoyment by the public at large. Use of the property must be dedicated for purposes of public outdoor recreation, including, but not limited to: natural history study; hiking; camping, ~~other than in motor vehicles~~; cross-country skiing; hunting; fishing; fisheries and wildlife management; skating; timber management and harvesting under a management plan prepared by a licensed professional forester; and attendant roads and parking. The property must be maintained in an essentially natural and undeveloped condition, except that up to 25 contiguous acres in the aggregate, including any development in existence on the effective date of this resolve, may be developed for any municipal facility. The following uses are expressly prohibited: residential development of any type; development for overnight accommodations, except camping, including commercial camping if

development plans for commercial camping are approved by the State; development for any type of commercial service center, shops, restaurants or other commercial development; or development for any purpose that will change the natural character of the area, except that those uses presently made of the Outdoor and Touring Center located on the property may continue. If the Town of Carrabassett Valley fails to comply with any of the conditions or restrictions, in whole or in part, contained in this resolve, the State may give written notice to the Town of Carrabassett Valley, and if the Town of Carrabassett Valley fails to comply within 30 days, then the title to the property reverts to the State; such a reversion may not be effective until the State records a notice of the reversion in the Franklin County Registry of Deeds.

See title page for effective date.

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**CHAPTER 74**

**H.P. 1093 - L.D. 1491**

**Resolve, To Study Consolidation of Payment of Cost-of-living Tax Credits**

**Sec. 1. Study of consolidation of payment of cost-of-living tax credits; working group established. Resolved:** That the Working Group to Study Consolidation of Payment of Cost-of-living Tax Credits, referred to in this resolve as "the working group," is established to make recommendations to the Legislature regarding the most efficient and effective means to consolidate application and payment of cost-of-living tax credits, including recommendations for making such payments available on a periodic advance basis throughout the year. For the purposes of this section, "cost-of-living tax credits" means the following individual income tax credits under the Maine Revised Statutes, Title 36, chapter 822, which assist Maine taxpayers with basic living expenses: the sales tax fairness credit, the property tax fairness credit, the credit for child care expenses, the credit for adult dependent care expenses and any similar credit identified by the working group.

**1. Membership.** The working group consists of 9 members appointed by the Associate Commissioner for Tax Policy within the Department of Administrative and Financial Services, Bureau of Revenue Services, referred to in this resolve as "the associate commissioner":

A. Two representatives of organizations with expertise in matters related to accessing income supports, assisting low-income populations with tax filing or tax policy affecting adults with low incomes;

B. One representative of an organization representing Maine workers;

C. One representative of an organization with expertise in legal and policy matters related to public benefit programs that assist individuals with low incomes;

D. Two low-income residents of the State currently enrolled in the federal Medicaid program, the federal supplemental nutrition assistance program administered by the State pursuant to Title 22, section 3104 or the Temporary Assistance for Needy Families program pursuant to Title 22, chapter 1053-B;

E. One representative, recommended by the Commissioner of Health and Human Services, with expertise in the administration of public assistance programs; and

F. Two other individuals chosen by the associate commissioner or the associate commissioner's designee.

**2. First meeting; chair.** The associate commissioner or the associate commissioner's designee shall convene the first meeting of the working group no later than October 15, 2019. At the first meeting the working group shall select a chair from among its membership. The working group may create subgroups to work on specific issues or initiatives and may include individuals who are not working group members.

**3. Duties.** The working group shall:

A. Review the current method of applying for cost-of-living tax credits to determine how applications for those credits may be consolidated into a single, simplified application;

B. Determine the most efficient method for making a single consolidated payment to eligible individuals for all cost-of-living tax credits for which these individuals are eligible;

C. For making consolidated payments, review possible periodic schedules that are administratively feasible and best meet the needs of eligible individuals;

D. Determine methods to facilitate claims for cost-of-living tax credits, including any consolidated payments recommended by the working group, for persons applying for assistance from the Maine Department of Health and Human Services through its automated client eligibility system;

E. Examine mechanisms for providing any advance consolidated payment of cost-of-living tax credits recommended by the working group to persons receiving assistance through means-tested assistance programs, including, but not limited to,

the federal Medicaid program, the federal supplemental nutrition assistance program administered by the State pursuant to Title 22, section 3104 or the Temporary Assistance for Needy Families program pursuant to Title 22, chapter 1053-B in a manner that will not reduce assistance from these programs solely as a result of receiving the advance consolidated payment; and

F. Review administrative policies and practices to prevent overpayments in advance periodic payments of cost-of-living tax credits and review practices to allow for payment adjustments to reflect changes to income throughout the year.

**Sec. 2. Report. Resolved:** That by February 1, 2020, the associate commissioner shall submit the results of its study, including any suggested legislation necessary to implement the recommendations of the working group, to the Joint Standing Committee on Taxation and the Joint Standing Committee on Appropriations and Financial Affairs. Each committee may submit a bill to the Second Regular Session of the 129th Legislature related to the report.

**Sec. 3. Staff assistance. Resolved:** That the Department of Administrative and Financial Services shall provide necessary staffing services to the working group.

See title page for effective date.

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## CHAPTER 75

### H.P. 668 - L.D. 904

#### **Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes**

**Sec. 1. Commissioner of Professional and Financial Regulation to conduct a sunrise review regarding the proposal to license operators of cranes. Resolved:** That the Commissioner of Professional and Financial Regulation shall conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the proposal to license operators of cranes. For the purpose of this resolve, "crane" means a piece of power-operated equipment that can hoist, lower and horizontally move a suspended load.

**Sec. 2. Requirements. Resolved:** That, in conducting the sunrise review required by section 1, the Commissioner of Professional and Financial Regulation shall consider:

1. Limiting licensure requirements to operators of cranes:

- A. That are used in construction, demolition or excavation work;
- B. That are used at construction sites of projects that involve work on structures over an established height; and
- C. That have lifting capacity that reaches or exceeds set limits;

2. A requirement that an applicant for licensure as an operator of a crane possess an active, unrestricted Maine driver's license and a certification of medical fitness;

3. A requirement for a written and practical examination for licensure as an operator of a crane that incorporates nationally recognized certifications, federal guidelines or national industry guidelines pertaining to the operation of heavy equipment, including the United States Department of Labor, Occupational Safety and Health Administration and American National Standards Institute standards or American Society of Mechanical Engineers guidelines; and

4. A pathway to license recognition for an individual possessing a crane operator license, or the equivalent, in another state or a United States territory.

**Sec. 3. Reporting date established. Resolved:** That, no later than January 10, 2020, the Commissioner of Professional and Financial Regulation shall submit a report with any necessary legislation following the independent assessment under section 1 to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business. The committee is authorized to submit legislation on the subject matter of the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 76**

**H.P. 549 - L.D. 744**

**Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey the Interests in Certain Real Property Located in East Millinocket**

**Sec. 1. Authority to convey state property. Resolved:** That, notwithstanding any provision of law to the contrary, the State, by and through the Commissioner of Administrative and Financial Ser-

vices, referred to in this resolve as "the commissioner," may:

1. Convey by sale any or a portion of the interests of the State in the state property described in section 2, referred to in this resolve as "the state property," with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies. The State's interest in the state property does not include timber rights;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies of the state property;

3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, subchapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale of the State's interests in the state property; and

5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property.

**Sec. 2. Property interests that may be conveyed. Resolved:** That the state property authorized to be sold is a parcel or parcels of land located in the Town of East Millinocket consisting of approximately 3,384 acres conveyed to the State by Katahdin Paper Company LLC on September 28, 2011, recorded in the Penobscot County Registry of Deeds, Book 12608, Page 97-104 and identified on the Town of East Millinocket's Tax Assessor's Map 01 as Lot 09-011 and does not include timber rights to the property.

**Sec. 3. Property to be sold as is. Resolved:** That the commissioner may negotiate and execute purchase and sale agreements upon terms the commissioner considers appropriate; however, the state property must be sold "as is," with no representations or warranties. Title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner.

**Sec. 4. Exemptions. Resolved:** That any conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the state property must first be offered to the Maine State Housing Authority or another state or local agency or offered through competitive bidding.

**Sec. 5. Appraisal. Resolved:** That the commissioner shall have the current market value of the state property determined by a broker opinion of value and current comparative market analysis. The commissioner may list the state property for sale with a private real estate broker and negotiate any sale, solicit

bids or sell directly to a purchaser. The commissioner may reject any offer.

**Sec. 6. Right of first refusal. Resolved:** That the Town of East Millinocket has the right of first refusal to purchase the state property at the broker opinion of value determined pursuant to section 5. The commissioner shall provide written notice to the clerk of the Town of East Millinocket of the intent to sell the state property and the terms of sale. The Town of East Millinocket has 90 days to notify the commissioner in writing whether the Town of East Millinocket will purchase the state property at the broker opinion of value. The Town of East Millinocket has 60 days from the date of invoking its right of first refusal to complete the purchase of the state property.

**Sec. 7. Proceeds. Resolved:** That any proceeds from the sale of the state property pursuant to this resolve must be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements.

**Sec. 8. Repeal. Resolved:** That this resolve is repealed 5 years from its effective date.

See title page for effective date.

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**CHAPTER 77**

**H.P. 1048 - L.D. 1436**

**Resolve, Directing Coordinated State Agencies To Engage with the Governing Leaderships of Portland Pipe Line Corporation and Montreal Pipe Line Limited for Sustainability-centered Repurposing of Stranded and At-risk Infrastructure Assets in Maine**

**Sec. 1. Coordinated state agencies to engage with the governing leaderships of Portland Pipe Line Corporation and Montreal Pipe Line Limited for sustainability-centered repurposing of stranded and at-risk infrastructure assets in Maine. Resolved:** That the Department of Economic and Community Development and the Governor's Energy Office in coordination shall engage directly with the executive and board leaderships of the Portland Pipe Line Corporation and Montreal Pipe Line Limited parent companies Suncor Energy, Shell Oil Company and Imperial Oil Limited to examine opportunities for repurposing the Portland-Montreal pipeline and related real estate holdings in the State, including consideration of a redevelopment strategy and revenue model acceptable to those com-

panies' investors in accordance with the companies' own sustainability goals. The asset to be addressed by the examination is the pipeline itself, which is to be examined for repurposing as a conduit for high-voltage electric transmission lines. The examination of repurposing must consider opportunities for existing Portland Pipe Line Corporation and Montreal Pipe Line Limited employees to direct their efforts toward the technical and management opportunities created by repurposing of the pipeline.

The scope of work under this section may include coordination with other state agencies and local jurisdictions as well as coordination with regulators in New Hampshire, Vermont and the provincial government of Quebec, Canada.

**Sec. 2. Report. Resolved:** That no later than February 15, 2020, the Department of Economic and Community Development and the Governor's Energy Office shall submit a joint report on the efforts undertaken pursuant to this resolve to the Joint Standing Committee on Energy, Utilities and Technology.

See title page for effective date.

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**CHAPTER 78**

**H.P. 1003 - L.D. 1382**

**Resolve, Directing the Department of Education To Study and Develop a State Plan for Computer Science Instruction and Professional Development**

**Sec. 1. Study and development of state plan for computer science instruction and professional development. Resolved:** That the Department of Education shall study and develop a plan for implementing computer science instruction in schools and shall submit a report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 1, 2020, that includes the following:

1. An overview of how computer science courses and curricula are being implemented in schools;
2. A state plan for instruction in computer science in public preschool to grade 12 that includes the development of standards, clarifies how instruction in computer science may be applied toward graduation requirements, provides equitable access to computer science instruction across the State and provides for instruction in computer science in all high schools by 2022 and in all grades by 2025;
3. A professional development plan for educators that includes training in computer science and a component that includes peer-to-peer training in computer science; and

4. An estimate of the funding levels necessary to implement the plans in subsections 2 and 3.

The Joint Standing Committee on Education and Cultural Affairs may submit a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 79**

**S.P. 625 - L.D. 1841**

**Resolve, Directing the  
Commissioner of Professional  
and Financial Regulation To  
Create a Working Group To  
Study Barriers to  
Credentialing**

**Sec. 1. Commissioner of Professional and Financial Regulation to create a working group to study credentialing. Resolved:** That the Commissioner of Professional and Financial Regulation shall create a working group to study barriers to credentialing of:

1. Skilled individuals who have foreign credentials; and
2. Holders of professional and occupational licenses in other states.

The commissioner shall appoint to the working group no fewer than 8 and no more than 10 persons who represent licensing boards and professional organizations served by the licensing boards of professions in the State for which there is a need for and an opportunity to credential skilled individuals with foreign credentials and those with out-of-state licenses. The working group shall consider and develop recommendations for alternative pathways for skilled individuals with foreign credentials to be credentialed in the State and shall review options for license portability for out-of-state licensees.

**Sec. 2. Report. Resolved:** That, by January 15, 2020, the working group created pursuant to section 1 shall submit a report of the working group's progress along with any recommendations and suggested legislation to the Commissioner of Professional and Financial Regulation. The commissioner shall submit the report with any recommendations and suggested legislation to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business by February 15, 2020. The committee may report out a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature. In the event the working group or the commissioner requires additional time to complete the work, the Joint Standing Committee on Innovation,

Development, Economic Advancement and Business may extend the reporting deadline.

See title page for effective date.

**CHAPTER 80**

**H.P. 107 - L.D. 125**

**Resolve, Directing the  
Department of Agriculture,  
Conservation and Forestry To  
Convey Certain Lands to  
Roosevelt Conference Center  
Doing Business as Eagle Lake  
Sporting Camps**

**Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

**Whereas,** certain real estate authorized for conveyance under this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas,** the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell or exchange lands with the approval of the Legislature in accordance with Title 12, sections 1837 and 1851; and

**Whereas,** Aroostook County has experienced significant economic reductions over the last 20 years, with an unemployment rate higher than the state average, an aging workforce and a declining population; and

**Whereas,** an existing business, Eagle Lake Sporting Camps, established in 1889 and located on Eagle Lake Public Reserve Lands east of Route 11, desires to invest significantly in its business to grow into a year-round operation and to upgrade facilities and improve amenities, thus stimulating the economy, creating jobs and increasing local and state tax revenues; and

**Whereas,** such investment would not be feasible nor would such a commitment be made without the acquisition of fee simple ownership of sufficient land to develop and expand the business and without the lease of additional adjoining land to support a modern wilderness destination resort; and

**Whereas,** the subject land is now used as a developed commercial sporting camp property, and no vital conservation land or wildlife habitat nor outdoor recreation opportunities, such as hunting and fishing, are affected by the change in land ownership, and the investment permitted by this conveyance would in-

crease access and opportunities for public use of the Eagle Lake Public Reserve Lands; now, therefore, be it

**Sec. 1. Director of the Bureau of Parks and Lands to offer to convey certain land in T16 R6. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, referred to in this resolve as "the director," shall offer to convey, by quitclaim deed with covenant to Roosevelt Conference Center doing business as Eagle Lake Sporting Camps, and its successors and assigns, the land described in the lease of land in Township 16, Range 6 current as of the effective date of this resolve from the State to Eagle Lake Sporting Camps and such additional contiguous land as agreed to by the director and the purchaser to the east of the leased land for a total of 12.86 acres, subject to the State's retaining or withholding any rights to subdivide the land conveyed. In addition, the director shall offer to convey to Eagle Lake Sporting Camps an access right-of-way that is no greater than 66 feet wide along the service road to the Square Lake Road. The conveyance of the right-of-way must include conditions that allow Eagle Lake Sporting Camps to maintain the road and make road improvements after acquiring prior written approval from the State. If Eagle Lake Sporting Camps accepts the offer, the director at the State's expense and the purchaser at the purchaser's expense each shall obtain a professional appraisal of the property to be conveyed under this resolve and the higher of the 2 appraisals is the sale price. The use of the property conveyed is restricted to the operation of a commercial sporting camp, in keeping with the historical traditions of the area in general and particularly of this property. If at any time following conveyance the property is no longer used for the purpose described in this section, title to the property reverts to the State without cost and any buildings that occupy the site must be removed by the owner at the owner's own cost upon request of the State. The owner has 180 days from the date of notice to remove buildings. After 180 days from the date of notice, ownership of any buildings remaining on the property reverts to the State.

The director shall ensure that the deed conveying the land contains the following covenant, or words to such effect: As a condition of the conveyance of the property, Eagle Lake Sporting Camps and its successors and assigns agree that they will never ask for any changes to the deed and that they will neither ask for nor accept any further grants of land from the State other than the 12.86-acre parcel conveyed pursuant to this resolve. A violation of this covenant results in the immediate reversion of the parcel to the State.

See title page for effective date.

**CHAPTER 81  
S.P. 258 - L.D. 892**

**Resolve, To Require the Examination of Alternatives to the Service Provider Tax**

**Sec. 1. Examination of alternatives to the service provider tax. Resolved:** That the Department of Health and Human Services in partnership with the Department of Administrative and Financial Services and other state agencies that the departments determine should be included shall examine the service provider tax imposed pursuant to the Maine Revised Statutes, Title 36, chapter 358 and alternatives to that tax. The departments shall submit a report on their findings and recommendations to the Joint Standing Committee on Taxation by March 1, 2020 describing the advantages and disadvantages of the service provider tax and alternatives that were examined. The committee may submit a bill related to the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 82  
S.P. 412 - L.D. 1324**

**Resolve, To Establish the Committee To Study the Feasibility of Creating Basic Income Security**

**Sec. 1. Committee established. Resolved:** That the Committee To Study the Feasibility of Creating Basic Income Security, referred to in this resolve as "the committee," is established.

**Sec. 2. Committee membership. Resolved:** That the committee consists of 11 members appointed as follows:

1. Three members of the Senate appointed by the President of the Senate, including a representative of each of the following joint standing committees:

- A. The Joint Standing Committee on Labor and Housing;
- B. The Joint Standing Committee on Health and Human Services; and
- C. The Joint Standing Committee on Taxation;

2. Three members of the House of Representatives appointed by the Speaker of the House, including a representative of each of the following joint standing committees:

- A. The Joint Standing Committee on Labor and Housing;

B. The Joint Standing Committee on Health and Human Services; and

C. The Joint Standing Committee on Innovation, Development, Economic Advancement and Business;

3. Two members of the public who represent low-wage workers and recipients of public benefits, appointed by the President of the Senate;

4. One member of the public who represents business and industry, appointed by the Speaker of the House;

5. One member who represents higher education, appointed by the Speaker of the House; and

6. One member who represents a trade union, appointed by the Governor.

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the committee.

**Sec. 4. Appointments; convening of committee. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the committee to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the committee shall examine and make recommendations on the feasibility of providing basic economic security through a direct cash payment system and other programs that are designed to help individuals and families become more economically secure, including, but not limited to:

1. Tax rebates and credits, including strengthening the earned income tax credit and a negative income tax;
2. Universal basic income and unconditional cash transfers to residents of the State; and
3. Other direct cash benefit programs.

The committee shall also investigate the effectiveness of existing safety net programs, such as tax credit, child care and food supplement programs, and compare those programs to any recommended direct cash payment programs.

In fulfilling its duties under this section, the committee shall as necessary invite input from the Department of Administrative and Financial Services,

Bureau of Revenue Services and from the Governor's Office of Policy and Management.

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the committee, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**Sec. 7. Report. Resolved:** That, no later than November 4, 2020, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 130th Legislature.

**Sec. 8. Outside funding. Resolved:** That the committee shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

See title page for effective date.

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## CHAPTER 83

### H.P. 1166 - L.D. 1614

#### **Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry**

**Sec. 1. Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry established. Resolved:** That the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry, referred to in this resolve as "the commission," is established.

**Sec. 2. Membership. Resolved:** That, notwithstanding Joint Rule 353, the commission consists of 14 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

3. Four public members, one of whom must be from the northern part of the State, appointed by the President of the Senate as follows:

- A. A representative of the energy storage industry;
- B. A representative of the hydroelectric energy storage industry;
- C. A representative of an electric utility in the State; and
- D. An academic in the field of energy storage;

4. Four public members appointed by the Speaker of the House as follows:

- A. A representative of a conservation organization;
- B. A representative of a business that uses significant electric power in the State;
- C. A representative of a large-scale energy storage owner; and
- D. A representative of a small-scale energy storage owner; and

5. The Public Advocate or the Public Advocate's designee.

**Sec. 3. Commission chairs. Resolved:** That the first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

**Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the commission shall hold at least 4 meetings and shall:

1. Review and evaluate the economic, environmental and energy benefits of energy storage to the State's electricity industry, as well as public policy and economic proposals to create and maintain a sustainable future for energy storage in the State;

2. Consider the challenges of the broad electricity market in the State, including challenges with transmission and stranded renewable energy generation in the northern part of the State, and analyze whether energy storage is part of the transmission solution;

3. Consider whether the environmental, economic, resiliency and energy benefits of energy storage support updating the State's energy policy to strengthen and increase the role of energy storage throughout the State;

4. Consider the economic benefits of energy storage systems procurement targets, including benefits of cost savings to ratepayers from the provision of services, including energy price arbitrage, capacity, ancillary services and transmission and distribution asset deferral or substitution; direct cost savings to ratepayers that deploy energy storage systems; an improved ability to integrate renewable resources; improved reliability and power quality; the effect on retail electric rates over the life of a given energy storage system compared to the effect on retail electric rates using a nonenergy storage system alternative over the life of the nonenergy storage system alternative; reduced greenhouse gas emissions; and any other value reasonably related to the application of energy storage system technology and compare those economic benefits to the effects of leaving current policies in place;

5. Review economically efficient and effective implementation approaches to energy storage targets;

6. Consider bring-your-own-device programs that offer credits for sharing stored energy with electric utilities and storm outage and response management programs for behind-the-meter energy storage to reduce peak reduction and increase resiliency; and

7. Examine any other issues to further the purposes of the study.

In conducting the duties under this section, the commission shall seek public input and shall consult and collaborate with stakeholders and experts in the fields of economic development, natural resources and energy policy.

**Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**Sec. 7. Report. Resolved:** That, no later than December 4, 2019, the commission shall submit a report to the Joint Standing Committee on Energy, Utilities and Technology that includes its findings and recommendations, including suggested legislation. The report may consider a review of economically efficient and effective implementation approaches for energy storage targets. The suggested legislation must include, but is not limited to, adopting procurement targets for the State for energy storage systems, both behind a customer meter and connected to transmission and distribution facilities, if proven beneficial for ratepayers in the cost-benefit analysis under section 5.

See title page for effective date.

**CHAPTER 84  
S.P. 556 - L.D. 1691**

**Resolve, Directing the Board of Pesticides Control To Work with the Forest Products Industry To Monitor Aerial Herbicide Applications**

**Sec. 1. Monitoring of aerial herbicide applications. Resolved:** That the Board of Pesticides Control, established in the Maine Revised Statutes, Title 22, section 1471-B, shall work with representatives of the forest products industry who conduct aerial application of herbicides for the purpose of silviculture, including reforestation, regeneration or vegetation control, to monitor aerial applications of herbicides through a neutral 3rd-party entity determined by the board. The one-time monitoring of aerial applications required under this section is contingent upon the receipt of outside funds for this purpose. The board shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry with findings and recommendations related to the monitoring of aerial herbicide application no later than February 1, 2020. The monitoring of aerial applications of herbicides must conclude upon submission of the report to the joint standing committee. The joint standing committee may submit a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 85  
S.P. 594 - L.D. 1762**

**Resolve, Authorizing the Transfer of a Plot of Land from the State to the Town of Allagash**

**Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

**Whereas,** the land authorized for transfer by this resolve is within the designations in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas,** the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell, lease or exchange lands with the approval of the Legislature in accord-

ance with the Maine Revised Statutes, Title 12, sections 1814, 1837 and 1851; now, therefore, be it

**Sec. 1. Director of Bureau of Parks and Lands to convey land. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall offer to convey by quitclaim deed with covenant, at the cost of \$1,500, to the Town of Allagash, County of Aroostook for the establishment of a fueling facility for the local logging industry and off-road recreational vehicles, including, but not limited to, snowmobiles and all-terrain vehicles, the parcel of land situated on Route 161, otherwise known as Allagash Road, and Old Route 161 in the Town of Allagash and described in the records of the bureau as the Allagash Southeast project, Original Reservation parcel and having identification number 86-2298. The use of the property is restricted to the operation of a fueling facility and if at any time the property following conveyance is no longer used for the purpose as provided under this section, the title reverts to the State of Maine without cost and, upon request of the State of Maine, the site must be restored to its condition at the time of conveyance by the owners at their own cost. If the Town of Allagash does not establish a fueling facility as described by September 1, 2020, the title reverts to the State of Maine without cost and, upon request of the State of Maine, the site must be restored to its condition at the time of conveyance by the owners at their own cost.

**Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Land Management and Planning Z239**

Initiative: Provides allocation for expenditures related to road building and road maintenance on public reserved lands.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$1,500	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,500	\$0

See title page for effective date.

**CHAPTER 86**  
**S.P. 617 - L.D. 1827**

**Resolve, To Designate a Bridge  
in Indian Purchase Township  
the Detective Benjamin  
Campbell Bridge**

**Sec. 1. West Branch Bridge renamed. Resolved:** That the Department of Transportation shall designate Bridge 3666 on Route 11 in T3 Indian Purchase Township, currently known as the West Branch Bridge, the Detective Benjamin Campbell Bridge.

See title page for effective date.

**CHAPTER 87**  
**S.P. 284 - L.D. 994**

**Resolve, To Require the  
Approval by the Public Utilities  
Commission of a Proposal for a  
Long-term Contract for  
Deep-water Offshore Wind  
Energy**

**Preamble. Whereas,** legislative power is defined by limitation, not by grant, and is absolute except as restricted by the Constitution of Maine; and

**Whereas,** regulation of public utilities is a function of the Legislature, or a subordinate body, in the exercise of the police powers, as an attribute of sovereignty; and

**Whereas,** the Legislature's delegation of authority to the Public Utilities Commission may be withdrawn, modified or superseded in whole or in part from time to time by the Legislature by specific legislative act or resolve exercising the Legislature's absolute authority; and

**Whereas,** in 2010, the 124th Legislature enacted An Act To Implement the Recommendations of the Governor's Ocean Energy Task Force, Public Law 2009, chapter 615, finding that development of offshore wind energy projects in the Gulf of Maine is in the public interest; and

**Whereas,** Public Law 2009, chapter 615, Part A, section 6 directed the Public Utilities Commission to conduct a competitive solicitation for proposals for long-term contracts to supply installed capacity and associated renewable energy and renewable energy credits from one or more deep-water offshore wind energy or tidal energy demonstration projects and further directed the commission to make every effort to effectuate any such project; and

**Whereas,** on July 9, 2013, the Public Utilities Commission issued a request for proposals for long-term contracts for deep-water offshore wind energy pilot projects; and

**Whereas,** on August 30, 2013, Maine Aqua Ventus I, GP, LLC submitted a responsive proposal to the Public Utilities Commission in response to the request for proposals; and

**Whereas,** the Public Utilities Commission evaluated the Maine Aqua Ventus proposal and by orders issued February 13, 2014 and February 19, 2014 in Docket No. 2010-00235 selected Maine Aqua Ventus as the seller to transfer to Central Maine Power Company transmission and distribution capacity and associated energy produced by its deep-water offshore wind energy pilot project, subject to certain terms and conditions, referred to as "the term sheet," set forth in the February 13, 2014 and February 19, 2014 orders; and

**Whereas,** in its February 19, 2014 order approving the term sheet, the Public Utilities Commission found that Maine Aqua Ventus had satisfied each of the 6 criteria enacted by the Legislature in Public Law 2009, chapter 615, Part A, section 6, subsection 1, paragraphs A to F as prerequisites to ordering a transmission and distribution utility to enter into a long-term contract for the purchase of energy and capacity from Maine Aqua Ventus; and

**Whereas,** consistent with the terms and conditions set forth by the Public Utilities Commission in its February 2014 orders, Maine Aqua Ventus and Central Maine Power Company negotiated and drafted a long-term contract for capacity and associated energy following a series of meetings involving Maine Aqua Ventus, Central Maine Power Company, the Office of the Public Advocate and commission staff and legal counsel and filed the final draft with the Public Utilities Commission in December 2017; and

**Whereas,** in January 2018, the Public Utilities Commission delayed the contract's approval and solicited public comment on whether to reconsider the February 2014 orders approving the term sheet; and

**Whereas,** on June 12, 2018, the Public Utilities Commission decided, despite objections from Maine Aqua Ventus and the great majority of public commenters, to not act on the long-term contract between Maine Aqua Ventus and Central Maine Power Company filed with the commission in December 2017 and by order issued August 6, 2018 reopened the proceeding to reconsider the February 2014 orders; and

**Whereas,** since 2010, scientists and energy experts in the State and around the world have increasingly concluded that offshore wind will make a major contribution to the expansion of essential renewable energy generation, reducing reliance on fossil fuels

and greatly assisting in the transition to a reduced carbon future; and

**Whereas**, since 2010, offshore wind energy development has rapidly accelerated in southern New England and other states on the Atlantic Coast, with fixed-bottom offshore wind energy projects contracting to deliver thousands of megawatts of power to regional electricity consumers and hundreds of millions of dollars being invested in projects and related onshore logistical and construction support; and

**Whereas**, the finite locations available for siting fixed-bottom offshore wind energy projects in the State, the United States and much of the world limit such development, creating a clear need for and public interest in the prompt development of cost-effective floating offshore wind energy technology, especially for regions such as the Gulf of Maine that lack the shallow water and sandy ocean floor necessary for fixed-bottom technologies; and

**Whereas**, in 2019, floating offshore wind energy technology remains essential to the State to reach its carbon reduction goals in a cost-effective manner, to mitigate the destructive warming of the Gulf of Maine and to benefit the economy through becoming an international source of floating offshore wind energy technology and manufacturing; and

**Whereas**, the Legislature finds that the public interest in prompt action by the State to determine the feasibility of the Maine Aqua Ventus floating offshore wind energy technology in the Gulf of Maine requires that the Legislature make certain findings and require the Public Utilities Commission to order execution of the December 2017 long-term contract between Maine Aqua Ventus and Central Maine Power Company necessary to effectuate the deep-water offshore wind energy pilot project; and

**Whereas**, the Legislature finds that it is in the best interest of the State to approve the December 2017 long-term contract between Maine Aqua Ventus and Central Maine Power Company as previously negotiated and drafted except with only such revisions as may be commercially necessary in light of the passage of time and the maturation of the offshore wind industry so that the deep-water offshore wind energy pilot project may move forward expeditiously and generate the benefits to the State and its people sought by the Legislature in Public Law 2009, chapter 615 and subsequent legislation; now, therefore, be it

**Sec. 1. Findings. Resolved:** That, notwithstanding any provision of law to the contrary or prior action or failure to act by the Public Utilities Commission, in order to best and most expeditiously effectuate the policies, goals and mandates set forth in the Maine Revised Statutes, Title 35-A, section 3202, subsection 1 and Title 35-A, section 3404, subsections 1 and 2; complete the competitive solicitation initiated by en-

actment of Public Law 2009, chapter 615, Part A, section 6; and make every effort to effectuate the Maine Aqua Ventus I, GP, LLC floating deep-water offshore wind energy demonstration project, the Legislature:

1. Finds that based on information filed by Maine Aqua Ventus I, GP, LLC, referred to in this resolve as "Maine Aqua Ventus," and others in the Public Utilities Commission Docket No. 2010-00235 and information otherwise in the public domain regarding the rapid worldwide development of offshore wind energy since 2010 and most recently offshore of the states of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland and Virginia, including hundreds of millions of dollars of planned investment in onshore logistical support and construction, the Public Utilities Commission correctly concluded in its February 19, 2014 order that Maine Aqua Ventus, referred to in this subsection as "the supplier," had satisfied each of the 6 criteria enacted by the Legislature in Public Law 2009, chapter 615, Part A, section 6, subsection 1, paragraphs A to F, as follows:

A. "Supplier proposes sale of renewable energy produced by a deep-water offshore wind energy pilot project or a tidal energy demonstration project as defined in this RFP";

B. "Supplier has the technical and financial capacity to develop, construct, operate and, to the extent consistent with applicable federal law, decommission and remove the project in the manner provided by Title 38, section 480-HH, subsection 3, paragraph G";

C. "Supplier has quantified the tangible economic benefits of the project to the State, including those regarding goods and services to be purchased and use of local suppliers, contractors and other professionals, during the proposed term of the contract";

D. "Supplier has experience relevant to tidal power or the offshore wind energy industry, as applicable, including, in the case of a deep-water offshore wind energy pilot project proposal, experience relevant to the construction and operation of floating wind turbines, and has the potential to construct a deep-water offshore wind energy project 100 megawatts or greater in capacity in the future to provide electric consumers in Maine with project-generated power at reduced rates";

E. "Supplier has demonstrated a commitment to invest in manufacturing facilities in Maine that are related to deep-water offshore wind energy or tidal energy, as applicable, including, but not limited to, component, turbine, blade, foundation or maintenance facilities"; and

F. "Supplier has taken advantage of all federal support for the project, including subsidies, tax

incentives and grants, and incorporated those resources into its bid price";

2. Finds that the development and operation of Maine Aqua Ventus technology under the long-term contract will:

A. Meet and surpass the substantial economic and professional opportunities and other societal benefits to the State anticipated by the Legislature in Public Law 2009, chapter 615 and subsequent legislation;

B. Provide benefits to providers of supervisory control and data acquisition systems and other monitoring services, systems controls providers, marine and construction engineering firms, marine transport services technology apprenticeship programs and other industries and service providers in the State;

C. Promote the public interest in development of reasonably priced, high load factor, winter-peaking renewable energy at projected and stable rates to serve the State and the regional power grid; and

D. Achieve several public purposes, including creating offshore-wind-related employment in the State, decreasing reliance on fossil fuels and increasing availability of renewable energy, mitigating the destructive warming of the Gulf of Maine and greatly assisting the State in achieving its carbon reduction goals; and

3. Finds that the public interest requires that the State Government maintain consistent, transparent and predictable regulatory processes and that the State Government thus be known to the world to keep its word.

**Sec. 2. Maine Aqua Ventus to file draft contract with Public Utilities Commission. Resolved:** That, within 15 days of the effective date of this resolve, Maine Aqua Ventus shall file with the Public Utilities Commission a draft revised contract, which must be the same as the contract filed with the commission on December 13, 2017, in Docket No. 2010-00235, except for revisions necessary for the purposes of updating the previously negotiated contract in light of the passage of time and the maturation of the industry and facilitating the financing, construction and operation of the demonstration project in current circumstances.

**Sec. 3. Contract negotiations; final draft contract. Resolved:** That, within 60 days after the filing of the draft revised contract under section 2, the Public Utilities Commission shall initiate and complete negotiations among commission staff, Maine Aqua Ventus, Central Maine Power Company and the Office of the Public Advocate and shall approve a final draft contract. The final draft contract must be the

same as the contract filed with the commission on December 13, 2017, in Docket No. 2010-00235, except for revisions necessary for the purposes of updating the contract in light of the passage of time and the maturation of the industry and facilitating the financing, construction and operation of the demonstration project in current circumstances, within the cost limitations established in Public Law 2009, chapter 615, while not increasing or decreasing the annual energy production cap or, except as needed to reasonably accommodate for construction inflation costs since 2014, the cost per kilowatt-hour previously set in the base energy price.

**Sec. 4. Contract executed between Maine Aqua Ventus and Central Maine Power Company; cost recovery. Resolved:** That, within 90 days of the effective date of this resolve, the Public Utilities Commission shall order the final draft contract approved under section 3 to be executed by Maine Aqua Ventus and Central Maine Power Company. The commission shall permit a transmission and distribution utility that it has directed to enter into a long-term contract under this section to recover the full cost of the purchases made under that contract in appropriate rate-making proceedings.

**Sec. 5. Project monitoring; contract amendments. Resolved:** That the Public Utilities Commission shall monitor the deep-water offshore wind energy pilot project developed by Maine Aqua Ventus and shall advise and consult with the parties to the project with regard to the exploration, assessment and implementation of all commercially reasonable actions to accomplish the objectives of Public Law 2009, chapter 615 through the financing, construction and operation of the demonstration project. The commission shall approve requested amendments to the contract executed under section 4 between Maine Aqua Ventus and Central Maine Power Company that are reasonably designed to accomplish the objectives of Public Law 2009, chapter 615 and to facilitate the financing and operation of the deep-water offshore wind energy pilot project as Maine Aqua Ventus may request from time to time, except that an amendment to the contract may not modify the annual energy production cap or, except as needed to reasonably accommodate for construction inflation costs since 2014, the cost per kilowatt-hour set in the base energy price under the contract.

**Sec. 6. Authority for legislation. Resolved:** That the Joint Standing Committee on Energy, Utilities and Technology may report out a bill relating to deep-water offshore wind energy to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 88  
H.P. 317 - L.D. 408**

**Resolve, To Require the  
Department of Health and  
Human Services To Develop a  
Plan for Neurobehavioral Beds**

**Sec. 1. Department of Health and Human Services to develop a plan for neurobehavioral beds. Resolved:** That the Department of Health and Human Services shall develop a plan to provide up to 16 new neurobehavioral beds in the State to serve individuals with brain injury and accompanying significant behavioral challenges who need short-term treatment for no longer than one year before transitioning to a long-term care environment. These individuals must be unable to be served appropriately in the community or in a nursing facility lacking specialized neurobehavioral services but must not need hospitalization. The department shall submit a report with the plan, together with any necessary legislation, to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The committee is authorized to report out a bill based on the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 89  
H.P. 884 - L.D. 1223**

**Resolve, Directing the  
Department of Transportation  
To Incorporate Transportation  
Demand Management  
Strategies in Its Rules  
Pertaining to Traffic  
Movement Permits**

**Sec. 1. Formation of stakeholder group. Resolved:** That the Commissioner of Transportation shall form a stakeholder group to review Chapter 305 of the Department of Transportation's rules pertaining to the traffic movement permit process established in the Maine Revised Statutes, Title 23, section 704-A.

**Sec. 2. Traffic movement permit recommendations. Resolved:** That the stakeholder group under section 1 shall develop and evaluate recommendations for incorporation into the traffic movement permit process of the following:

1. Feasible transportation demand management strategies that must be considered when analyzing the widening of roadways;
2. A requirement that all applicants for a traffic movement permit analyze all modes of transportation

reasonably related to a project, including but not limited to modes such as vehicle, pedestrian, bicycle, transit and trail use; and

3. Standards to be used by applicants for a traffic movement permit to evaluate the impacts on each mode of transportation reasonably related to a project and strategies to mitigate those impacts, including thresholds for applying those standards to a project and allowing an entity proposing a project that does not meet the thresholds to opt in to using those standards.

**Sec. 3. Rulemaking. Resolved:** That the Commissioner of Transportation shall submit major substantive rules amending the traffic movement permit process under the Maine Revised Statutes, Title 23, section 704-A, based on the findings and recommendations of the stakeholder group under section 2, no later than February 1, 2020.

**Sec. 4. Authorization to introduce a bill. Resolved:** That the Commissioner of Transportation shall identify and recommend to the Joint Standing Committee on Transportation any provision in law that may need to be amended to achieve the recommendations of the stakeholder group under section 2. The joint standing committee may introduce a bill amending the provisions of law identified by the commissioner during the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 90  
H.P. 569 - L.D. 764**

**Resolve, To Create the  
Criminal Records Review  
Committee**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the definition of appropriate access to criminal records is evolving as society changes its thinking with regard to sentencing, punishment, rehabilitation and fresh starts; and

**Whereas,** the treatment of convictions for conduct that is no longer criminal is subject to reevaluation; and

**Whereas,** the separation of powers concept enshrined in the Constitution of Maine limits the options available for reducing access to criminal records; and

**Whereas,** the Criminal Records Review Committee is established in this resolve to develop a pro-

posed policy on the appropriate access to criminal records; and

**Whereas,** the work of the committee must be initiated before the 90-day period expires in order that the work may be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Review committee established. Resolved:** That the Criminal Records Review Committee, referred to in this resolve as "the review committee," is established.

**Sec. 2. Review committee membership. Resolved:** That, notwithstanding Joint Rule 353, the review committee consists of 15 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Three members of the House of Representatives appointed by the Speaker of the House of Representatives, including at least one member from each of the 2 parties holding the largest number of seats in the Legislature;
3. The Attorney General or the Attorney General's designee;
4. The Commissioner of Public Safety or the commissioner's designee;
5. The President of the Maine Prosecutors Association or the president's designee;
6. The President of the Maine Association of Criminal Defense Lawyers or the president's designee;
7. The President of the Maine Sheriffs' Association or the president's designee;
8. A representative of a civil rights organization whose primary mission includes the advancement of racial justice, appointed by the President of the Senate;
9. A representative of a nonprofit organization whose mission includes advocating for victims and survivors of domestic violence or sexual assault, appointed by the President of the Senate;
10. A representative of a civil liberties organization whose primary mission is the protection of civil liberties, appointed by the Speaker of the House of Representatives; and
11. A representative of a nonprofit organization whose primary mission is to advocate for victims and

survivors of sexual exploitation and sex trafficking, appointed by the Speaker of the House of Representatives.

The review committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the review committee.

**Sec. 4. Appointments; convening of review committee. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the review committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the review committee to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the review committee shall:

1. Review activities in other states that address the expungement of, sealing of and otherwise limiting public access to criminal records;
2. Consider whether the following convictions should be subject to different treatment:
  - A. Convictions for conduct that has been decriminalized in this State over the last 10 years and conduct that is currently under consideration for decriminalization; and
  - B. Convictions for conduct that was committed by victims and survivors of sexual exploitation and sex trafficking;
3. Consider whether there is a time limit after which some or all criminal records should not be publicly available;
4. Invite comments and suggestions from interested parties, including but not limited to victim advocates and prison and correctional reform organizations;
5. Review existing information about the harms and benefits of making criminal records confidential;
6. Invite comments and suggestions concerning the procedures and processes to limit public accessibility of criminal records;
7. Consider who, if anyone, should continue to have access to criminal records that are not publicly available; and

8. Develop options to manage criminal records.

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the review committee, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**Sec. 7. Report. Resolved:** That, no later than December 4, 2019, the review committee shall submit to the Joint Standing Committee on Judiciary a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

**Sec. 8. Outside funding. Resolved:** That the review committee shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

**Sec. 9. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Allocates funds for the one-time costs to the Legislature of the Criminal Records Review Committee.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$1,100	\$0
All Other	\$1,650	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,750</b>	<b>\$0</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 20, 2019.

**CHAPTER 91**

**H.P. 943 - L.D. 1300**

**Resolve, To Transfer the Guilford Butler School Property to the Town of South Thomaston**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** officials of the Town of South Thomaston have expressed a desire that the property transaction described in this legislation be executed as soon as possible, as a determination on the disposition of the building on the property must soon be made; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Definitions. Resolved:** That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Commissioner" means the Commissioner of Administrative and Financial Services.
2. "State property" means the real estate described in section 3 with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies.

**Sec. 2. Authority to convey state property. Resolved:** That, notwithstanding any other law, the State, by and through the commissioner, may:

1. Convey the interests of the State in the state property to the Town of South Thomaston;
2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;
3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;
4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed conveyance of the State's interests; and
5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property.

**Sec. 3. Property interests that may be conveyed. Resolved:** That the state property authorized to be conveyed is a parcel of land described in a deed dated June 14, 1954 from Amos Makinen of South Thomaston to the Maine School Building Authority, recorded in Book 336, Page 135, Knox County Registry of Deeds.

**Sec. 4. Property to be conveyed "as is." Resolved:** That the commissioner may convey the state property without consideration upon terms the commissioner considers appropriate; however, the state property must be conveyed "as is," with no representations or warranties.

Title must be transferred by quitclaim deed without covenant and executed by the commissioner.

**Sec. 5. Exemptions. Resolved:** That any conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the state property first be offered to the Maine State Housing Authority or another state or local agency.

**Sec. 6. Repeal. Resolved:** That this resolve is repealed 5 years from its effective date.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 20, 2019.

**CHAPTER 92**

**H.P. 384 - L.D. 527**

**Resolve, Directing the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands To Establish a Law Enforcement Training Program for Park Managers and Certain Bureau Staff**

**Sec. 1. Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to establish a law enforcement training program for certain bureau staff. Resolved:** That the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands shall establish a law enforcement training program for bureau employees and agents who manage lands or waters within the bureau's jurisdiction and who exercise law enforcement powers of the bureau in enforcing bureau rules and state law within the jurisdiction of the bureau.

**Sec. 2. Training program criteria. Resolved:** That the training program in section 1 must include, but is not limited to, training in:

- A. Self-defense;
- B. The use of nonlethal self-defense equipment;
- C. The use of motor vehicle emergency lights;
- D. Requesting identification from persons;
- E. The issuance of summonses; and
- F. Arresting and detaining a person when there is probable cause to believe the person has committed or is committing a crime.

**Sec. 3. Implementation date. Resolved:** That the training program in section 1 must be implemented no later than January 1, 2020.

**Sec. 4. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Parks - General Operations Z221**

Initiative: Provides appropriations to implement a training program on various law enforcement practices for employees and agents who manage lands or waters and exercise law enforcement powers within the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands' jurisdiction, to be implemented no later than January 1, 2020.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$42,597	\$42,597
<b>GENERAL FUND</b>	<b>\$42,597</b>	<b>\$42,597</b>
<b>TOTAL</b>		

See title page for effective date.

**CHAPTER 93**

**H.P. 737 - L.D. 982**

**Resolve, To Expand the Use of the Women, Infants and Children Special Supplemental Food Program at Farmers' Markets**

**Sec. 1. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Maine Center for Disease Control and Prevention 0143**

Initiative: Provides additional funding to the Maine Center for Disease Control and Prevention to expand the use of the Women, Infants and Children Supplemental Food Program at farmers' markets.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$10,000

GENERAL FUND	\$0	\$10,000
TOTAL		

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$17,000

FEDERAL EXPENDITURES FUND	\$0	\$17,000
TOTAL		

See title page for effective date.

**CHAPTER 94**  
**S.P. 345 - L.D. 1125**

**Resolve, To Require Reimbursement for Bed-hold Days in Adult Family Care Homes**

**Sec. 1. Adult family care home reimbursement for bed-hold days. Resolved:** That, no later than January 1, 2020, the Department of Health and Human Services shall amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 2, Adult Family Care Services to reimburse for days a resident is absent from a facility due to hospitalization, visits with family or friends or other appropriate causes determined by the department for up to 30 bed-hold days per calendar year. The rate of reimbursement must be at least equal to the rate for bed-hold days provided to residential care facilities under the department's rule Chapter 115: Principles of Reimbursement for Residential Care Facilities.

**Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides appropriations and allocations to reimburse adult family care homes for up to 30 bed-hold days per calendar year in the same manner as residential care facilities are reimbursed.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$16,414	\$33,056

GENERAL FUND	\$16,414	\$33,056
TOTAL		

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$29,155	\$58,082

FEDERAL EXPENDITURES FUND	\$29,155	\$58,082
TOTAL		

**Office of MaineCare Services 0129**

Initiative: Provides one-time appropriations and allocations for required technology updates.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$56,627	\$0

GENERAL FUND	\$56,627	\$0
TOTAL		

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$169,883	\$0

FEDERAL EXPENDITURES FUND	\$169,883	\$0
TOTAL		

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>\$73,041</b>	<b>\$33,056</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$199,038</b>	<b>\$58,082</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$272,079</b>	<b>\$91,138</b>
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See title page for effective date.

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## CHAPTER 95

### H.P. 889 - L.D. 1228

#### **Resolve, Requiring the Department of Health and Human Services To Develop More Comprehensible MaineCare Benefit Letters**

**Sec. 1. Department of Health and Human Services to develop more comprehensible MaineCare benefit letters. Resolved:** That the Department of Health and Human Services shall examine the letters the department sends notifying individuals of their eligibility for MaineCare and the Medicare savings program, also known as the Medicare buy-in program, and make changes to the letters to ensure the format and language of the letters are as user-friendly and comprehensible as possible. The department shall investigate the possibility of a letter that includes a tear-off or cut-out section for use as proof of eligibility for persons eligible for the Medicare savings program to carry if they do not otherwise receive a card from the department for this purpose. Any changes to the letters and proof of eligibility section must be made within existing resources.

**Sec. 2. Report. Resolved:** That the Department of Health and Human Services shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters describing any changes to the letters and cards pursuant to section 1. The report must be submitted by February 1, 2021.

See title page for effective date.

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## CHAPTER 96

### H.P. 41 - L.D. 40

#### **Resolve, To Establish the Commission To Study Children's Mental Health**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this resolve establishes the Commission To Study Children's Mental Health to study the mental health of children in the State and federal and state laws, regulations, rules and policies governing the diagnosis and treatment of children with mental health issues; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Commission established. Resolved:** That the Commission To Study Children's Mental Health, referred to in this resolve as "the commission," is established.

**Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule 353, the commission consists of 11 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

2. Two members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

3. Two parents of children with mental health issues, one appointed by the President of the Senate and one appointed by the Speaker of the House;

4. Three representatives of providers of mental health services to children in the State, 2 appointed by the President of the Senate and one appointed by the Speaker of the House;

5. The Commissioner of Health and Human Services or the commissioner's designee; and

6. The Commissioner of Education or the commissioner's designee.

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

**Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the commission shall study the mental health of children in the State and federal and state laws, regulations, rules and policies governing the diagnosis and treatment of children with mental health issues in the State.

**Sec. 6. Staff assistance. Resolved:** That the Department of Health and Human Services shall provide necessary staffing services to the commission.

**Sec. 7. Report. Resolved:** That, no later than December 4, 2019, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 26, 2019.

**CHAPTER 97**

**H.P. 700 - L.D. 945**

**Resolve, To Establish the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation establishes the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** adequate, sustainable and predictable transportation funding is critical to the safety and economic well-being of all the State's citizens; and

**Whereas,** funding for transportation infrastructure in the State and the nation is seriously lacking; and

**Whereas,** the shortfall in funding related to the State's state highway and bridge system is at least \$160 million per year, without consideration of general obligation bonding; and

**Whereas,** general obligation bonding levels are unpredictable due to the current short-term focus of the process that determines bonding levels and priorities, a process that usually takes place late in a legisla-

tive session after finalization of the biennial budget, if at all; and

**Whereas,** higher fuel efficiency vehicles and alternative fuel vehicles continue to erode the funding provided by per gallon fuel taxes and increases the inequity between drivers in terms of the fee paid per mile for use of the state highway and bridge system; and

**Whereas,** fuel prices are relatively low but will likely rise in the years ahead; and

**Whereas,** about 37 million people visit the State each year, which has a year-round population of about 1.3 million people, and the capacity and a significant portion of the cost of the State's transportation systems are driven by seasonal traffic volumes that swell due to our valued visitors from away; and

**Whereas,** through years of capital planning, prioritization and efficiency initiatives, the Department of Transportation has proven that it uses funding efficiently and effectively and can be trusted to do so with additional funding; and

**Whereas,** federal transportation funding is unpredictable, the federal Fixing America's Surface Transportation Act will expire in 2020 and there is no guarantee, in this federal environment, of a stable funding solution in the future; and

**Whereas,** other states are finding transportation funding solutions, the State has an obligation to all the State's citizens to seek funding solutions now; and

**Whereas,** a bipartisan blue ribbon commission charged with analyzing options and recommending legislation is the best way to reform and supplement transportation funding in Maine; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Commission established. Resolved:** That the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems, referred to in this resolve as "the commission," is established.

**Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule 353, the commission consists of 15 members as follows:

1. Three members appointed by the President of the Senate, at least one of whom is from the minority party in the Senate, including at least one member of the Joint Standing Committee on Transportation, and at least one member of either the Joint Standing Committee on Appropriations and Financial Affairs or the Joint Standing Committee on Taxation;

2. One member appointed by the President of the Senate representing an organization of municipal or public works officials;

3. Four members appointed by the Speaker of the House of Representatives, at least one of whom is from the minority party in the House, including at least one member of the Joint Standing Committee on Transportation, and at least one member of either the Joint Standing Committee on Appropriations and Financial Affairs or the Joint Standing Committee on Taxation;

4. One member appointed by the Speaker of the House of Representatives representing freight or passenger rail interests;

5. One member appointed by the Governor representing an organization advocating for proper maintenance and funding of the State's transportation networks, including construction companies that build and maintain or engineer and design the State's transportation infrastructure;

6. One member appointed by the Governor representing an organization advocating for the interests of commercial companies moving bulk goods on the State's road networks;

7. One member appointed by the Governor representing an organization advocating for public transportation services;

8. One member appointed by the Governor representing bicyclist or pedestrian needs;

9. The Commissioner of Transportation, or the commissioner's designee; and

10. The Executive Director of the Maine Turnpike Authority, or the director's designee.

**Sec. 3. Chairs. Resolved:** That, notwithstanding Joint Rule 353, the first-named Senate member of the Joint Standing Committee on Transportation and the first-named House member of the Joint Standing Committee on Transportation shall serve as co-chairs of the commission.

**Sec. 4. Appointments; convening of commission. Resolved:** That, notwithstanding Joint Rule 353, all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the commission shall study how to reform and adequately supplement funding for the State's transportation infrastructure to promote equity, sustainability and predictability so that the State can responsibly provide safe and reliable state transportation systems. The commission shall focus on funding the state highway and bridge system and shall also develop findings or recommendations on the need and potential funding solutions for multimodal transportation infrastructure. Specific study topics may include, but are not limited to, the following:

1. A review related to the funding levels necessary to achieve the capital improvement plan goals set forth in the Maine Revised Statutes, Title 23, section 73, subsection 7, including anticipated shortfalls for the next 10 years, and a review of whether the capital improvement plan goals set forth in Title 23, section 73, subsection 7 are still appropriate and valid;

2. Mechanisms to increase the predictability of general obligation bonding levels for capital planning at the Department of Transportation for the state highway and bridge system and multimodal infrastructure for the next 10 years;

3. Mechanisms to address the erosion of Highway Fund receipts and the rising inequity between drivers caused by higher automobile fuel efficiency and alternative fuel vehicles such as adding a registration fee surcharge on hybrid, electric or other alternative fuel passenger automobiles;

4. A voluntary vehicle miles traveled pilot program for passenger automobiles;

5. Methods to more equitably share the costs of the highway system between residents and nonresidents;

6. Consideration of new highway tolling opportunities;

7. Consideration of dedicating a portion of sales tax receipts from transportation-related sales to fund transportation needs; and

8. An increase of state funding for multimodal transportation, including increasing or augmenting the existing funding from the automobile rental sales tax.

The commission shall meet up to 6 times over the course of 2019 and shall hold public hearings and review recommendations from the people of the State and qualified experts when appropriate at no fewer than 3 locations throughout the State. The chairs shall also provide the opportunity for knowledgeable stakeholders to submit written comments throughout the study process and to provide oral testimony on the commission's draft recommendations. Knowledgeable stakeholders must include representatives from organizations representing economic development, transportation engineering and construction firms, highway

users, the Maine State Chamber of Commerce, municipal and public works organizations, trucking and shipping firms, bicyclists and pedestrians, conservation and environmental professionals and the tourism industry.

**Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**Sec. 7. Report. Resolved:** That, no later than December 4, 2019, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Transportation. The Joint Standing Committee on Transportation may submit legislation for presentation to the Second Regular Session of the 129th Legislature.

**Sec. 8. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Allocates funds on a one-time basis for the costs to the Legislature of Legislators participating in the work of the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$1,540	\$0
All Other	\$2,210	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$3,750</b>	<b>\$0</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 26, 2019.

**CHAPTER 98**

**H.P. 747 - L.D. 1005**

**Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergency; and

**Whereas,** substance use disorder is a crisis in Washington County requiring a systems approach to combat the issue; and

**Whereas,** a pilot project in Washington County developed without the need for state General Fund money must be evaluated and provide data allowing for replication in other rural areas of the State; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Washington County Substance Use Disorder Pilot Project established. Resolved:**

That the Department of Health and Human Services shall establish the Washington County Substance Use Disorder Pilot Project, referred to in this resolve as "the pilot project," to develop a systems approach to providing services in a rural area for residents of Washington County with substance use disorder through helping to coordinate service needs among organizations and providers to help bridge any gaps in services and ultimately assisting individuals in accessing treatment and recovery services when the individuals are ready. The department shall work with Healthy Acadia as the lead agency in Washington County for developing the pilot project. The department shall provide advice and assistance to Healthy Acadia in applying for federal grant funding from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration to fund the pilot project, including any requests for proposals required by this resolve.

**Sec. 2. Telephone system. Resolved:** That the Department of Health and Human Services shall work with Healthy Acadia to establish a central coordinating telephone system located in Washington County no later than January 1, 2020. The department may expand an existing hotline or use some other strategy to establish the telephone system. The telephone system must be staffed at all times so that it is available at any time to any person in Washington County. The telephone system must be made widely available to organizations in Washington County, including law enforcement, medical and emergency personnel, public officials, educational staff and members of the public, to connect those in need of substance use disorder treatment with counseling, referral services, peer services and recovery coaches and other related assistance. Telephone system staff answering the telephone calls must be qualified to provide counseling in addition to referral services. The department and the coordinating council shall develop a system that coordinates the central coordinating telephone system with

the State's 2-1-1 system to ensure maximum access for any person who calls the telephone system. The coordinating council shall determine a method to collect data relating to calls received by the telephone system.

**Sec. 3. Washington County Coordinating Council. Resolved:** That the Department of Health and Human Services shall work with Healthy Acadia to establish and support the Washington County Coordinating Council, referred to in this resolve as "the coordinating council," consisting of up to 15 members representing the community and organizations in Washington County and surrounding areas involved in substance use disorder prevention, treatment and recovery, including a representative from Healthy Acadia as lead agency; a representative from the Department of Health and Human Services; members of organizations representing health care, including primary care, emergency care, hospitals, mental health agencies and providers of substance use disorder treatment, including faith-based treatment; members of law enforcement, including county jails; organizations involved in education, prevention and advocacy; a person involved in the local business community; and persons in recovery living in the area. The coordinating council shall choose a chair to preside over meetings, and it shall meet at least once every 2 months. The Department of Health and Human Services shall work with Healthy Acadia to ensure that an executive assistant coordinates record keeping and meetings and other administrative tasks. The coordinating council shall coordinate services in the pilot project, including access to the telephone system established pursuant to section 2 and accuracy of information relating to services, medication-assisted treatment, detoxification, residential and other treatment services, peer recovery and coaching services, education programs in schools, pain and chronic disease self-management classes, jail treatment programs and other programs as well as tracking barriers to treatment and recovery, facilitating system improvements to reduce or eliminate identified barriers and implementing the recovery resource fund pursuant to section 4.

**Sec. 4. Recovery resource fund. Resolved:** That the Department of Health and Human Services shall assist the coordinating council with developing a recovery resource fund offering flexible funds as part of a wraparound continuum of supports and services to increase success for individuals in recovery from substance use disorder. The use of the fund is in accordance with the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration requirements, with an individualized approach, building on family strengths and filling gaps in the system of care to purchase goods and services not otherwise available to the family. The coordinating council shall implement and administer the fund, including recovery coaches or other similar persons in the process, and work with organi-

zations and volunteers to secure additional funding. Payments from the fund are disbursed directly to providers of services and not as cash payments to the individual in recovery.

**Sec. 5. Peer services and recovery coaching. Resolved:** That the Department of Health and Human Services shall establish and support recovery coaching services to individuals with substance use disorder and to the families of those individuals in Washington County. A coordinator chosen by the coordinating council shall assist in developing, training and establishing peer supports and recovery coaches who provide volunteer services around Washington County, including ensuring that peers and recovery coaches are connected to persons in treatment and recovery, including through the telephone system established pursuant to section 2, and that peers and recovery coaches are available at all times, and in keeping track of the system of peers and recovery coaches. The department and the coordinator chosen by the coordinating council shall endeavor to provide assistance to volunteers such as recruiting, training, transportation assistance, facilitating connections to community organizations and other assistance.

**Sec. 6. Evaluation program. Resolved:** That the Department of Health and Human Services shall provide a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than November 30, 2022 outlining the planning and implementation of the pilot project, services provided pursuant to the pilot project, details regarding funding expenditures, quantitative and qualitative evaluation, including data collected from the telephone system, and replicability of the pilot project. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation associated with the report to the First Regular Session of the 131st Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 27, 2019.

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**CHAPTER 99**

**H.P. 749 - L.D. 1007**

**Resolve, To Change the Educational Requirements of Certain Behavioral Health Professionals**

**Sec. 1. Department of Health and Human Services to amend rules governing educational requirements for behavioral health professionals providing home and community-based**

**treatment. Resolved:** That, no later than January 1, 2020, the Department of Health and Human Services shall amend its rule Chapter 101, MaineCare Benefits Manual, Chapter II, Section 65 to change the educational requirements for behavioral health professionals providing services for children's home and community-based treatment to allow the following educational requirements:

1. A minimum of 60 higher education credit hours in a related field of social services, human services, health or education;
2. A minimum of 90 higher education credit hours in an unrelated field with the provider required to have a specific plan for supervision and training documented in the personnel file of the employee; or
3. A high school diploma or equivalent and a minimum of 3 years of direct experience working with children in a behavioral health children's services program with the provider required to have a specific plan for supervision and training documented in the personnel file of the employee.

The changes to educational requirements required by this resolve do not affect the requirements for behavioral health professional training and the prescribed time frames.

**Sec. 2. Training within existing resources. Resolved:** That the Department of Health and Human Services shall amend or establish contracts to train any additional number of individuals engaging in training to become behavioral health professionals providing children's home and community-based treatment services within existing resources. The department may make any changes necessary, including choosing to charge individuals or their employers fees for training, in order to offer training within existing resources.

See title page for effective date.

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**CHAPTER 100**

**S.P. 508 - L.D. 1602**

**Resolve, Establishing the Working Group on Mental Health**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this resolve establishes the Working Group on Mental Health to review the State's mental health system and propose a mental health plan for the State; and

**Whereas,** community-based mental health services are the foundation for a healthy Maine, and the State is currently housing too many people with behavioral health needs in jails and emergency rooms; and

**Whereas,** the review must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Working group established. Resolved:** That the Working Group on Mental Health, referred to in this resolve as "the working group," is established to review the State's mental health system and propose a mental health plan for the State.

**Sec. 2. Working group membership. Resolved:** That, notwithstanding Joint Rule 353, the working group consists of 18 members as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
2. One member representing the National Alliance on Mental Illness Maine organization appointed by the President of the Senate;
3. One member representing the Consumer Council System of Maine appointed by the President of the Senate;
4. One member representing hospitals in the State appointed by the President of the Senate;
5. One member representing providers at federally qualified health centers appointed by the President of the Senate;
6. One member representing municipal law enforcement agencies appointed by the President of the Senate;
7. One member representing community mental health providers appointed by the President of the Senate;
8. Two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
9. Two members who are consumers of mental health services with different lived experiences appointed by the Speaker of the House;

10. One member representing Disability Rights Maine appointed by the Speaker of the House;

11. One member representing providers of homeless shelter services appointed by the Speaker of the House;

12. One member representing the Maine Sheriffs' Association appointed by the Speaker of the House;

13. One member representing providers of substance use disorder treatment appointed by the Speaker of the House;

14. The Commissioner of Health and Human Services or the commissioner's designee; and

15. The Commissioner of Corrections or the commissioner's designee.

The chairs of the working group shall invite the participation on the working group of a representative of the Judicial Department.

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the working group.

**Sec. 4. Appointments; convening of working group. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the working group. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the working group to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the working group shall review the State's mental health system and propose a mental health plan for the State. As part of its review, the working group shall examine:

1. Information on total state and federal dollars spent on children's and adult behavioral health care as coded by Medicaid and where those dollars are currently spent;

2. Access to mental health care in the State, including issues associated with waiting lists, geographic barriers to access and lack of adequate reimbursement to community-based programs that prevents those programs from reaching optimum capacity;

3. The quality of outcomes;

4. The costs required to provide mental health services in emergency rooms, inpatient settings, homeless shelters, jails and prisons as compared with the costs required to provide mental health services such as medication management, daily living support, peer

support and other therapies provided in community-based settings;

5. An assessment of assets and deficits; and

6. The projected effect of MaineCare expansion on the provision of mental health services.

Based on the information collected pursuant to this section, the working group shall propose a mental health plan for the State.

**Sec. 6. Staff assistance. Resolved:** That the Department of Health and Human Services shall provide necessary staffing services to the working group.

**Sec. 7. Report. Resolved:** That, no later than December 4, 2019, the working group shall submit a report that includes its proposed mental health plan for the State under section 5, including suggested legislation, for presentation to the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Criminal Justice and Public Safety, the Joint Standing Committee on Judiciary and the Joint Standing Committee on Appropriations and Financial Affairs.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 28, 2019.

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## CHAPTER 101

### H.P. 1080 - L.D. 1478

#### **Resolve, Regarding Legislative Review of Portions of Chapter 115: The Credentialing of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education**

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Department of Education rule Chapter 115: The Credentialing of Education Personnel, a provisionally adopted major substantive rule of the Department of Education, referred to in this section as "the department," that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in Part I, Section 6(1)(A)(4) to require as a general qualification for certification by the department that the applicant hold a bachelor's degree from a regionally accredited college or university;

2. The rule must be amended in Part I, Section 6 to provide eligibility for certification by the department for an applicant who, within 7 years prior to applying for certification, has 5 years of valid teaching experience under an appropriate comparable certificate in the same certification subject area and has completed a bachelor's degree or graduate degree from a regionally accredited college or university;

3. The rule must be amended in Part I, Section 6 to clarify that the in-service training eligibility criteria for an applicant for renewal of a certified educational technician certificate requires completion of 45 hours of such in-service training;

4. The rule must be amended in Part I, Section 6 to clarify that the condition under that subparagraph requires that the individual has no interruption in service, excluding normal school vacations, paid leave and unpaid leave;

5. The rule must be amended in Part II, Section 1.2(A) regarding Endorsement 020: Elementary Teacher as follows:

A. The endorsement must allow the holder to teach students in the grade span of kindergarten to grade 8 until July 1, 2022; and

B. Beginning July 1, 2022, the endorsement must allow the holder to teach students in the grade span of kindergarten to grade 6;

6. The rule must be amended in Part II, Section 1.2(B)(2) regarding Endorsement 020: Elementary Teacher to require as an eligibility criterion for Endorsement Eligibility Pathway 2 that the applicant has passed pedagogical knowledge and skills assessment at the appropriate grade span, in accordance with Department of Education Reg. 13, or demonstrated successful completion of an approved alternative professional studies program;

7. The rule must be amended in Part II, Section 1.3(B)(2)(i) regarding Endorsement: Secondary Teacher to retain as an eligibility criterion for Endorsement Eligibility Pathway 2 that the applicant has completed a minimum of 6 semester hours in foundations of literacy and literacy methods relative to the subject area;

8. The rule must be amended in Part II, Section 1.4, regarding Secondary Teacher endorsement, as necessary, to include an Endorsement 710: Junior Reserve Officers' Training Corps teacher, which would allow the holder of that endorsement to serve as a Junior Reserve Officers' Training Corps teacher for students from grade 9 to grade 12. The internal 710 endorsement checklist must include that an applicant for such endorsement must be required to meet applicable general credentialing requirements in Part I of the rule and must be required to satisfy additional specific eligibility requirements as determined by the department

and as specified in Part II of the rule, except that the rule must provide that an applicant who does not meet such additional eligibility requirements under Part II of the rule is eligible for a conditional certificate for this endorsement upon a determination that the applicant has received a Junior Reserve Officers' Training Corps instructor certification from the United States Department of Defense in accordance with the applicable standards of the United States Department of Defense for senior military instructors and has completed a course approved by the department regarding the teaching of exceptional students in the regular classroom;

9. The rule must be amended in Part II, Section 1.3 regarding Endorsements: Middle Level Teacher, to retain the Middle Level Teacher endorsement with the following amendments:

A. In subsection (A) and subsection (B)(2)(a)(ii), remove the provisions regarding world language endorsements;

B. In subsection (B), specify that individuals who are not eligible through any pathway may be eligible for a conditional certificate;

C. In Endorsement Eligibility Pathway 1, remove the requirement of the completion of an approved course for teaching exceptional students in the regular classroom, which is already required elsewhere in the rule, and clarify that the applicant must have:

(1) Graduated from a state-approved program for the education of middle level teachers, together with a formal recommendation from the preparing institution for the endorsement being sought; and

(2) Earned a bachelor's degree from a regionally accredited college or university, in accordance with Part I, Section 6 of the rule;

D. In Endorsement Eligibility Pathway 2, amend the rule as follows:

(1) The applicant must have earned a bachelor's degree from a regionally accredited college or university, in accordance with Part I, Section 6 of the rule;

(2) The applicant does not have to hold a valid provisional or professional teaching certificate with a public preschool to grade 3, kindergarten to grade 6, grade 4 to grade 8, grade 6 to grade 12 or public preschool to grade 12 endorsement and instead must have completed a minimum of 24 semester hours in the area relevant to the middle school level endorsement being sought and that, for the purposes of this requirement, life and physical sciences must be aggregated and must include a minimum of 9 semester

hours in life sciences and a minimum of 9 semester hours in physical sciences; and

(3) The applicant must have passed a content area methods course, in accordance with Department of Education Reg. 13; and

E. The rule must be amended in the conditional certificate for endorsement to clarify that the applicant must have earned a bachelor's degree from a regionally accredited college or university in accordance with Part I, Section 6 of the rule and that the applicant must have completed a minimum of 24 semester hours in the areas relevant to the middle level teacher endorsement being sought and that the applicant is not required to hold a valid Maine provisional or professional teaching certificate with a public preschool to grade 3, kindergarten to grade 6, grade 4 to grade 8, grade 6 to grade 12 or public preschool to grade 12 endorsement;

10. The rule must be amended in Part II, Section 1.4(A) regarding Endorsement: 510, 517, 520, 614, 620, 625, 640, 670, 680 and 700, public preschool to grade 12, to describe endorsement area 700 as industrial arts/engineering and technology;

11. The rule must be amended in Part II, Section 1.11(B)(2)(e) and Part II, Section 1.11(B)(3)(c) regarding Endorsement 092: Literacy Specialist to retain that, in addition to having earned a master's degree in literacy and reading from a regionally accredited college or university in accordance with Part I, Section 6 of the rule, the applicant has earned graduate semester hours for a literacy and reading clinic encompassing course content in educational and instructional leadership, instructional supervision, adult learning theory and instructional coaching practices;

12. The rule must be amended in Part II, Section 1.12 regarding Certificate 215: Athletic Director to clarify that there are 2 steps and add the requirement that the applicant have completed an approved course for teaching exceptional students in the regular classroom;

13. The rule must be amended in Part II, Section 2.1(B)(3)(a)(iii), Part II, Section 2.1(B)(3)(b)(iii) and Part II, Section 2.1(B)(3)(c)(iii) regarding Endorsement 282: Teacher of Children with Disabilities to provide that, as an eligibility criterion under Endorsement Eligibility Pathways 1 to 3 for a conditional certificate for that endorsement, an applicant must have participated in an alternative certification and mentoring program designated by the department;

14. The rule must be amended in Part II, Section 2.2(B)(2)(a)(iii), Part II, Section 2.2(B)(2)(b)(iii) and Part II, Section 2.2(B)(2)(c)(iii) regarding Endorsement 286: Teacher of Children with Severe Disabilities to provide that, as an eligibility criterion under Endorsement Eligibility Pathways 1 to 3 for a condi-

tional certificate for that endorsement, an applicant must have participated in an alternative certification and mentoring program designated by the department;

15. The rule must be amended in Part II, Section 3 regarding Professional Teacher Certificate Based on Work Experience, by changing the title of Section 3 from "Professional Teacher Certificate Based on Work Experience" to "Professional Teacher Certificate Based on Authentic Field Experience";

16. The rule must be amended in Part II, Section 3 to require that the applicant have passed a content area assessment, in accordance with Department of Education Reg. 13, and passed a pedagogical knowledge and skills assessment in accordance with Department of Education Reg. 13 or demonstrated successful completion of an approved alternative professional studies program;

17. The rule must be amended in Part II, Section 4.2(B)(1)(c) regarding Endorsement 860: Cooperative Education Coordinator to provide that as a general endorsement eligibility criterion, for each endorsement, the applicant must have completed a minimum of one year of paid applied employment or teaching in the endorsement area during the 4 years preceding the initial application;

18. All necessary grammatical, formatting, punctuation and other technical nonsubstantive editing changes must be made to the rule, including, but not limited to, the removal of strikethrough or underlined letters or words remaining from prior drafts and edits and the amendment of inconsistent section, subsection, paragraph and subparagraph numbering or lettering in the rule, or any other inconsistent numbering and lettering in the rule, to ensure consistency in the sequential numbering and lettering of the rule; and

19. All other necessary changes must be made to the rule to ensure conformity throughout the rule and consistency with the provisions of this section.

The Department of Education is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

**Sec. 2. Report. Resolved:** That the Department of Education, in consultation with the teacher preparation programs in the State, shall report to the Joint Standing Committee on Education and Cultural Affairs on the progress, steps taken and implementation of the transition of the Endorsement 020: Elementary from a grade span of kindergarten to grade 8 to a grade span of kindergarten to grade 6 pursuant to section 1, subsection 5 of this resolve. The department shall submit the report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than March 1st of each year of the 3 years between the grade span changing

from kindergarten to grade 8 to kindergarten to grade 6.

**Sec. 3. Funding in fiscal year 2019-20. Resolved:** Notwithstanding any provision of law to the contrary, in fiscal year 2019-20 only, the Department of Education shall use funds within the Departmental Services, Other Special Revenue Funds account within the department to pay for the one-time programming charges and contracting staff necessary to implement the rule changes to Chapter 115: The Credentialing of Education Personnel authorized pursuant to this resolve.

**Sec. 4. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**Leadership Team Z077**

Initiative: Allocates one-time funds for the programming costs and contracted support staff necessary to implement the changes in Chapter 115: The Credentialing of Education Personnel.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$93,125	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$93,125</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 102  
H.P. 70 - L.D. 84**

**Resolve, Directing the Department of Health and Human Services To Allow Spouses To Provide Home and Community-based Services to Eligible MaineCare Members**

**Sec. 1. Department of Health and Human Services request to amend waiver. Resolved:** That, no later than January 1, 2020, the Department of Health and Human Services shall submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the existing federal 1915(c) waiver, granted pursuant to the Social Security Act, 42 United States Code, Section 1396n(c), that provides home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow eligible members to receive ser-

vices provided by spouses who are employed as personal support specialists to provide those services. The waiver request must identify the specific services that may be provided by a spouse under the waiver.

**Sec. 2. Rulemaking. Resolved:** That the Department of Health and Human Services, upon receiving notice of approval for the amendment to the federal 1915(c) waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services pursuant to section 1, shall amend the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow for spouses to be employed as personal support specialists for eligible members. A spouse may be reimbursed only for providing extraordinary care and services that the spouse is not normally expected to provide. The department shall adopt any rules necessary regarding the specific services that may be provided by a spouse under the waiver. Reimbursement for services provided by a spouse may not exceed the cap and limits in department rules.

**Sec. 3. Report. Resolved:** That the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with an interim report by April 30, 2020 outlining the progress of applying for, receiving and implementing the amended federal 1915(c) waiver pursuant to section 1. The department shall submit a final report no later than January 1, 2021 outlining the progress of receiving and implementing the amended federal 1915(c) waiver, and, if the amended federal waiver is granted, the report must include data on the number of people receiving services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 who employ personal support specialists who are spouses; the costs or savings from the employment of spouses as personal support specialists; and recommendations on the feasibility of future similar expansion to other MaineCare programs or other potential waivers available under Medicaid. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out a bill to the First Regular Session of the 130th Legislature regarding any recommendations contained in the report.

**Sec. 4. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding needed due to the amendment to the existing 1915(c) waiver that provides home and community-based services under the Department of Health and Human Services rule Chapter

101: MaineCare Benefits Manual, Chapter II, Section 19 to allow eligible members to receive services provided by spouses.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$13,994	\$29,388
GENERAL FUND TOTAL	\$13,994	\$29,388
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$24,664	\$51,794
FEDERAL EXPENDITURES FUND TOTAL	\$24,664	\$51,794

See title page for effective date.

**CHAPTER 103  
S.P. 212 - L.D. 699**

**Resolve, To Provide for  
Outreach Programs To Assist  
Women at Risk of Giving Birth  
to Substance-exposed Infants**

**Sec. 1. Outreach and educational programs. Resolved:** That the Department of Health and Human Services shall contract with a community-based nonprofit organization to develop outreach and educational programs regarding reproductive and sexual health care for women and adolescents at highest risk of experiencing an unintended pregnancy. All programming must emphasize the right to individual self-determination regarding family planning and childbearing. Programming must be targeted to women and adolescents who are:

1. Experiencing substance use disorder;
2. Experiencing homelessness;
3. Involved in the correctional system; or
4. Experiencing other circumstances that indicate a need for family planning services.

**Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Provides an appropriation for a contract with an entity to develop outreach and educational programs regarding reproductive and sexual health care for women and adolescents at highest risk of experiencing an unintended pregnancy with a focus on women in danger of giving birth to a substance-exposed infant.

<b>FUND FOR A HEALTHY MAINE</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$160,000	\$160,000
FUND FOR A HEALTHY MAINE TOTAL	\$160,000	\$160,000

See title page for effective date.

**CHAPTER 104  
H.P. 603 - L.D. 829**

**Resolve, To Reestablish the  
Commission To Improve the  
Sentencing, Supervision,  
Management and  
Incarceration of Prisoners**

**Sec. 1. Commission established. Resolved:** That, notwithstanding Joint Rule 353, the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, referred to in this section as "the commission," is established.

**1. Commission membership.** The commission consists of 20 members as follows:

- A. Two members of the Senate appointed by the President of the Senate;
- B. Two members of the House of Representatives, at least one of whom is a sponsor or cosponsor of this legislation, appointed by the Speaker of the House of Representatives;
- C. The Attorney General or the Attorney General's designee;
- D. The Commissioner of Corrections or the commissioner's designee;
- E. The Commissioner of Health and Human Services or the commissioner's designee;
- F. The Director of Adult Community Corrections within the Department of Corrections or the director's designee;
- G. Nine individuals appointed by the Governor:
  - (1) A representative of a statewide association of prosecutors nominated by the association;

- (2) A representative of a statewide association of county commissioners nominated by the association;
- (3) A representative of a statewide association of county sheriffs nominated by the association;
- (4) A representative of a statewide association of criminal defense lawyers nominated by the association;
- (5) A representative of a statewide organization representing people with mental illness and their families;
- (6) A member of the public;
- (7) A representative of a statewide organization working to end domestic violence;
- (8) A representative of a statewide organization working to end sexual assault; and
- (9) A member of a federally recognized tribe in the State; and

H. The commission shall invite the Chief Justice of the Supreme Judicial Court to serve or name a designee to serve as a voting member of the commission and to appoint 2 trial judges or their designees to serve as voting members of the commission.

**2. Appointments; chair; meetings.** All appointments must be made no later than 30 days following the effective date of this resolve. The first-named Senate member is the Senate chair and the first-named House member is the House chair of the commission, who shall call and convene the first meeting of the commission no later than 30 days after appointments of all members. The commission may hold up to 6 meetings, which, at the discretion of the chairs, may include public hearings.

**3. Duties.** The duties of the commission are as follows.

A. The commission shall conduct research and prepare recommendations addressing the following goals:

- (1) Reducing the overall juvenile and adult prison population in both state and county facilities, with a focus on lowering the population of nonviolent prisoners;
- (2) Reducing the overall cost of the corrections system;
- (3) Accomplishing policy, program and structural improvements that reduce recidivism and improve the transition of prisoners back into the community;
- (4) Preserving community safety;

(5) Respecting the needs of victims and communities in the process of holding prisoners accountable for their actions; and

(6) Developing recommendations that address the factors leading to increasing juvenile and adult prisoner populations at both the county or regional jail and state prison levels, the impact of current sentencing laws, the use of alternate sentences and means to reduce recidivism, in particular recidivism caused by mental illness and substance use disorder.

B. To accomplish its purpose, the commission shall examine multiple strategies for addressing issues related to the continually and rapidly increasing prisoner populations at both the county or regional jail and state prison levels, including diversion from juvenile corrections, diversion from jail or prison, programming to improve reentry from jail or prison back to the community, community alternatives to incarceration and changes in sentencing laws, policies and practices. In conducting its examination, the commission shall:

(1) Study factors leading to increasing juvenile and adult prisoner populations in state and county correctional facilities; examine and analyze the prisoner population and projected growth at both the county or regional jail and state prison levels to include offenses, length of sentence and other issues, such as mental illness and substance use disorder, that lead to incarceration or reincarceration; and identify trends in the prisoner population and determine what impact these changes will have on future growth;

(2) Examine factors linking juvenile and adult prisoner populations;

(3) Review existing program and treatment levels for the prisoner population and recommend improvements based on projected need and effective programs supported by research; and

(4) Consult with and seek input from former prisoners as well as from organizations advocating for persons with mental illness.

**4. Staff assistance.** The Department of Corrections shall provide necessary staffing services to the commission.

**5. Compensation.** The members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Members of the commission who are not otherwise compensated by their

employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

**6. Report.** No later than December 4, 2019, the commission shall submit a report detailing its findings and recommendations, including any proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on Judiciary, each of which may report out legislation related to the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

## CHAPTER 105

### H.P. 965 - L.D. 1337

#### **Resolve, To Save Lives by Establishing a Homeless Opioid Users Service Engagement Pilot Project within the Department of Health and Human Services**

**Sec. 1. Homeless opioid users service engagement pilot project. Resolved:** That there is established within the Department of Health and Human Services a homeless opioid users service engagement pilot project to provide 50 opioid users who are among the most vulnerable and unstable in the State rapid access to low-barrier treatment for substance use disorders and stable housing to support their recovery.

**1. Definitions.** As used in this resolve, the following terms have the following meanings.

A. "Department" means the Department of Health and Human Services.

B. "Individuals who are experiencing homelessness" means adults, unaccompanied youth and families with children who lack a fixed, regular and adequate nighttime residence or who are at risk of imminently losing their primary nighttime residence, including those who are sharing another person's dwelling on a temporary basis under which permission to remain is contingent upon the hospitality of the primary leaseholder or owner and can be rescinded at any time without notice. "Individuals who are experiencing homelessness" includes individuals and families who are fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or another dangerous or life-threatening situation involving violence against the individual or a member of the family. "Individuals who are experiencing homelessness" also includes individuals who are exiting an institution where the individual resided for 90

or fewer days and who resided in an emergency shelter or place not meant for human habitation immediately before entering the institution.

C. "Lead provider" means a social service or health care provider that is selected by the department and that executes a social service contract with the department to implement the pilot project.

D. "Medication-assisted treatment" means the evidence-based, whole-patient approach to the treatment of substance use disorder that combines counseling and behavioral therapies with medications approved by the federal Food and Drug Administration for the treatment of substance use disorder, such as buprenorphine and naloxone combination drugs, methadone or naltrexone.

E. "Partner provider" means a social service or health care provider with expertise in all or a portion of the services provided in the pilot project and that executes a subcontract with a lead provider to provide those services.

F. "Pilot project" means the homeless opioid users service engagement pilot project established in this section.

G. "Recovery" means a process of change through which an individual improves the individual's health and wellness, lives a self-directed life and strives to reach the individual's full potential.

**2. Social service contracts.** The department shall issue a request for proposals and implement the pilot project through social service contracts.

**3. Service location.** The pilot project must provide services in both an urban area and a rural area of the State where social service and health care providers who can successfully implement the pilot project are located. In selecting the areas of the State, the department shall determine which areas of the State have the greatest need based upon the geographic location of opioid users who are individuals who are experiencing homelessness and the extent of emergency services use by those individuals. The department may select one lead provider to implement the pilot project in both the urban area and the rural area or it may select separate lead providers for the urban area and the rural area.

**4. Lead providers.** The lead provider or providers with which the department executes social service contracts are responsible for implementing the pilot project and accounting for pilot project funds. To qualify for selection by the department as a lead provider, a social service or health care provider must demonstrate the ability to implement all aspects of the pilot project successfully. A lead provider may subcontract with partner providers to implement portions of the

pilot project services that are within the partner providers' expertise. At a minimum, the lead provider and its partner providers shall demonstrate successful experience in the following activities:

- A. Engaging with individuals who are experiencing homelessness and who use opioids in the State;
- B. Administering medication-assisted treatment to vulnerable populations; and
- C. Providing housing support services to individuals who are experiencing homelessness.

**5. Pilot project design and implementation.** To the extent permitted by resources allocated to the pilot project, the pilot project must be designed and implemented as described in this subsection.

A. The pilot project must assist participants in attaining and sustaining recovery, minimize the risk of overdosing among participants and decrease the likelihood of diversion of buprenorphine by increasing participants' access to stable and supportive housing, connecting participants with the recovery community and its resources and providing participants with a safe environment in which the participants can identify individualized short-term and long-term goals and develop new skills to support their recovery.

B. To participate in the pilot project, an individual must be an individual who is experiencing homelessness, have a history of drug overdose and meet the criteria for physiological dependence on opioids in the Diagnostic and Statistical Manual of Mental Disorders, 5th edition, published by the American Psychiatric Association. The pilot project must give priority to individuals who are being discharged from incarceration or long-term hospitalization due to complications related to substance use disorder.

The pilot project must include intensive outreach using a collaborative team case review approach to identify and recruit participants. An individual selected for the pilot project who chooses to participate in the pilot project shall sign a written agreement that explains the requirements for pilot project participation and authorizes initiation of case management and treatment services as well as a release authorizing members of the pilot project team to share information regularly regarding the participant's progress in recovery and in attaining individual goals. Participants shall also complete initial assessments regarding substance use disorder, physical health and psychosocial and psychiatric needs as soon as possible.

C. Although a lead provider may adapt the structure of the pilot project to meet the needs of the rural area or urban area it serves, the pilot project

must include medication-assisted treatment, intensive case management and immediate access to stable housing as described in this paragraph.

(1) The pilot project must provide participants with medication-assisted treatment in accordance with this subparagraph that is initiated within 48 hours of each participant's enrollment in the pilot project. The lead provider shall seek reimbursement from the MaineCare program for medication-assisted treatment services whenever possible. The lead provider or partner provider shall employ a medical professional authorized to prescribe for each participant a medication approved by the federal Food and Drug Administration for the treatment of substance use disorder that, in the professional's opinion, is most appropriate given the participant's current medications, substance use and medical history. The authorized prescriber shall take primary responsibility for managing and refilling the prescription.

The lead provider or partner provider shall establish a collaborative, interagency staffing model of medication-assisted treatment that includes, to the extent resources permit, the authorized prescriber, a nurse care manager, a licensed clinical social worker or licensed alcohol and drug counselor, a certified psychiatric mental health nurse practitioner and a peer support specialist who meet regularly to plan participant services, review participant progress and implement reenrollment strategies when necessary. The lead provider or partner provider shall use a shared medical appointment model for medication-assisted treatment that supports participants in decreasing the use of illegal drugs and drugs that are not prescribed to the participant by delivering the following:

- (a) Office-based, daily observed medication administration to participants;
- (b) The opportunity to participate in individual and group psychotherapy, pharmacotherapy and support groups;
- (c) Ongoing evaluations of participants to optimize treatment, including assessments of psychosocial needs and referrals for psychiatric assessments or treatment as necessary; and
- (d) Treatment of participants' concomitant psychiatric disorders that either complicate the participants' substance use disorder or act as triggers for relapse.

(2) The pilot project must provide participants with intensive case management designed to provide an intensive, comprehensive range of community-based services to address the physi-

cal and behavioral health needs of participants and support their compliance with medication-assisted treatment and other services necessary to recovery.

The lead provider or partner provider shall establish an intensive case management team that includes, to the extent resources permit, an intensive case management team supervisor, case managers, a housing liaison, a transition liaison and peer support specialists. The intensive case management team shall provide intensive outreach, assessment, care coordination, advocacy, support, planning and facilitation of services to meet each participant's comprehensive mental health, medical and dental health needs while reducing redundant services and supporting participants in achieving the following goals:

- (a) Acquiring medical care and material resources, including, but not limited to, food, shelter and clothing;
- (b) Improving psychosocial functioning and developing greater autonomy;
- (c) Developing coping and problem-solving skills;
- (d) Developing a community support system to help participants meet the demands of community life; and
- (e) Accessing benefits and services for which participants may qualify, including, but not limited to, housing, medical, behavioral health, employment, education, supplemental income, transportation, utility and community and family integration services.

The peer support specialist shall serve as a role model and shall provide one-on-one peer support services to assist participants in reducing harmful behaviors, to identify participants' strengths and skills that can help reduce illegal substance use and to develop participants' recovery goals. The peer support specialist shall also coordinate and facilitate peer recovery groups.

The transition liaison shall assist participants who are transitioning out of incarceration or hospitalization. The transition liaison shall recruit individuals who are incarcerated or hospitalized and who expect to be discharged soon for participation in the pilot project and assist those individuals with the enrollment process. The transition liaison also shall coordinate with staff from the correctional or medical facility to facilitate participants' smooth transition from the facility. To the extent practicable, the transition liaison shall ensure that participants have

access to housing immediately upon discharge from a correctional or medical facility.

(3) The pilot project shall provide participants with immediate and continued access to stable housing that promotes recovery, independence and harm reduction. The intensive case management team shall identify appropriate housing placements for participants, which may include, but are not limited to, housing first developments, which are developments prioritizing providing permanent housing to individuals experiencing homelessness, recovery residences, private nonmedical institutions and private apartments leased either directly by the individual or by the provider through a master lease agreement. The intensive case management team shall collaborate with local housing authorities, affordable housing developers, municipal general assistance offices and housing voucher administrators to provide pilot project participants with priority in accessing these placements and maximizing the availability of any housing assistance, subsidies or vouchers.

The lead provider or a partner provider shall administer a housing assistance fund to provide participants with immediate access to stable housing. The housing assistance fund must contain sufficient capital to provide all pilot project participants with 18 months of rent at fair market value based on the location of the housing. The lead provider or partner provider may provide a participant with more or less than 18 months of financial assistance from the housing assistance fund, depending on the participant's individual need for financial assistance to achieve housing stability.

While participants receive financial assistance from the housing assistance fund, the intensive case management team shall assist participants in securing an alternative financial resource or resources for housing, including but not limited to employment, general assistance, the Bridging Rental Assistance Program established in the Maine Revised Statutes, Title 34-B, section 3011, the federal shelter plus care program authorized by the federal McKinney-Vento Homeless Assistance Act, Public Law 100-77, as amended by the federal Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, Public Law 111-22, Division B (2009) and housing choice vouchers under Section 8 of the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, as amended.

D. A participant may withdraw from the pilot project at any time. The lead provider or a partner provider shall reevaluate each participant's en-

rollment in the pilot project every month. A participant may receive services from the pilot project for the length of time necessary for the participant to successfully complete the pilot project or to transition to a less intensive model of treatment when considered clinically appropriate. In determining whether a participant has successfully completed the pilot project or may transition to a less intensive model of treatment, the lead provider or partner provider shall consider the participant's sustained abstinence from illegal substance and alcohol use, employment or involvement in other meaningful community activities, psychosocial supports and willingness to participate in further treatment to maintain recovery.

Alternatively, a participant may be discharged from the pilot project if the lead provider or a partner provider determines that the pilot project is unable to provide appropriate services due to the participant's physical or mental health or continued illegal substance use.

**6. Duration of pilot project.** The department shall issue a request for proposals to implement the pilot project through social service contracts no later than the effective date of this resolve. The pilot project must operate for 24 months from the date all of the social service contracts have been awarded.

**7. Evaluation of pilot project.** The lead provider shall contract with an independent entity each year of the pilot project to conduct a rigorous evaluation of the pilot project implemented by that lead provider, including a cost-benefit analysis, in order to inform future interventions and provide a model that can be replicated throughout the State. The independent entity shall consider, at a minimum, the following information in conducting the evaluation:

A. The extent of participant engagement in medication-assisted treatment, maintenance of stable housing, achievement of employment or engagement in community volunteer positions and reconnection with family;

B. The number of overdose incidents, the level of involvement with the criminal justice system and law enforcement and the extent of use of emergency medical services including emergency medical response, crisis intervention services, emergency shelter or food resources and inpatient hospital stays for participants during the evaluation period as compared to the year before the evaluation period began; and

C. The number of participants who withdrew from the pilot project voluntarily, who were discharged after successful completion of the pilot project and who were discharged because the pilot project could no longer provide appropriate services.

**8. Federal funds.** To the maximum extent possible, the department shall use state funds received for the pilot project to maximize its receipt of federal funds to be used for the pilot project and the department shall seek federal funding for the pilot project, if available.

**9. Report.** The department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the pilot project by December 15, 2020 and at the conclusion of the pilot project. The joint standing committee may submit legislation to the first regular session of the 130th Legislature regarding the pilot project, including legislation to continue or expand the pilot project.

**Sec. 2. Costs associated with housing; Maine State Housing Authority. Resolved:** That the Maine State Housing Authority, within its existing programs and resources, shall provide funding for costs associated with housing provided under the pilot project established in this resolve.

**Sec. 3. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Office of Substance Abuse and Mental Health Services 0679**

Initiative: Provides one-time funding for a 24-month pilot project to provide rapid access to low-barrier treatment for substance use disorders and stable housing to support recovery and create stability for 50 opioid users who are among the most vulnerable and unstable in the State.

FUND FOR A HEALTHY MAINE	2019-20	2020-21
All Other	\$627,421	\$1,004,842
FUND FOR A HEALTHY MAINE TOTAL	\$627,421	\$1,004,842

See title page for effective date.

**CHAPTER 106**  
**S.P. 485 - L.D. 1548**

**Resolve, To Promote Quality  
and Transparency in the  
Provision of Services by  
Assisted Housing Programs  
That Provide Memory Care**

**Sec. 1. Time study of needs of residents in assisted housing programs. Resolved:** That, in order to determine the needs of residents in assisted housing programs as defined in the Maine Revised Statutes, Title 22, section 7852, subsection 2, the Department of Health and Human Services shall issue a request for proposals for a study to determine the amount of time assisted housing program staff devote to meeting the needs of residents in assisted housing programs. The time study must focus on the time allocated to meeting the needs of residents with Alzheimer's disease or dementia. The study must document the amount of time assisted housing program staff engage in all tasks required to meet the needs of residents, including, but not limited to, hands-on care and redirection, cueing and reminders provided to residents experiencing symptoms of distress.

**Sec. 2. Rulemaking regarding Alzheimer's and dementia care and other memory care in assisted housing programs. Resolved:** That the Department of Health and Human Services shall amend its rule Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs to:

1. Require assisted housing programs to provide disclosure statements to prospective and current residents of Alzheimer's and dementia care units or other memory care units and to post the statements in a conspicuous place in each unit. The disclosure statements must include:

- A. A description of the care and services relevant to specialized Alzheimer's and dementia care or other memory care provided by the unit;
- B. Information on staffing in the unit to meet residents' needs;
- C. A description of therapeutic activities provided by the unit;
- D. Information on staff training specific to Alzheimer's and dementia care and other memory care; and
- E. Other information the department determines necessary to adequately inform consumers and family members about specialized services provided by the unit;

2. Change a requirement that facilities with Alzheimer's or dementia care units or other memory care

units provide classroom training to new employees on dealing with difficult behaviors to a requirement that facilities with Alzheimer's or dementia care units or other memory care units provide classroom training to new employees on understanding behavior as communication;

3. Require all facilities with Alzheimer's or dementia care units or other memory care units to offer individual or group activities in accordance with assessed individual person-centered needs of each resident; and

4. Require staffing agencies, including agencies that provide temporary staffing, to provide evidence to facilities with Alzheimer's or dementia care units or other memory care units that the staff provided to the units have received training required by department rule.

**Sec. 3. Department of Health and Human Services; Alzheimer's and dementia care and other memory care work group. Resolved:** That the Department of Health and Human Services' division of licensing and certification shall establish a work group including providers, advocates and family members of persons with Alzheimer's disease or dementia to review the adequacy of current training for direct care staff in Alzheimer's and dementia care units or other memory care units within assisted housing programs required by department rules. The work group shall:

1. Consider the development and implementation of a written or oral competency exam or evaluation to demonstrate skill competency and knowledge gained through the training curriculum for direct care staff. The work group shall also consider the inclusion of care recipient and family surveys as part of the evaluation of training competency;

2. Review current rules regarding training for direct care staff in Alzheimer's or dementia care units and other memory care units within assisted housing programs to ensure that training includes:

- A. A basic introduction to the foundations of Alzheimer's and dementia care and other memory care;
- B. Communicating and connecting with residents with Alzheimer's disease or dementia;
- C. Techniques and approaches to care of persons with Alzheimer's disease or dementia;
- D. Person-centered care;
- E. Understanding the needs of and working with families;
- F. The dietary needs of residents with Alzheimer's disease or dementia;

- G. The social needs and appropriate activities in the care of residents with Alzheimer's disease or dementia;
  - H. Recognizing and responding to caregiver stress;
  - I. Preventing, recognizing and responding to abuse and neglect of residents with Alzheimer's disease or dementia; and
  - J. Interactive training;
3. Review ongoing training requirements for direct care staff in Alzheimer's or dementia care units and other memory care units and consider whether:
- A. An additional 4 to 8 hours of annual training should be provided; and
  - B. Management and other staff should be included in training; and
4. Make recommendations to the department for amendments to the rules governing assisted housing programs that focus on person-centered care. The recommendations must include a definition of "person-centered care." The review must include a review of life stories of residents and their habits and preferences as approaches to better understand resident needs to plan and provide care.

**Sec. 4. Report. Resolved:** That, no later than February 1, 2020, the Department of Health and Human Services shall submit a report to the Joint Standing Committee on Health and Human Services describing the department's activities and actions regarding the time study required by section 1 and the work group required by section 3, together with recommendations and any suggested legislation. The Joint Standing Committee on Health and Human Services is authorized to report out legislation to the Second Regular Session of the 129th Legislature.

**Sec. 5. Transfers from available fiscal year 2019-20 Department of Professional and Financial Regulation Other Special Revenue Funds balances to General Fund. Resolved:** That, at the close of fiscal year 2019-20, the State Controller shall transfer \$355,501 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus. On or before June 30, 2020, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds will be transferred so that the sum equals \$355,501 and notify the State Controller and the Joint Standing Committee on Appropriations and Financial Affairs of the amounts to be transferred from each account.

**Sec. 6. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF  
Long Term Care - Office of Aging and Disability  
Services 0420**

Initiative: Provides one-time funding for the Department of Health and Human Services to issue a request for proposals for a study to determine the amount of time assisted housing program staff devote to meeting the needs of residents in assisted housing programs, with a focus on residents with Alzheimer's disease or dementia.

GENERAL FUND	2019-20	2020-21
All Other	\$355,501	\$0
GENERAL FUND TOTAL	\$355,501	\$0

See title page for effective date.

**CHAPTER 107  
H.P. 1315 - L.D. 1844**

**Resolve, Directing the Public  
Utilities Commission To  
Evaluate the Ownership of  
Maine's Power Delivery  
Systems**

**Sec. 1. Public Utilities Commission evaluation. Resolved:** That the Public Utilities Commission shall evaluate the proposal for creation of the Maine Power Delivery Authority as presented in L.D. 1646, An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems, referred to in this resolve as "the proposal." The evaluation must include but is not limited to:

1. Analysis of the costs and benefits, both short-term and long-term, of the proposal;
2. Examination of legal, regulatory, technical, financial and operational issues related to the proposal and its implementation;
3. Assessment of anticipated impacts, both positive and negative, of the proposal on the State, including but not limited to impacts on electricity rates, utility employees and ratepayers; and
4. Development of alternatives or amendments to the proposal to address any identified obstacles to its implementation.

The commission shall contract with an independent consultant or consultants with relevant expertise to assist the commission with the evaluation. For the purposes of this section, "relevant expertise" includes, but is not limited to, expertise in utility valuation and

finance and other legal, regulatory, technical, financial and operational issues related to the proposal. The commission may seek public input and may consult with the Office of the Public Advocate and the Governor's Energy Office as needed to conduct the evaluation.

**Sec. 2. Report. Resolved:** That, no later than February 15, 2020, the Public Utilities Commission shall submit to the Joint Standing Committee on Energy, Utilities and Technology a report on the evaluation required in section 1. The report must include results, findings and recommendations from the evaluation, including suggested amendments to the proposal and any other suggested legislation. The report must specify which aspects of the evaluation have been completed and which, if any, require further time and study.

**Sec. 3. Funding. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 35-A, section 117, subsection 3, paragraph B, or any other provision of law to the contrary, the Public Utilities Commission shall use funds from the Public Utilities Commission Reimbursement Fund, established in Title 35-A, section 117, to carry out the requirements of this resolve.

**Sec. 4. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Public Utilities - Administrative Division 0184**

Initiative: Provides an allocation for the cost of consulting services needed to evaluate a proposal to create the Maine Power Delivery Authority.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500,000	\$0
	\$500,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500,000	\$0

See title page for effective date.

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CONSTITUTIONAL RESOLUTIONS OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019

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**CHAPTER 1**

**H.P. 1049 - L.D. 1437**

**RESOLUTION, Proposing an  
Amendment to the  
Constitution of Maine  
Concerning  
Alternative Signatures Made  
by Persons with Disabilities**

**Constitutional amendment. Resolved:** Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

**Constitution, Art. IV, Pt. Third, §20** is amended to read:

**Section 20. Meaning of words "electors," "people," "recess of Legislature," "statewide election," "measure," "circulator," and "written petition"; written petitions for people's veto; written petitions for direct initiative.** As used in any of the 3 preceding sections or in this section the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "statewide election" means any election held throughout the State on a particular day; "measure" means an Act, bill, resolve or resolution proposed by the people, or 2 or more such, or part or parts of such, as the case may be; "circulator" means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of the city, town or plantation of the circulator's residence as qualified to vote for Governor; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners, or, as authorized by law, the alternative signatures of persons with physical disabilities that prevent them from signing their own names, attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in the presence of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list or to certify signatures on petitions for voters on the voting list of the city, town or plantation in which the petitioners reside that their names appear on the

voting list of the city, town or plantation of the official as qualified to vote for Governor. The oath of the circulator must be sworn to in the presence of a person authorized by law to administer oaths. Written petitions for a people's veto pursuant to Article IV, Part Third, Section 17 must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be filed in the office of the Secretary of State, or, if such 5th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Written petitions for a direct initiative pursuant to Article IV, Part Third, Section 18 must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 10th day before the petition must be filed in the office of the Secretary of State, or, if such 10th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Such officials must complete the certification of only those petitions submitted by these deadlines and must return them to the circulators or their agents within 2 days for a petition for a people's veto and within 5 days for a petition for a direct initiative, Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were submitted to them. Signatures on petitions not submitted to the appropriate local or state officials by these deadlines may not be certified. The petition shall set forth the full text of the measure requested or proposed. Petition forms shall be furnished or approved by the Secretary of State upon written application signed and notarized and submitted to the office of the Secretary of State by a resident of this State whose name must appear on the voting list of the city, town or plantation of that resident as qualified to vote for Governor. The full text of a measure submitted to a vote of the people under the provisions of the Constitution need not be printed on the official ballots, but, until otherwise provided by the Legislature, the Secretary of State shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

**Constitutional referendum procedure; form of question; effective date. Resolved:** That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for

holding a statewide election, at a statewide election held in the month of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to allow persons with disabilities to sign petitions in an alternative manner as authorized by the Legislature?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If it appears that a majority of the legal votes are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution of Maine on the date of the proclamation.

**Secretary of State shall prepare ballots.**  
**Resolved:** That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purposes of this referendum.

Effective pending referendum.

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## JOINT STUDY ORDERS

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### JOINT ORDER, ESTABLISHING THE TASK FORCE ON CHANGES TO THE MAINE INDIAN CLAIMS SETTLEMENT IMPLEMENTING ACT

#### H.P. 1307

**WHEREAS**, the ancestors of the members of the federally recognized tribes located in what is now the State of Maine inhabited these lands since time immemorial; and

**WHEREAS**, the tribal nations entered into the first treaty with the United States of America in July 1776 following its Declaration of Independence; and

**WHEREAS**, the United States adopted its Constitution in 1787 and the people of the State of Maine adopted their Constitution in 1819; and

**WHEREAS**, Indian tribes and their members have a legal political status recognized by the United States Constitution, including in Article I, Section 8, and by the Constitution of Maine, including in Article X, Section 5, and pursuant to various treaties entered into by the tribal nations and what is now the State of Maine; and

**WHEREAS**, in 1972, the Passamaquoddy Tribe initiated a claim against the United States government alleging that the transfer of a significant amount of tribal lands to the Commonwealth of Massachusetts, including the District of Maine, was legally invalid because such transfers were not approved by the United States government, as required by the federal Non-Intercourse Act; and

**WHEREAS**, in 1975, the U.S. Court of Appeals for the First Circuit in Joint Tribal Council of the Passamaquoddy Tribe v. Morton affirmed that a trust relationship, similar to that between the United States and other tribes, exists between the Maine tribal nations and the United States that would require the approval by the Federal Government of such land transfers and that the claims of the tribal nations could proceed; and

**WHEREAS**, the other Maine tribal nations alleged similar claims; and

**WHEREAS**, recognizing that protracted litigation would result in substantial economic and social hardship for large numbers of landowners, citizens and communities within the State, the tribal nations decided it was more prudent to negotiate a settlement of the

land claims and other claims rather than continue litigation; and

**WHEREAS**, the tribal nations and Executive Branch of the United States negotiated terms of settlement that were encompassed in the February 10, 1978 Memorandum of Understanding; and

**WHEREAS**, the tribal nations were asked by the Maine Congressional Delegation to negotiate terms related to jurisdictional matters as a part of an overall settlement; and

**WHEREAS**, negotiations between the tribal nations and the State led to the passage of An Act To Implement the Maine Indian Claims Settlement in April, 1980 by the Maine Legislature, but the Act was not effective until the United States Congress in October, 1980 enacted the Maine Indian Claims Settlement Act of 1980, Public Law 96-420; and

**WHEREAS**, An Act To Implement the Maine Indian Claims Settlement was passed into law in 1980 and the Micmac Settlement Act was passed into law in 1989; and

**WHEREAS**, the tribal nations and the State have engaged in significant litigation over many issues in the intervening years; and

**WHEREAS**, differing interpretations of the Acts have caused disagreements between the State and the tribal nations and have negatively affected the Wabanaki communities and hindered their ability to exercise tribal sovereignty for the benefit of their people; and

**WHEREAS**, the relationship between the tribal nations and the State would benefit from a reduction in litigation; and

**WHEREAS**, the tribal nations and the State desire that all of Maine's citizenry prospers, now, therefore, be it

**ORDERED**, the Senate concurring, that, notwithstanding Joint Rule 353, the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act, referred to in this order as "the task force," is established as follows.

**1. Appointments; composition.** The task force consists of the following members:

A. Two members of the Senate, appointed by the President of the Senate, including at least one

member of the party holding the 2nd-largest number of seats in the Senate;

B. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives, including at least one member of the party holding the 2nd-largest number of seats in the House.

The President of the Senate and the Speaker of the House shall invite to participate as voting members of the task force the Chief of the Aroostook Band of Micmacs or the chief's designee; the Chief of the Houlton Band of Maliseet Indians or the chief's designee; the Chief of the Passamaquoddy Tribe at Indian Township or the chief's designee; the Chief of the Passamaquoddy Tribe at Pleasant Point or the chief's designee; and the Chief of the Penobscot Nation or the chief's designee;

The President of the Senate and the Speaker of the House also shall invite to participate as nonvoting ex officio members of the task force the Governor or the Governor's designee; the Attorney General or the Attorney General's designee; and the Managing Director of the Maine Indian-Tribal State Commission.

**2. Chairs.** The first-named Senator is the Senate chair of the task force and the first-named member of the House of Representatives is the House chair of the task force.

**3. Appointments; convening.** All appointments must be made no later than 15 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment and invitation of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force. If 15 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

**4. Duties.** The task force shall review An Act To Implement the Maine Indian Claims Settlement and the Micmac Settlement Act and make recommendations to the Legislature for legislation regarding any suggested changes to those Acts. Recommendations of the task force must be made by consensus. For the purpose of this order, "consensus" means consensus between representatives on the task force of the tribe

or tribes affected by the suggested changes and a majority of the other voting members of the task force.

**5. Quorum.** A quorum is a majority of the voting members of the task force, as long as the quorum consists of at least 3 representatives of the tribal nations and at least 3 members of the Legislature.

**6. Staffing.** The Legislative Council shall provide necessary staffing services to the task force, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**7. Reports.** No later than December 4, 2019, the task force shall submit a report to the Joint Standing Committee on Judiciary that includes its findings and consensus-based recommendations, including suggested legislation, for introduction to the Second Regular Session of the 129th Legislature. In addition, the task force shall compile an official record of its activities, which must include reports, testimony and other materials submitted to the task force, as well as documentation of all recommendations considered by the task force regardless of whether such recommendations were adopted. The Joint Standing Committee on Judiciary shall report out legislation based on the consensus-based recommendations of the task force. Any law enacted by the Legislature pursuant to this order that affects An Act To Implement the Maine Indian Claims Settlement or the Micmac Settlement Act is also subject to approval by the affected tribe or tribes through their own governmental processes.

**Passed by the House of Representatives June 6,  
2019 and the Senate June 18, 2019.**

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**SELECTED MEMORIALS AND JOINT RESOLUTIONS**

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**JOINT RESOLUTION  
MEMORIALIZING THE  
UNITED STATES  
CONGRESS TO SUPPORT  
FEDERAL EMPLOYEES IN  
MAINE AFFECTED BY THE  
FEDERAL GOVERNMENT  
SHUTDOWN AND TO TAKE  
IMMEDIATE  
CONGRESSIONAL ACTION**

**H.P. 280**

**WE**, your Memorialists, the Members of the One Hundred and Twenty-ninth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the United States Congress as follows:

**WHEREAS**, the longest partial shutdown in the history of the United States government began on December 22, 2018; and

**WHEREAS**, the federal government shutdown is affecting approximately 800,000 federal employees; and

**WHEREAS**, in Maine the workers currently affected are employees of the Department of Homeland Security, which includes airport screening personnel and members of the United States Coast Guard, and employees of Acadia National Park; and

**WHEREAS**, those federal workers who have not been furloughed are obliged to work without pay; and

**WHEREAS**, the federal government shutdown is also having an effect on other industries in Maine, such as tourism, and small businesses that depend upon federal regulation and loan processing; and

**WHEREAS**, as the federal government shutdown continues, there is potential for many social and housing services in the State to be negatively affected; and

**WHEREAS**, it is important for the economic health of the State that the federal government shutdown cease as quickly as possible; now, therefore, be it

**RESOLVED:** That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully request that the United States Congress take immediate steps to reach a compromise and end the partial shutdown of the Federal Government and restore financial security to the lives of citizens; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, the Speaker of the United States House of

Representatives and each Member of the Maine Congressional Delegation.

**Read and adopted by the House of Representatives  
January 24, 2019 and the Senate January 24, 2019.**

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**JOINT RESOLUTION  
MEMORIALIZING THE  
PRESIDENT AND  
CONGRESS OF THE  
UNITED STATES TO  
SUPPORT THE REFORM OF  
THE SOCIAL SECURITY  
OFFSETS OF THE  
GOVERNMENT PENSION  
OFFSET AND THE  
WINDFALL ELIMINATION  
PROVISION**

**H.P. 1204**

**WE**, your Memorialists, the Members of the One Hundred and Twenty-ninth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States, as follows:

**WHEREAS**, under current federal law, individuals who receive a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security are subject to a reduction in the Social Security benefits; and

**WHEREAS**, these laws, contained in the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II, Federal Old-Age, Survivors, and Disability Insurance Benefits, and known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees, particularly women; and

**WHEREAS**, the Windfall Elimination Provision reduces by a formula the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

**WHEREAS**, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of low-income and moderate-income public service workers, such as school teachers, clerical workers and school cafeteria employees, whose wages are low to start; and

**WHEREAS**, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses

## SELECTED MEMORIALS AND JOINT RESOLUTIONS

whose careers cross the line between the private and public sectors; and

**WHEREAS**, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

**WHEREAS**, in some cases, additional support in the form of income, housing, heating and prescription drug and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

**WHEREAS**, other participants in Social Security do not have their benefits reduced in this manner; and

**WHEREAS**, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

**WHEREAS**, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute were paid into Social Security prior to that time; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States work together to support reform proposals that include the following protections for low-income and moderate-income government retirees:

1. Protections permitting retention of a combined public pension and Social Security benefit with no applied reductions;
2. Protections permanently ensuring that level of benefit by indexing it to inflation; and
3. Protections ensuring that no current recipient's benefit is reduced by the reform legislation; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Donald J. Trump, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; and each Member of the Maine Congressional Delegation.

**Read and adopted by the House of Representatives  
May 7, 2019 and the Senate May 8, 2019.**

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**BUDGET ADDRESS  
OF  
GOVERNOR JANET T. MILLS  
FEBRUARY 11, 2019**

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Mr. President; Madam Speaker; Chief Justice Saufley; Chiefs Francis, Nicholas, Sabattis, and Paul; Ambassador Dana;

Secretary of State Dunlap; Treasurer Beck; Attorney General Frey; Auditor Buckley;

Honorable Members of the 129th Legislature;

Three months have passed since the general election.

Two months since the Legislature was sworn in.

Nearly all our cabinet members are confirmed, sworn and qualified. They are here tonight.

We are getting to work.

I want to take a moment to thank the people of Maine for the outpouring of warmth you have shown me in the last month.

I have felt in my heart the very best of Maine from all over Maine – the energy, the strength, the hope of Maine people.

Today we dig out from tunnels of snow, finding the light of our days to be longer, our dark nights shorter, and we sense that nature and the world are moving toward spring.

We care for our neighbors, old and new, frail or strong.

We care about those who need the most, those who work the hardest and those who pay the most.

Today we take account of the past and plan for a new, and better future.

Our unemployment rate is low. But our economy has grown more slowly than that of the United States and New England since 2010.

Our poverty rate is below the national average. Still 1/6th of our children live in poverty.

Our per capita income is growing; but it is still the lowest in New England, as is our average household income.

Maine's public high schools rank fifth in the country. But the percentage of our adult population with post-secondary degrees is well below the New England average.

The quality of our health care ranks 10th in the country. Yet the public health of our citizens is ranked 33rd in the country.

Maine has many assets.

But it also has many challenges.

We cannot afford to stand still.

This budget moves us forward.

The budget is about Health. It is about Opportunity. It is about Prosperity. It is about Education.

It is, in sum, about *HOPE*.

Health care is a major focus of this budget, and it is a vital part of moving our economy forward.

You may have heard that more than 4,000 people are newly enrolled in MaineCare since January – people from all across the state.

We intend that expanded MaineCare will help up to 70,000 people who now lack affordable health insurance, so that they can obtain preventive care, they can obtain early treatment for disease, they can remain in the workforce, and they will never again have to face the choice between medical care and bankruptcy.

These individuals are not the only ones who will be helped.

Expanding MaineCare and enabling people to have health insurance will also help our rural hospitals – which are some of the largest employers in their com-

## BUDGET ADDRESS

munities, often the only source of care, and often on the edge of financial collapse – because expansion will reduce the amount of uncompensated care they are asked to provide.

In turn, this will lower the inflation pressures on private health insurance policies.

We expect that this in turn will reduce the cost of health insurance to small businesses, self-employed individuals and employees – whose insurance rates are essentially making up the difference for hospitals' uncompensated care.

But that is not enough. We will work with the Bureau of Insurance and the small business community to find additional ways to lower the cost of health insurance for small business.

Finally, MaineCare expansion will help Maine's economy.

It will bring \$500 million in federal funds to Maine. That is like getting a new contract for a ship at Bath Iron Works every year – except that the jobs will be statewide.

This influx of funds is projected to create 6,000 additional jobs from Sanford to Calais to Fort Kent.

All of these workers will pay income and sales tax, which will in turn help the state's bottom line.

This is economic development on a large scale.

To support MaineCare expansion, we include \$147 million in the state budget over the next two years – a figure arrived at based on the independent, nonpartisan analysis of the Manatt report.

We are also budgeting for a Medicaid Reserve Account of \$29 million to cover any contingencies.

These budget items are funded by normal income and sales tax revenues as predicted by the independent Revenue Forecasting Committee.

That means no new taxes or fees.

That \$147 million will trigger around a billion additional federal dollars for Maine.

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It is the *bargain* of a century.

As good stewards, we will continuously review and manage the MaineCare program and evaluate the effects of expansion on:

- Health outcomes for our citizens,
- Hospital finances,
- Private health insurance rates, and
- Job creation.

This budget also addresses other public health challenges facing our state.

Among the most critical of these challenges is the opioid epidemic.

This week Attorney General Frey released statistics showing 282 drug overdose deaths for the first nine months of last year. That is one overdose death per day.

But the numbers do not tell the whole story.

One of those individuals was 21-year-old Sean M. Yankowsky of Bangor.

He died ten months after his brother, his only sibling and his best friend, 25-year-old Adam Yankowsky, died from ingesting heroin laced with fentanyl.

Adam had overdosed before.

He had been revived, Narcaned twice on one occasion, and sent home without any guidance about what he could do next or where he could get help.

Adam's and Sean's father, Maine State Police Detective David Yankowsky, and their mother, Shelly Yankowsky of Glenburn, join us this evening.

They now work with the Bangor Area Recovery Network to help others battle the illness that claimed their two children.

I want to thank them for their courage — the courage to carry on, the courage to speak up, the courage to help so many others. They are saving lives.

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Oxford County Sheriff's Deputy Matt Baker also joins us.

Matt is a 30-year veteran of law enforcement.

He has told hushed audiences of how he tried to revive his own 23-year-old daughter, Ronni, after she overdosed on heroin.

Coming home at 2:30 a.m. after working the late shift one night in 2015, Deputy Baker found his daughter in the bathroom, slumped over the toilet, not moving.

Her face was blue and she was unresponsive.

"I felt her heart beat once and I started CPR," Baker said. "Basically, my daughter died when I was doing CPR on her."

"About three hours later," he said, "I watched them wheel my daughter out on a gurney. This was the daughter who used to sit on my lap and talk about fishing with me. Now she sits on my mantle."

Today he is sharing this terrible experience in the hope that others will listen and learn, as he brings up the little girl Ronni left behind.

Matt, we are listening.

Also here tonight are Robert Fickett and Sharon Fields from Bangor. Both of them are in recovery. Bob coordinates the Recovery Coaches and Sharon coordinates the volunteers for the Bangor Area Recovery Network or BARN.

They are success stories. They are giving back to their community. They are helping others and saving lives. Thank you, Bob and Sharon.

For David and Shelly, Matt, Bob and Sharon, and so many families like theirs around the state – help is on the way.

In addition to making more services available through MaineCare, and with federal monies currently available and with \$5.5 million in non-tax dollars in this budget, we will provide:

- Training of recovery coaches for our emergency rooms,

## BUDGET ADDRESS

- Treatment based on a regional "hub and spokes" model,
- Purchase and distribution of Narcan at every appropriate venue,
- Medication-assisted treatment,
- Resources for friends and families of persons with substance use disorder, and
- Robust prevention and education efforts to stem the tide of this epidemic.

I am pleased with the progress to date on these initiatives under the leadership of our Director of Opioid Response, Gordon Smith. Thank you, Gordon.

These initiatives supplement the vigorous efforts of law enforcement at all levels to stem the tide of drug trafficking into Maine.

We propose other public health measures:

- expanding access to low cost drugs for the elderly and disabled. This is only the first step of many we will take to help our seniors in the coming years;
- investing \$10 million from the Fund for Healthy Maine for tobacco and nicotine prevention measures. It is critical to address the dramatic increase in vaping and other nicotine use among our young people;
- filling the vacancies in our public health nursing corps, as the Legislature already directed us to do;
- filling the longstanding critical vacancies in the Maine Centers for Disease Control and Prevention – an agency that has seen a 25 percent reduction in staff in recent years;
- and for our veterans, we fully fund the Bureau of Veterans Services outreach program to prevent homelessness and hunger among those who served our country with distinction. To those heroes I say, we will never forget you.

In these ways and many others, we are rebuilding our public health infrastructure.

## BUDGET ADDRESS

We are also rebuilding our education infrastructure.

The Department of Education has suffered from years of neglect.

As of last December, it took up to six months for the understaffed Department to simply certify new teachers who were waiting to start work or to recertify those already working.

That is unacceptable.

With staffing adjustments this past month we have already reduced that wait time to less than six weeks.

And we will not stop there.

The Maine Department of Education will once again be a place that leads, inspires and fully supports our schools, teachers, and students.

This budget begins making pre-kindergarten programs available to every 4-year-old in Maine.

This is a voluntary, four-year program, the initial phases are included in this budget.

We also provide \$18.5 million to Child Development Services to support the needs of our youngest and neediest children.

For kindergarten through high school, we provide an additional \$126 million over the biennium.

This brings the state's share of public education funding to nearly 51 percent of Essential Programs and Services (EPS).

When you include the state's payments toward the teacher pension fund, the state's share of K-12 education is 55 percent.

This budget invests in recruitment and retention to ensure that teachers in Maine will not be forced to leave the state for a living wage.

It is time to treat our teachers with the respect and dignity they deserve.

This budget ensures that no teacher in Maine will make less than \$40,000 a year.

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Tonight, we are delighted that Maine's 2019 teacher of the year could join us – Joseph Hennessey from Piscataquis Community High School in Guilford.

Joe teaches English and has created imaginative curricula, literature-based, active reading, analytical writing, and public speaking.

Thank you for your service, Joe.

The budget also increases funding for adult education and career technical high schools so that every Mainer can compete for skilled jobs in an ever-changing economy.

Tonight, we also welcome the 2018 Career Technical Education teacher of the year in the gallery – Russell Clark from the Sanford Regional Technical Center.

Russ teaches engineering and architectural design and exposes his students to the exciting things you can do with computer-aided-design (CAD) tools, 3D printers, and a laser cutter and engraver.

Thank you, Russ, for inspiring Maine's next generation of architects and engineers.

Maine will not succeed if our graduates are burdened by debt and if adults cannot access continuing education.

The budget therefore increases funding for the University of Maine System, for the Community Colleges, and for the Maine Maritime Academy.

And it provides \$3 million more for scholarships through the Maine State Grant Program to prevent students from going into debt.

Our investments in K-12 education are intended to help local schools and to help local property taxpayers.

But we propose to do more for taxpayers.

The budget increases revenue sharing each year of the biennium.

It also increases reimbursements to municipalities for the homestead tax relief program and for disaster assistance.

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It provides more money for county jails.

Taken together – more local school aid, more revenue sharing, more homestead reimbursements, more disaster assistance, more money for the jails – the net result is relief for property taxpayers.

We are also investing in infrastructure.

Over the next two years, we will pave about 2,000 miles of roadway, fix or replace about 135 bridges, and invest in rail, public transit, and seaports.

This will be supported by about \$531 million of dedicated state Highway Fund revenue, leveraged federal revenues, and \$200 million of state bonds.

To expand the economy, the budget:

- Invests \$2 million in broadband, designed to draw down much larger amounts of federal money to Maine;
- Funds \$5 million for rural development; and
- Directs funding to market all parts of Maine not just as a tourist destination, but as places to live and work and raise a family.

Our Department of Economic and Community Development looks forward to leading in the creation of a long range economic plan for our state.

The world is changing. We need to define Maine's place in the new world.

We will work with the private sector and with groups like the Maine Development Foundation to identify our state's many assets and build upon them to foster and attract:

- Sustainable farming, diversified fisheries and innovative forest products businesses
- Clean energy producers
- High tech industries
- Data centers
- Places for people to work remotely, and

## BUDGET ADDRESS

- A quality of life that will attract young working families back to our state.

The budget also allows for bonding for such things as broadband and Land for Maine's Future, and other appropriate investments, and we look forward to working with the Legislature on a bond package that fully meets the state's needs.

Climate change is a priority issue. Our Office of Policy Innovation and the Future is preparing a climate agenda which I will announce in the coming weeks.

Suffice it to say, we will make every effort, without additional general fund dollars:

- to assist the University of Maine in the research and development of offshore wind power;
- to provide incentives for community and residential solar power;
- to promote energy efficiency and weatherization;
- to increase the use of heat pumps;
- to build charging stations and incentives for electric vehicles;
- and to help local and state government become "green."

Right now, Hannah Pingree, who leads the Office of Policy Innovation and the Future, is working with Efficiency Maine to develop a program to promote the installation of 100,000 heat pumps in businesses and houses by 2025.

That alone would save \$30 to \$60 million annually in heating bills, and lower carbon emissions by 100,000 to 200,000 metric tons a year and wean our state off fossil fuels. We look forward to unveiling the details of this effort shortly.

Our budget bolsters public safety:

By beefing up security in courtrooms to ensure the safety of those seeking access to justice.

## BUDGET ADDRESS

By authorizing fifteen additional state troopers and sergeants to ensure a 24-hour police presence statewide, including in all rural areas.

By adding seven positions to the Maine State Police Computer Crimes Unit. There can be no more important purpose of government than to protect our children from violent predators, whoever they are, wherever they are, whatever their evil techniques.

By adding a new position in the Attorney General's Office to train investigators to detect and pursue those who prey upon our seniors and steal their hard-earned savings.

And we fulfill our promise to the good people of Washington County to fund a correctional facility there.

We will continue to work with community groups to combat the scourge of domestic violence.

We will no longer reject valuable federal resources for vital services — including funds for substance use disorder treatment, life-saving cancer screenings and Alzheimer's treatment, nutrition assistance for hungry families, children's health insurance, the forest legacy program, and transportation funding.

By some estimates, Maine has turned down almost \$2 billion in federal money in recent years. This is money that Maine people have paid in federal taxes that is not being returned to them, but is going to other states instead.

My Administration will work with the Congressional delegation to identify every source of benefits to which the Maine people are entitled and make sure our people get their fair share.

So this is our budget.

There will be those who say this budget is government spending run amuck, and there will be those who say we ought to spend more and more. I respectfully disagree.

Here is what I heard on the campaign trail last year.

- Maine people want better health care.
- Maine people want better schools.

## SELECTED ADDRESSES TO THE LEGISLATURE

- Maine people want better jobs and greater economic opportunity.
- Maine people do not want higher taxes.

This is a pragmatic, common-sense budget that lives within our means and delivers what Maine people want.

It is based on the projections of independent experts on the Revenue Forecasting Committee of the previous administration who also say that revenue beyond this biennium is expected to be \$8.3 billion.

That is hundreds of millions of dollars more than what this budget proposes. When taken in combination with the robust Rainy Day fund that we have protected, Maine is well-positioned in the years to come.

In short, *this budget is sustainable*.

This budget is balanced, as the Constitution requires; it makes responsible investments to tackle serious challenges facing our state; and it honors the will of the people.

For you, the members of the 129th Maine Legislature, I welcome your thoughts, concerns, and suggestions in the coming months.

Having sat in these chairs, I know that you will bring the concerns of your constituents to bear on this budget, and I look forward to that productive discussion.

But keep in mind:

- In this budget there are no tax increases.
- In this budget there are no gimmicks.
- In this budget there are no negative balances.

This budget is pro-growth. It is pro-jobs. It is pro-people.

This budget is for the small business struggling with health care costs and for employers seeking a skilled workforce.

This budget is for the parents who have lost their children to overdose and who are now raising their grandchildren.

**SELECTED ADDRESSES TO THE LEGISLATURE**

**BUDGET ADDRESS**

This budget is for the families, children and seniors living without basic health care.

This budget is for state workers who need the resources to get things done for Maine people.

This budget is for the teachers who are paying for school supplies and food for their students out of their own pockets, while earning salaries that are not commensurate to the value of their work.

This budget is for Maine's towns and for the property taxpayers who have had to pick up the tab for things state government should have been paying for.

This budget is about health, opportunity, prosperity, and education.

It is about *HOPE*.

It is about help for those who have been left behind.

For teachers like you, Russ and Joe, it is about help for your schools, your students and your colleagues across the state.

And for you, Shelly and David, for Matt, Bob and Sharon, and for thousands of other families, loved ones and unsung survivors, there is HOPE. I promise you. There is hope.

Finally, thank you to all the people of Maine whom I love with all my heart.

Thank you.



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**STATE OF THE JUDICIARY ADDRESS  
OF  
CHIEF JUSTICE LEIGH INGALLS SAUFLEY  
FEBRUARY 26, 2019**

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**MAINE JUDICIAL BRANCH  
THE STATE OF THE JUDICIARY  
A Report to the Joint Convention of the First  
Regular Session  
129th Maine Legislature**

**Presented by Chief Justice Leigh I. Saufley  
February 26, 2019**

Good morning, Governor Mills, President Jackson, Speaker Gideon, Members of the 129th Maine Legislature, and guests.

Thank you for the honor of this invitation to address you today on the State of the Judiciary.

**HISTORY IN THE MAKING**

Before I begin, I have to mention this historic occasion.

As of today, I have had the great honor of being accompanied into this chamber by four different Governors.

But this is the first time that the Governor—came from Franklin County.

Seriously, it will now be evident to all of our daughters and sons that anyone can be a part of this great experiment in a representative democracy.

For our youth, anything is possible, and for demonstrating that fact, we are grateful to Governor Mills.

**INTRODUCTIONS**

I would like to recognize a few people in the gallery, and I will ask that you hold your applause until they are all standing.

First, you will see my handsome husband Bill Saufley and my parents Jan & Dick Ingalls, and with them today is my extraordinary niece, Alison Ingalls.

Next, Ted Glessner, the State Court Administrator, Judge Robert M. Washburn, President of the Probate Judges' Assembly, and Chief Judge Rebecca Irving, from the Passamaquoddy Tribal Court.

Next, I will introduce my colleagues.

As always, I am going to ask them to stand, and remain standing.

Again, I'll ask you to hold your applause until the end,

From the Supreme Judicial Court—Justices:  
Don Alexander, Andrew Mead,  
Joe Jabar, Jeff Hjelm, and Tom Humphrey

And the Trial Court Chiefs:  
Superior Court Chief Justice Roland Cole,  
The Designated Deputy - Justice Bob Mullen,  
District Court Chief Judge Susan Oram, and  
Deputy Chief Judge Susan Sparaco

You can be very proud of the Judges and Magistrates throughout this State who work so hard every day to help Maine people find justice.

And have I mentioned that those wonderful JUDGES, Maine's trial judges, are right at the bottom of the country when it comes to compensation?

I may have mentioned that before. The budget proposed by Governor Mills will provide a modest increase in that compensation. I hope you will support the Governor's budget as it addresses all aspects of the Judicial Branch. It is a thoughtful budget, aimed at safe courts and excellent public service. Thank you, Governor Mills.

I also want to thank all of the other people who serve the public in the Judicial Branch—455 state employees who cover the entire State—from the clerks who form the backbone of the courts, to the marshals who have kept the public safe, to the administrators on whom we rely for constant improvements. We could not provide access to justice in Maine without their commitment and dedication to public service.

So—to the STATE of the JUDICIARY;

I often look for one word to describe to you the State of Maine's Judiciary, but today, I have to ask for your indulgence—it will take me two words.

**THE JUDICIAL BRANCH IN MAINE IS: IN TRANSITION**

I will focus on three key areas of transition:

1. **The World Around Us—in Transition**
2. **Digital Case Management and eFiling**
3. **Transitions in the Criminal and Juvenile Justice**

## 1. THE WORLD IN TRANSITION

Nearly every aspect of our world is changing, and many of those changes are driven by developments in technology.

Some of you remember how we all used to respond to temporary power outages—we had to wait for our children to come home from school to reset all of our clocks, especially on the VCR and the coffee maker.

How I long for those simpler days.

Technological changes and innovations are already having a significant impact on the delivery of justice, and here are just a few of the changes that require our careful attention:

- The practice of law and the delivery of legal services are changing. The use of artificial intelligence for screening legal problems, creating legal documents, and even mediating disputes is expanding every day, and the increase in mobile applications will change the way that lawyers do their jobs.
- Technology to support the appearance of parties, witnesses, and interpreters from remote locations is becoming a necessity.
- Evidence in the form of cell phone videos, Facebook messages, video from body cams and dash cams, and digital document troves must all be captured and preserved somehow, and available in a format that juries and judges can review.
- Digital legal research has all but eliminated our old system of Law Libraries—remember books?
- The methods by which the members of the public seek out information about their legal rights is changing.
  - I pause here to thank the Maine Legislature for its accessible and helpful

website—a website, by the way, that has no paywall.

### The Maine Response:

These and many other kinds of transition require that the Maine Judicial Branch work constantly just to keep up. Here are just a few of the recent successes.

- Video equipment is being updated in many courthouses to improve high-quality real-time video conferencing.
- Distance mediation, which we have seen successfully deployed in other states, is now an option in Aroostook and Penobscot Counties, and is expanding into other counties.
- Interpreters from across the country are becoming more available through video to provide much-needed spoken language and ASL services in Maine courthouses.
- Courthouses are being rewired to improve service and provide critically important wireless internet access by the public. Improved access to broadband service will be a big help to the public.
- Schedules are being shifted throughout the State to assure that complex family matters are coordinated so that families will have a single team—a judge, a magistrate, and a clerk, consistently assigned to that family to assure expedited attention and continuity.
- The Judicial Branch website is undergoing a complete accessibility revision that will include forms and instructional booklets in multiple languages, helpful videos for use by unrepresented litigants as well as lawyers and the public, and quick access to information and to other sites that may be helpful.

### The Future in Transition

And the transitions continue. We are looking ahead to future improvements in technology and in our facilities.

As always, Safety First:

With your support, and with the benefits from the consolidation of court facilities, the Judicial

Branch is now able to provide marshals and entry screening equipment on 77% of all court days throughout the State. That's progress. However, the volatility of high conflict litigation and the very real worry about the potential of an active shooter is serious, and we must reach the 100% mark soon. Last year, the presence of those Judicial Branch marshals added immeasurably to the safety of the public, and their presence even stopped 7 firearms that were actually brought into court houses.

Building Technology

We are planning that the new consolidated courthouse in York County will be the Judicial Branch's very first Zero Net Energy building. A combination of geothermal heating and cooling, and solar panels will provide a more comfortable and less expensive internal environment long into the future.

Digital Communications:

We are also hoping that improvements in digital communication will allow us to create a system of text message alerts to remind defendants of upcoming criminal court dates. A few states have tried this and have found it to be very helpful in avoiding inadvertent failures to appear. Imagine the ripple effect, fewer arrest warrants, less stress on the county jails, and most important—reduced disruption of people's lives, jobs, families.

Also, in the future, we hope to establish a digital system for search warrants.

One note of caution is in order, however. None of these projects is as simple as it sounds, and each of the projects must be constantly reviewed for quality and accuracy.

Our goal must be to provide *better* public service, not just more *annoying* public service.

In other words, we have to be careful, and we have to do it right.

I look forward to working with you to assure that we are all focusing on the kinds of technology that will best serve the public.

**2. TRANSITION TO DIGITAL RECORDS AND eFILING**

I move now to our next topic on transition—the design and roll-out of Maine's new digital case management and eFiling system.

Last year I updated the 128th Legislature on the Judicial Branch's comprehensive contract with Tyler Technologies.

Over the last year much has been accomplished.

The first iteration of the digital traffic ticket system has rolled out in the Violations Bureau. We are learning every day about ways to improve the public's access, and we do have continued challenges with the new system, including challenges in getting reports out to law enforcement, and the critically important connections to the Secretary of State's Office. But so far, the individual members of the public report primarily very positive experiences with the new system.

As we resolve those challenges and complete the work on the traffic ticket system, we will turn to the design and roll-out of the very first region to go live with all case types—in Penobscot and Piscataquis Counties.

This project requires the attention of everyone in the court system: not just the technology experts.

- It requires a design that can be used by unrepresented litigants as well as lawyers.
- It will require that courthouses provide public access to terminals for those users who do not have computers, smart phones, or access to local libraries.
- It must be built to gather better data accurately and effectively, to improve the information necessary for court management, future legislative decisions, and budget considerations.
  - As you hear me say every year, "we manage what we measure," and better access to reliable and relevant data will help all of us in responding to public needs.
- And it is critically important that we assure the stability and security of all digital court

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records. The very words "Cyber Security" are keeping me up nights.

This is one of the most complex projects I have ever been involved with in Government.

And one of the most important questions to be answered before the first Region goes live is this:

### **Which digital case records will be available to the public through the internet?**

#### **Transparency and Privacy**

This question requires us to balance the tradition and laws regarding open courts against the very real challenge that instant and seemingly permanent access to the private details of litigants' lives may create.

As I reported last year on this complicated question, we are obtaining as much input and review as we can.

We began with the first widely representative stakeholders group, the Transparency and Privacy Task Force which presented a report to the Court in the fall of 2017.

We published the report, sought written comments, and held a public hearing for further input in the spring of 2018.

You will be shocked to learn that there is some disagreement about where the balance between government transparency and personal privacy falls.

The Supreme Judicial Court made the first major decision regarding access to digital case records last spring.

We determined that digital case records that are public records will, in most instances, be available on the internet.

We concluded that creating a digital case records system that could only be accessed at a courthouse terminal, as had initially been proposed, simply would not work for the great majority of the public's needs.

Then began the very important work of clarifying public and nonpublic records. With input from a variety of sources, relying on existing legislation and the work of the Right to Know Advisory Committee, we created a

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very rough, first draft of proposed legislation, and we sought comments on that preliminary proposal.

Following those comments, many of which were very helpful, we drafted a more focused piece of legislation. I am pleased to report that the proposal, which has not been printed yet, will be sponsored by the Chairs of the Judiciary Committee, Senator Carpenter and Representative Bailey.

The proposed legislation acknowledges the important public policy decisions that have already been made by Maine's Legislature to make certain limited proceedings closed to the public. It also recognizes that it is ultimately the responsibility of the Judicial Branch to promulgate rules addressing the details of access to case records.

We are in the process of creating a comprehensive set of Court Rules that will address those details, and here are the basics:

- The parties and their representatives will have digital access to their own records through a platform-neutral internet-based portal. In other words, you will not need special programs to reach your own court records, and you will not pay to see your digital files.
- The following digital case records, with a few, narrowly tailored exceptions will be publicly available on the internet:
  - Criminal cases
  - Traffic infractions
  - Most civil cases
- We estimate that those cases comprise more than 85% of the court's annual case filings.
- Some kinds of information will not be available to the public in any digital files, such as social security numbers, bank account numbers, or personal medical records.
- Other case types will, again with a few exceptions, not be publicly available, for example:
  - Adoption records
  - Child protection records
  - Most juvenile records
  - Mental health civil commitment records

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There are two case types that we are still addressing:

Domestic Violence and Family cases.

In Domestic Violence cases, we must all comply with the federal law that shields any information identifying a petitioner from any internet availability. We will have more on this soon.

In Family cases, we are designing a hybrid rule that will allow public access to the nature of the proceedings and summaries of the resulting judicial actions but will not provide public access to the very personal filings between and among the parties, many of which relate to the struggles that children experience during periods of family instability.

Again, we must be careful not to confuse the public's right to know what its government is doing with an unlimited right to obtain private information about individuals, simply because those individuals must interact with the courts.

As Justice Ann Murray has noted in her work on this system, the last thing we want is for the public to have internet access to a filing that says: because of the increasing animosity between the parents, the parties' 13-year-old son is wetting his bed again. Image the bullying and the possible lifetime of humiliation for that child.

We are continuing to seek input on the best balance of transparency and privacy. The consequences of these decisions will affect the public in ways we may not yet anticipate, and we must be ready to make changes in response to new information.

The next steps include meetings of the Rules Advisory Committees here in Augusta at the Capital Judicial Center next week. Those meetings will be open to the public. We will then receive further written input from all interested parties, and we hope to have a full set of draft Court Rules to complement the statute we have proposed, to be available by the time of the public hearing on the bill.

There are, however, a few substantive areas that may require your further attention.

One of the thorniest knots is found in criminal law and in aspects of the Criminal History Records Information Act.

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- What should happen to the records when a person has been acquitted or the charges have been fully dismissed? Should those files remain publicly available on the internet or should part or all of the file be closed?
- You may find this issue tangled up with questions regarding the closure—sometimes called expungement—of conviction records following the long-term successful rehabilitation of the convicted person.
- I understand that the Criminal Law Advisory Committee, assisted by Jane Orbeton, is looking at these and several related issues, and we hope that they will have a proposal for you later this spring.

We look forward to your solutions!

### 3. OPIOID CRISIS AND CRIMINAL-JUVENILE PROCESS IMPROVEMENT

I move now to the third topic of transitions, far removed from technology, although certainly not removed from science—the changing governmental responses to addiction and mental health challenges, in criminal and juvenile justice.

Rather than begin with the usual grim statistics, I start with updates on several positive developments in cross-governmental efforts.

- First, with thanks to the Maine Sheriffs' Association and its current president, Sheriff Kevin Joyce, a large group of stakeholders including judges, sheriffs, county government, attorneys, and involved providers convened in November to address concerns about the pre-conviction populations in Maine's county jails. A shared commitment to data gathering and problem solving is already yielding results.
- Second, we have re-established the Task Force on Pretrial Justice Reform to address continuing innovations in bail proceedings, and several of you have agreed to serve on that Task Force, for which I am grateful.

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- Next, because addiction and drug trafficking do not respect state boundaries, the New England Chief Justices are collaborating on a regional initiative that will help us all receive data on what works, what's not working, and what we can do to step up the New England efforts to eliminate the scourge of drug trafficking and drug addiction from our states.

Moving briefly to those grim statistics, they tell such a heartbreaking story.

- In 2018, approximately 350 drug-induced deaths took mothers, fathers, sons, and daughters away from their families.
- Although that is still nearly one person a day dying from these poisons, it does represent a 16% decrease from 2017 (417).
- Still, more than twice as many people died from drug overdoses as died in car accidents.
- 31 of the 350 deaths were understood to be suicides; the remainder were classified as accidental overdose deaths.
- In 2018, 1,143 doses of Narcan were administered by EMTs in Maine.
- And 904 drug-affected babies were born in Maine.

This epidemic of addiction and mental health crises requires urgent responses.

And responses are needed from the very first days of life, for the babies born to parents who cannot provide a safe environment or the stimulation children need in their first 3 years. Unless the problems are identified quickly, those tiny brains may be forever changed by the presence of violence or by days, weeks, or even months of inattention. All of your work on early life experiences will change lives, and I thank you in advance for those efforts.

Turning to the adults caught up in addictions or grappling with mental health problems—and these problems are not mutually exclusive—we need to expand the options for diverting more people from a lifetime of incarceration on the installment plan.

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I know that many of you are hard at work on these challenges, and Governor Mills has made her support for tackling the challenges quite clear.

So, to be clear about the ability of the Judicial Branch to respond to the crisis through focused intervention courts, as long as the two current judicial vacancies are filled (and I know that the Governor is working on nominations), the Judicial Branch *does not need funding or legislation* to expand the Family Recovery Court, the Mental Health and Drug Courts, or the Veterans Courts.

All of the funding necessary to respond to the addiction and mental health needs of the public should be focused on the wide range of necessary community-based services that are not within the Judicial Branch budget. Without funding for those services however, provided through DHHS, veterans' organizations, other State agencies, as well as community-based programs, and local housing programs, the trial judges simply cannot expand the specialty courts.

You have heard this list of needed services before:

- Immediate access to mental health, addiction recovery, medical and dental care;
- Safe and sober housing;
- Data collection and analysis. On this point, we should not spend taxpayer dollars without the ability to determine whether what we are doing is working;
- Case managers, coaches, mentors;
- Testing equipment and laboratories that are not backlogged;
- Job training and education opportunities;
- In short—what is needed to expand those dockets is a comprehensive community plan.

The bottom line is this: The Judicial Branch has a protocol in place that allows the creation of new addiction and mental health dockets as soon as the key components are in place in your communities, and you need not focus that funding on the Judicial Branch.

**We are ready when you are.**

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Finally, I focus briefly on a topic near and dear to my heart: **Juvenile Justice**

And I will get straight to it.

Our children and youth in crisis need more mental health services and recovery facilities designed for youth. They need:

- Safe housing and youth-focused facilities, where they can receive treatment and be protected from predators;
- Resources to extract them from human trafficking and keep them from harm;
- Well-trained advocates to help them navigate our complex social services and legal systems; and
- A broader range of mental health services and addiction recovery services designed to address the many challenges of growing up in a world in transition.

In this world, cyberbullies can hurt you from afar. Being different can mean devastating isolation, and it can portend violence just around the corner. And the escape to drugs can look very attractive.

Here is another tragic statistic. From data gathered over a 3-year span, from 2014 through '16, we have learned that 88 of Maine's young people from age 10 to 24 committed suicide in that 3-year period.

Suicide is the second leading cause of death among Mainers between 15 and 24.

So much is needed to help our youth find their way to healthy adulthood.

Maine trial judges will tell you that the single greatest gap in services they see in Maine's juvenile justice courts right now is the absence of options for placement of young people who cannot go home. The need for a continuum of caring and effective placement options for these youth has never been greater.

We all understand that, if the only option for placement in Maine is Long Creek, which is designed for very specific circumstances, we are not doing justice for our children.

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This is not a criticism of Long Creek, but Long Creek is not designed to address every child in the juvenile justice system.

Just as there are huge benefits from providing services to new parents and their infants and babies, the benefits of providing improved resources for our youth who are struggling right now cannot be overstated. The ripple effect could be an extraordinary force multiplier.

These children are the future. Let's help them find healthy and engaged lives.

### CONCLUSION

In conclusion, I have the usual additional requests:

First, come visit a courthouse near you. Julie Finn will be happy to arrange for you to see any of the public proceedings that interest you.

Second, consider connecting with your local high school to have the Supreme Judicial Court bring appellate arguments to the school in the fall of 2020.

This year, with the help of Representative Mastraccio, we will be at the brand new Sanford High School facility this spring.

In the fall, at the request of Senator Carpenter, we'll be at Houlton High School, then in Old Town, as arranged by Senator Dill, and then in Gorham, with the connections made by Senator Linda Sanborn.

Finally, I take this point of privilege, once again, to urge women over 40 to have their 3-D mammograms. I am healthy and able to be here today because that updated screening tool caught the cancer early. Get it done!

Thank you for the invitation to address this joint convention.



**CROSS-REFERENCE TABLES**

TABLE I

Sections of the Maine Revised Statutes affected by the laws of the First Regular Session of the 129th Legislature.

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
1	8			AMD	PL 475		1	3	473		1st	AMD	PL 475		29
1	14			AMD	PL 475		2	3	473	3	B	AMD	PL 475		30
1	111-A			AMD	PL 475		3	3	473	3	C	AMD	PL 475		30
1	151			RPR	PL 268		1	3	701	9		AMD	PL 475		31
1	210-B			NEW	PL 250		1	3	704			AFF	PL 417	B	14
1	410			RPR	PL 247		1	3	854			AMD	PL 475		32
1	412			AMD	PL 300		1	3	959	1	C	AMD	PL 378		1
1	433	2-A	D	AFF	PL 417	B	14	3	959	1	R	NEW	PL 378		2
1	521	1		AMD	PL 475		4	3	999	4		AMD	PL 161		1
1	711			AMD	PL 475		5	3	1000	2		AMD	PL 161		2
1	1002	1-A	D	AMD	PL 323		1	3	1000	3		AMD	PL 161		2
1	1024	1		AMD	PL 57		1								
1	1024	1-A		NEW	PL 57		2	4	2			AMD	PL 475		33
1	1024	4		NEW	PL 57		3	4	4	3	C	AMD	PL 475		34
								4	6			AMD	PL 475		35
2	1			AMD	PL 475		6	4	6-A			AMD	PL 475		36
2	1-A	1	B	AMD	PL 475		7	4	8-A	2		AMD	PL 498		1
2	1-A	1	C	AMD	PL 475		8	4	18-A	1	B	AMD	PL 509		1
2	2			AMD	PL 475		9	4	18-A	3-A	A	AMD	PL 509		2
2	3			AMD	PL 475		10	4	18-A	3-A	C	NEW	PL 509		3
2	6	2		AMD	PL 343	XXX	1	4	20			AMD	PL 486		1
2	6	3		AMD	PL 343	D	1	4	54			AMD	PL 475		37
2	6	4		AMD	PL 343	XXX	2	4	101-A			AMD	PL 475		38
2	6	5		AMD	PL 343	OOO	1	4	102	3		AMD	PL 475		39
								4	106			AMD	PL 475		40
3	2		2nd	AMD	PL 475		11	4	117			AMD	PL 475		41
3	2		5th	AMD	PL 475		12	4	120		1st	AMD	PL 475		42
3	2-B	2		AMD	PL 384		1	4	152	5-A		AFF	PL 417	B	14
3	21			AMD	PL 475		13	4	152	14		AMD	PL 366		1
3	22			AMD	PL 475		14	4	152	15		AMD	PL 366		2
3	41			AMD	PL 475		15	4	152	16		NEW	PL 366		3
3	42			AMD	PL 475		16	4	164	1		AMD	PL 475		43
3	124			AMD	PL 475		17	4	164	6		AMD	PL 475		44
3	162	4		AMD	PL 475		18	4	164	7		AMD	PL 475		44
3	165	7		AMD	PL 475		19	4	164	8		AMD	PL 475		45
3	168			AMD	PL 475		20	4	164	11		AMD	PL 475		46
3	170-B			AMD	PL 41		1	4	253			AFF	PL 417	B	14
3	173	3		AMD	PL 475		21	4	423		1st	AMD	PL 501		1
3	224			AMD	PL 475		22	4	556		1st	AMD	PL 475		47
3	228			AMD	PL 475		23	4	702			AMD	PL 475		48
3	231			AMD	PL 475		24	4	807	3	I	AFF	PL 417	B	14
3	312-A	8		AMD	PL 475		25	4	807	3	R	AMD	PL 449		1
3	402	1		AMD	PL 475		26	4	807	3	S	AFF	PL 417	B	14
3	402	2		AMD	PL 475		26	4	807	3	S	AMD	PL 449		2
3	402	3		AMD	PL 475		26	4	807	3	T	NEW	PL 449		3
3	429			AMD	PL 475		27	4	1051		1st	AMD	PL 59		1
3	451			AMD	PL 475		28	4	1051		1st	AMD	PL 475		49
3	452			AMD	PL 475		28	4	1204			AFF	PL 417	B	14
3	453			AMD	PL 475		28	4	1551	2		AFF	PL 417	B	14
3	454			AMD	PL 475		28	4	1551	3		AFF	PL 417	B	14
3	455			AMD	PL 475		28	4	1554	1		AFF	PL 417	B	14
3	456			AMD	PL 475		28	4	1555	1		AFF	PL 417	B	14
3	457			AMD	PL 475		28	4	1557	1		AFF	PL 417	B	14

**CROSS-REFERENCE TABLE I**

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
4	1610-L				NEW PL 343	E	1	5	1710-E				AMD PL 343	F	1
4	1802	4	B		AMD PL 427		1	5	1710-I				AMD PL 343	D	5
4	1802	4	C		AMD PL 427		1	5	1710-I				AMD PL 343	III	3
4	1802	4	D		NEW PL 427		2	5	2041				NEW PL 471		1
4	1804	3	L		AMD PL 427		3	5	2041				NEW PL 472		1
4	1804	3	M		AMD PL 427		3	5	2042				NEW PL 471		1
4	1804	3	N		NEW PL 427		4	5	2042				NEW PL 472		1
								5	2043				NEW PL 472		1
5	48-A	1	M		AMD PL 284		1	5	2044				NEW PL 472		1
5	48-A	1	M		AMD PL 343	PPP	1	5	3101				AMD PL 343	D	6
5	48-A	4			RP PL 343	PPP	2	5	3101				AMD PL 383		1
5	92		2nd		NEW PL 50		1	5	3102				AMD PL 343	D	7
5	92-A	2			AMD PL 50		2	5	3102				RPR PL 383		2
5	92-A	4			AMD PL 50		3	5	3103				AMD PL 343	D	8
5	92-A	6			AMD PL 50		4	5	3103				AMD PL 383		3
5	92-A	7			NEW PL 50		5	5	3104				RP PL 383		4
5	94				AMD PL 50		6	5	3104-A				NEW PL 383		5
5	95				RP PL 50		7	5	3106				RPR PL 383		6
5	95-B	2			AMD PL 50		8	5	3107				RPR PL 383		7
5	95-B	2-A			RP PL 50		9	5	3108				RP PL 383		8
5	95-B	7			AMD PL 50		10	5	4553				AMD PL 464		1
5	95-B	8			AMD PL 50		10	5	4553	8-E			NEW PL 490		1
5	95-C				NEW PL 50		11	5	4555				RP PL 464		2
5	96				RPR PL 50		12	5	4566	3			AMD PL 465		1
5	97				AMD PL 50		13	5	4566	4			AMD PL 465		2
5	98	1	D		AMD PL 50		14	5	4566	6			AMD PL 465		3
5	98	1	E		AMD PL 50		14	5	4566	10			AMD PL 465		4
5	98	1	F		RP PL 50		15	5	4566	11			AMD PL 465		5
5	98	2			AMD PL 50		16	5	4572-A				AMD PL 490		2
5	131				RPR PL 326		1	5	4573-A	1			AMD PL 464		3
5	156				AMD PL 348		1	5	4573-A	1-B			RP PL 464		4
5	200-K				NEW PL 410		1	5	4577				NEW PL 35		1
5	200-K				NEW PL 435		1	5	4592	7	B		AMD PL 464		5
5	247				NEW PL 416		1	5	4592	8			AMD PL 464		6
5	285	1	J		AMD PL 424		1	5	4592	9			NEW PL 464		7
5	285	1	K		AMD PL 424		2	5	4594-G	12			NEW PL 516		1
5	285	1	L		NEW PL 424		3	5	4612				AMD PL 465		6
5	285	1-B			AMD PL 424		4	5	4614				AMD PL 465		7
5	286-M	3			AMD PL 446		1	5	4622	1	A		AMD PL 465		8
5	286-M	5			AMD PL 446		2	5	4653	1	B		AMD PL 359		1
5	286-M	6			AMD PL 446		2	5	4701	1	C		AMD PL 501		2
5	286-M	7			AMD PL 280		1	5	6401				NEW PL 67		1
5	286-M	7-A			NEW PL 280		2	5	7054-C				AMD PL 343	QQQ	1
5	286-M	8	C		NEW PL 446		3	5	7070	2	D-1		RPR PL 451		1
5	286-M	8	D		NEW PL 446		3	5	8053	3	E		AMD PL 146		1
5	286-M	8	E		NEW PL 446		3	5	8053	3	F		AMD PL 146		2
5	286-M	9			RP PL 446		4	5	8053	3	G		NEW PL 146		3
5	286-N				NEW PL 446		5	5	8053	7	F		AMD PL 146		4
5	792				NEW PL 22		1	5	8053	7	G		AMD PL 146		4
5	937	1	F		AMD PL 343	SS	1	5	8053	7	H		NEW PL 146		5
5	1518-A				AMD PL 448		1	5	8053-A	1			AMD PL 146		6
5	1531	2			AMD PL 343	D	2	5	8074				RP PL 29		1
5	1531	2			AMD PL 343	III	1	5	11005				AMD PL 111		1
5	1536	1	F		AMD PL 448		2	5	12004-A	19			AMD PL 285		1
5	1536	3			AMD PL 448		3	5	12004-B	3			AMD PL 501		3
5	1541-B				NEW PL 468		1	5	12004-G	14-I			NEW PL 471		2
5	1591	2	C		AMD PL 343	YY	1	5	12004-I	5-D			NEW PL 150		1
5	1591	5			AMD PL 343	D	3	5	12004-I	7-C			RP PL 102		1
5	1710-D				AMD PL 343	D	4	5	12004-I	18-F			NEW PL 239		1
5	1710-D				AMD PL 343	III	2	5	12004-I	24-G			NEW PL 476		1

**CROSS-REFERENCE TABLE I**

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
5	12004-I	25-B		RP	PL 239		2	5	20005	20		AMD	PL 398		1
5	12004-I	35-B		RP	PL 450		1	5	20005	20		AMD	PL 524		10
5	12004-I	57-C		AMD	PL 225		1	5	20005	21		AMD	PL 524		11
5	12004-I	68-C		NEW	PL 67		2	5	20005	22		NEW	PL 524		12
5	12004-I	73		RP	PL 501		4	5	20006-A	1		AMD	PL 524		13
5	12004-I	73-B		AFF	PL 417	B	14	5	20006-A	2		AMD	PL 524		14
5	12004-I	74-J		NEW	PL 435		2	5	20009		1st	AMD	PL 524		15
5	12004-I	74-J		NEW	PL 446		6	5	20054			AMD	PL 501		5
5	12004-I	74-J		NEW	PL 457		1	5	20065			AMD	PL 432		1
5	12004-J	16		RP	PL 450		2	5	20067	3		AMD	PL 432		2
5	12004-J	18		NEW	PL 450		3	5	20067	4		AMD	PL 432		2
5	13056	3		AMD	PL 343	D	9	5	21201			AMD	PL 136		1
5	13056	3		AMD	PL 343	III	4	5	24001			RP	PL 450		10
5	13056-G	3	B	AMD	PL 507		1	5	24002			RP	PL 450		10
5	13056-G	5		AMD	PL 507		2	5	24003			RP	PL 450		10
5	13056-H			NEW	PL 343	TTTT	1	5	24051			NEW	PL 450		11
5	13080-S	3		AMD	PL 356		1	5	24052			NEW	PL 450		11
5	13090-N			NEW	PL 343	PP	1	5	25001			NEW	PL 457		2
5	15302	3	C	AMD	PL 343	D	10	5	25002			NEW	PL 457		2
5	17001	13	C	AMD	PL 395		1	5	25003			NEW	PL 457		2
5	17001	42		AMD	PL 460		1	5	25004			NEW	PL 457		2
5	17055	1		AFF	PL 417	B	14	5	25005			NEW	PL 457		2
5	17055	2		AFF	PL 417	B	14	5	25006			NEW	PL 457		2
5	17154	6	J	NEW	PL 460		2	5	25007			NEW	PL 457		2
5	17767			NEW	PL 459		1	5	25008			NEW	PL 457		2
5	17851-A	1	K	AMD	PL 482		1	5	25009			NEW	PL 457		2
5	17851-A	3	B	AMD	PL 459		2	5	25010			NEW	PL 457		2
5	17851-B			NEW	PL 482		2								
5	17859			AMD	PL 436		1	6	302			AMD	PL 211		1
5	17953	4	B	AFF	PL 417	B	14								
5	18312	1		AMD	PL 370		1	7	2		4th	AMD	PL 310		1
5	18313			NEW	PL 364		1	7	52	3-A		AMD	PL 310		2
5	18363			NEW	PL 459		3	7	607	6		AMD	PL 243		1
5	18453	2		AMD	PL 364		2	7	616-A	2-A		AMD	PL 113	C	1
5	18453	2		AMD	PL 370		2	7	1501			RP	PL 310		3
5	18453	3		AMD	PL 364		3	7	1814-A	3-A		NEW	PL 39		1
5	18453	3		AMD	PL 370		3	7	1820-A	4		AMD	PL 343	T	1
5	18453	4		AMD	PL 364		4	7	2103-A	2		AMD	PL 229		1
5	18453	4		AMD	PL 370		4	7	2231			AMD	PL 12	B	1
5	18453	5		AMD	PL 364		5	7	2231			AMD	PL 528		1
5	18453	5		AMD	PL 370		5	7	2231	3		AMD	PL 115		1
5	18553	4	B	AFF	PL 417	B	14	7	2964			NEW	PL 357		1
5	19131	1		AMD	PL 450		4	7	3906-B	16		AMD	PL 343	T	2
5	19131	3		AMD	PL 450		5	7	3922	4		AMD	PL 437		1
5	19131	4		NEW	PL 450		6	7	3947		1st	AMD	PL 437		2
5	19132			AMD	PL 450		7	7	3950-B			NEW	PL 437		3
5	19133			AMD	PL 450		8	7	3950-C			NEW	PL 437		3
5	19134			AMD	PL 450		9	7	3952-A	2		AMD	PL 113	C	2
5	19507	4	D	AFF	PL 417	B	14	7	3954	1	A	RP	PL 95		1
5	20001			AMD	PL 524		1	7	3955			NEW	PL 134		1
5	20002	1		AMD	PL 524		2	7	4011	1	D	AMD	PL 437		4
5	20002	2		AMD	PL 524		3	7	4016	1	A	AMD	PL 437		5
5	20003	17-B		NEW	PL 524		4	7	4019	1		AMD	PL 370		6
5	20003	19-A		AMD	PL 524		5	7	4042			NEW	PL 437		6
5	20003	19-C		NEW	PL 524		6	7	4155	3	B	AMD	PL 90		1
5	20003	19-D		NEW	PL 524		6	7	4155	3	C	AMD	PL 90		1
5	20005	1		AMD	PL 524		7	7	4155	3	D	NEW	PL 90		2
5	20005	5		AMD	PL 524		8	7	4155	5		AMD	PL 90		3
5	20005	12		AMD	PL 524		9	7	4156	2		AMD	PL 90		4
5	20005	19		AMD	PL 398		1								

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
8	221-A	3			AMD PL 249		1	10	363	2-A			AMD PL 343	III	5
8	227-A	1			AMD PL 249		2	10	372	1			AMD PL 166		1
8	227-A	3			AMD PL 249		3	10	963-A	5-A			RP PL 160		1
8	227-A	4			AMD PL 249		4	10	963-A	5-B			RP PL 160		1
8	227-A	5			AMD PL 249		4	10	963-A	5-C			RP PL 160		1
8	227-A	7			AMD PL 249		5	10	963-A	10	O		RP PL 160		2
8	279-A				AMD PL 283		1	10	963-A	10	Q		RP PL 160		3
8	279-B				AMD PL 283		2	10	963-A	31-A			RP PL 160		4
8	280	1			AMD PL 283		3	10	1026-A	1			AMD PL 160		5
8	280	3	B		AMD PL 283		4	10	1043	2	J		RP PL 160		6
8	299-A	1			AMD PL 343	U	1	10	1053	6			AMD PL 160		7
8	372	2	H		AMD PL 13		1	10	1054				AMD PL 160		8
8	372	2	I		AMD PL 13		2	10	1075				RP PL 239		3
8	372	2	J		AMD PL 13		3	10	1076				RP PL 239		3
8	372	2	K		NEW PL 13		4	10	1077				RP PL 239		3
8	378-A				NEW PL 304		1	10	1078				RP PL 239		3
8	1032				AMD PL 498		2	10	1079				RP PL 239		3
								10	1100-AA				NEW PL 447		1
9-A	1-202	7			AFF PL 431		4	10	1105	1	C		AMD PL 126		1
9-A	1-202	7			AMD PL 431		1	10	1174	3	R		AMD PL 113	C	4
9-A	14-101				AFF PL 431		4	10	1210-C				NEW PL 175		1
9-A	14-101				NEW PL 431		2	10	1210-D				NEW PL 175		1
9-A	14-102				AFF PL 431		4	10	1243	3	Q		AMD PL 113	C	5
9-A	14-102				NEW PL 431		2	10	1310-H	2-A			NEW PL 407		1
9-A	14-103				AFF PL 431		4	10	1310-H	3			AMD PL 77		1
9-A	14-103				NEW PL 431		2	10	1310-H	3			AMD PL 407		2
9-A	14-104				AFF PL 431		4	10	1310-H	4			NEW PL 77		2
9-A	14-104				NEW PL 431		2	10	1347	5			AMD PL 512		1
9-A	14-105				AFF PL 431		4	10	1348	1			AMD PL 512		2
9-A	14-105				NEW PL 431		2	10	1349	2	A		AMD PL 512		3
9-A	14-106				AFF PL 431		4	10	1415-G	1			RPR PL 306		1
9-A	14-106				NEW PL 431		2	10	1434	3	Q		AMD PL 113	C	6
9-A	14-107				AFF PL 431		4	10	1434-A	2	B		AMD PL 113	C	7
9-A	14-107				NEW PL 431		2	10	1434-A	3	C		AMD PL 113	C	8
9-A	14-108				AFF PL 431		4	10	1498	1	A-1		NEW PL 185		1
9-A	14-108				NEW PL 431		2	10	1498	2			AMD PL 185		2
9-A	14-109				AFF PL 431		4	10	1498	6			AMD PL 185		3
9-A	14-109				NEW PL 431		2	10	1499-A	1	D		AMD PL 185		4
9-A	14-110				AFF PL 431		4	10	1499-A	2			RPR PL 185		5
9-A	14-110				NEW PL 431		2	10	1499-A	3			RP PL 185		6
9-A	14-111				AFF PL 431		4	10	1499-A	4			NEW PL 185		7
9-A	14-111				NEW PL 431		2	10	3412-A				NEW PL 270		1
								10	3751		last		AMD PL 498		5
9-B	145	1	I		AMD PL 59		2	10	3953				AMD PL 498		6
9-B	161	2	K		AMD PL 498		3	10	4009				AMD PL 498		7
9-B	427	2	C		AFF PL 417	B	14	10	8001	38	O		AMD PL 285		2
9-B	427	4	A		AFF PL 417	B	14	10	8003	5-A	A		AMD PL 503	A	1
9-B	427	4	B		AFF PL 417	B	14	10	9721	3			AMD PL 391		1
9-B	427	8	B		AFF PL 417	B	14	10	9721	4			AMD PL 391		1
9-B	427	10			AFF PL 417	B	14	10	9722	2			AMD PL 391		2
9-B	427	13			RPR PL 1		1	10	9722	4			AMD PL 391		3
9-B	427	13			AFF PL 417	B	14	10	9722	6			AMD PL 391		4
9-B	427	13-A			AFF PL 1		5	10	9722	6	M		AMD PL 392		1
9-B	427	13-A			NEW PL 1		2	10	9722	6	N		AMD PL 392		2
9-B	428				AMD PL 498		4	10	9722	6	O		NEW PL 392		3
9-B	466	11	A		AMD PL 113	C	3	10	9723	2			AMD PL 517		1
9-B	473	2	C		AFF PL 417	B	14	10	9724	1			AMD PL 391		5
9-B	476	1	D		AFF PL 417	B	14	10	9724	1-A			AMD PL 391		6
10	363	2-A			AMD PL 343	D	11	12	549-B	7	A		AMD PL 285		3

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
12	1804	5		AMD	PL 110		1	12	8004		last	AMD	PL 113	C	16
12	1804	6		AMD	PL 110		2	12	8876	2		AMD	PL 343	D	12
12	1804	7		NEW	PL 110		3	12	8876	2		AMD	PL 343	III	6
12	1814-A	3		AMD	PL 343	Y	1	12	9321	6		AMD	PL 113	C	17
12	1825			AMD	PL 343	Y	2	12	9601	1		AMD	PL 113	C	18
12	1862	14		NEW	PL 294		1	12	10001	3		AMD	PL 355		1
12	1890-B		1st	AMD	PL 343	AA	1	12	10001	11-A		NEW	PL 325		1
12	6001	13-I		AMD	PL 225		2	12	10001	28-A		NEW	PL 325		1
12	6004		last	AMD	PL 113	C	9	12	10056			AMD	PL 190		1
12	6024	1-A		AMD	PL 225		3	12	10105	14	A	AMD	PL 355		2
12	6041	2		AFF	PL 332		3	12	10105	14	B	RP	PL 355		3
12	6041	2		AMD	PL 332		1	12	10105	18		NEW	PL 19		1
12	6072-C	3		AMD	PL 232		1	12	10201	7		NEW	PL 199		1
12	6073	3		AMD	PL 113	C	10	12	10202	9		AMD	PL 343	LLL	1
12	6073-D		last	AMD	PL 310		4	12	10206	1	A	AMD	PL 75		1
12	6074	7		AMD	PL 501		6	12	10206	3	C	AMD	PL 264		1
12	6085			REEN	PL 310		5	12	10206	6		AMD	PL 264		2
12	6085-A			RP	PL 310		6	12	10255	1		AMD	PL 343	Y	3
12	6088			NEW	PL 112		1	12	10255	3	A	AMD	PL 343	Y	4
12	6139			RP	PL 225		4	12	10265			AMD	PL 501		7
12	6140-A		1st	AMD	PL 225		5	12	10267			NEW	PL 75		2
12	6140-A	4		AMD	PL 225		6	12	10331			RP	PL 401	C	1
12	6207		1st	AMD	PL 163		1	12	10608		last	AMD	PL 113	C	19
12	6374	3-A	D	AMD	PL 163		2	12	10651	1	E	AMD	PL 452		1
12	6374	3-A	E	AMD	PL 163		2	12	10703	1		AMD	PL 452		2
12	6374	3-A	F	NEW	PL 163		3	12	10703	2		AMD	PL 452		3
12	6404-N			NEW	PL 163		4	12	10703	4	B	AMD	PL 452		4
12	6421	3-A	C	AMD	PL 259		1	12	10703	5	A	AMD	PL 452		5
12	6421	3-A	E	AMD	PL 210		1	12	10703	6		AMD	PL 452		6
12	6421	5-D	B	AMD	PL 225		7	12	10757			AMD	PL 452		7
12	6421	5-D	C	AMD	PL 225		8	12	10851	1	D	AMD	PL 325		2
12	6421	5-D	E	NEW	PL 225		9	12	10853	18		NEW	PL 443		1
12	6432	5		AMD	PL 113	C	11	12	10902	10		AMD	PL 452		8
12	6436	5		AMD	PL 113	C	12	12	10953	1		AMD	PL 98		1
12	6436	6		AMD	PL 113	C	13	12	10953	1-C		AMD	PL 325		3
12	6450	1		AMD	PL 68		1	12	10954			NEW	PL 42		1
12	6472	1		AMD	PL 210		2	12	11108-B			AMD	PL 324		1
12	6477			RPR	PL 210		3	12	11109	3	F	AMD	PL 501		8
12	6502-B			AFF	PL 332		3	12	11109-A	2		RP	PL 116		1
12	6502-B			NEW	PL 332		2	12	11109-A	2-A		NEW	PL 116		2
12	6505-A	1-D		AMD	PL 163		5	12	11152	5-A		AMD	PL 324		2
12	6575-J			AMD	PL 163		6	12	11154	15		AMD	PL 143		1
12	6625	1		AMD	PL 334		1	12	11154	16		NEW	PL 191		1
12	6671	3	A	AMD	PL 144		1	12	11209	1	A	AMD	PL 14		1
12	6671	3	B	RP	PL 144		2	12	11209	4		NEW	PL 14		2
12	6671	8	D	NEW	PL 144		3	12	11212-A			AMD	PL 325		4
12	6702	7		NEW	PL 107		1	12	11403	2	B	AMD	PL 325		5
12	6706	3		AMD	PL 107		2	12	11701		1st	AMD	PL 98		2
12	6723			RP	PL 230		1	12	11851	1		AMD	PL 355		4
12	6729	1	B	AMD	PL 107		3	12	11851	2		AMD	PL 355		4
12	6729-A	1		AMD	PL 107		4	12	11854			AMD	PL 355		5
12	6729-A	2		AMD	PL 107		5	12	12052	2		AMD	PL 65		1
12	6808	1		AMD	PL 225		10	12	12152	3-D	E	AMD	PL 355		6
12	6808	4-A		NEW	PL 225		11	12	12152	3-D	E	AMD	PL 501		9
12	6810-B	4		AMD	PL 334		2	12	12201	2	E	AMD	PL 325		6
12	6856	1		AMD	PL 334		3	12	12404	3		AMD	PL 355		7
12	6856	2-A	D	AMD	PL 334		4	12	12456	2	E	AMD	PL 9		1
12	6865	5		AMD	PL 163		7	12	12456	3		AMD	PL 9		2
12	6952-A	4		AMD	PL 113	C	14	12	12509	1		AMD	PL 113	C	20
12	6957	2		AMD	PL 113	C	15	12	12510	1		AMD	PL 113	C	21

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
12	12510	3			NEW PL 263		1	13-C	1832				NEW PL 328		1
12	12511	1			AMD PL 113	C	22								
12	12512	1			AMD PL 113	C	23	14	158-B	1			AMD PL 113	C	26
12	12602	2			AMD PL 224		1	14	172				NEW PL 49		1
12	12602	3			AMD PL 224		2	14	401				NEW PL 109		1
12	12602	4			NEW PL 224		3	14	402				NEW PL 109		1
12	12602		last		AMD PL 325		7	14	403				NEW PL 109		1
12	12602		3rd		NEW PL 224		4	14	404				NEW PL 109		1
12	12661	1	A		AMD PL 325		8	14	405				NEW PL 109		1
12	12661	3			AMD PL 325		9	14	406				NEW PL 109		1
12	12661	3			AMD PL 498		8	14	407				NEW PL 109		1
12	12706	1	C		AMD PL 355		8	14	408				NEW PL 109		1
12	12707	2	H		AMD PL 355		9	14	752-E	1			AMD PL 113	C	27
12	12808	1			AMD PL 267		1	14	752-E	2			AMD PL 113	C	27
12	12808	1-A			AMD PL 267		2	14	2901		last		AMD PL 498		10
12	12810	2			AMD PL 267		3	14	3141-A				NEW PL 304		2
12	13001	3			AMD PL 204		1	14	5602				AMD PL 113	C	28
12	13001	25			AMD PL 452		9	14	6000	2-A			NEW PL 351		1
12	13056	8			AMD PL 452		10	14	6001	3			AMD PL 351		2
12	13056	8	A		AMD PL 264		3	14	6001	6	D-1		NEW PL 351		3
12	13056	8	B		AMD PL 264		4	14	6016-A				NEW PL 351		4
12	13058	3			AMD PL 264		5	14	6111	2-A			NEW PL 361		1
12	13063				AMD PL 324		3	14	6111	3			RP PL 361		2
12	13104	7	E		AFF PL 207		4	14	6112	4			AMD PL 343	YYY	1
12	13104	7	E		AMD PL 207		1	14	6113				NEW PL 363		1
12	13104	7	F		AFF PL 207		4	14	6303				AFF PL 417	B	14
12	13104	7	F		NEW PL 207		2	14	6321-A	11			AMD PL 363		2
12	13104	13			RP PL 452		11	14	6321-A	12			AMD PL 363		3
12	13106-A	10	B		AMD PL 452		12	14	6321-A	13			AMD PL 363		4
12	13113	6			RP PL 452		13	14	6323	1			AMD PL 408		1
12	13155	5			AMD PL 75		3	14	6324				AMD PL 498		11
12	13157-A	5-A			AMD PL 204		2	14	6324		2nd		NEW PL 408		2
12	13157-A	25	B		AMD PL 113	C	24	14	7552	3	B		AMD PL 195		1
								14	7552	3	B-1		RP PL 195		2
13	732	5			AFF PL 417	B	14	14	8104-C				AFF PL 417	B	14
13	732	6			AFF PL 417	B	14	14	8107	1			AMD PL 214		1
13	1035				AMD PL 113	C	25	14	8107	2			AMD PL 214		2
13	1774	6-A			AMD PL 248		1	14	8109	5			NEW PL 215		1
13	1953				AMD PL 248		2								
13	1955	5			AMD PL 248		3	15	56	1	A		AMD PL 489		1
13	1957	3	D		AMD PL 248		4	15	56	4			AMD PL 489		2
13	1958-B	5-A	D		AMD PL 248		5	15	104-A	1			AMD PL 405		1
								15	109				NEW PL 405		2
13-B	604	2			AMD PL 200		1	15	224-A	1			AFF PL 411	D	3
13-B	604	5			NEW PL 200		2	15	224-A	1			AMD PL 411	C	1
								15	224-A	2			AMD PL 113	C	29
13-C	1440				AMD PL 498		9	15	321	1			AFF PL 417	B	14
13-C	1501	2	L		AFF PL 417	B	14	15	393	1	E-1		AFF PL 411	D	3
13-C	1801				NEW PL 328		1	15	393	1	E-1		NEW PL 411	C	2
13-C	1802				NEW PL 328		1	15	393	1	E-2		AFF PL 411	D	3
13-C	1803				NEW PL 328		1	15	393	1	E-2		NEW PL 411	C	2
13-C	1804				NEW PL 328		1	15	812	2			AMD PL 113	C	30
13-C	1805				NEW PL 328		1	15	1004				AMD PL 113	C	31
13-C	1811				NEW PL 328		1	15	1023	4	B-1		AMD PL 113	C	32
13-C	1821				NEW PL 328		1	15	1094		1st		AMD PL 113	C	33
13-C	1822				NEW PL 328		1	15	1094	2-A			AMD PL 113	C	34
13-C	1823				NEW PL 328		1	15	1105				AMD PL 113	C	35
13-C	1824				NEW PL 328		1	15	1707				AMD PL 113	C	36
13-C	1825				NEW PL 328		1	15	2121	2			AMD PL 113	C	37
13-C	1831				NEW PL 328		1	15	2124	1	C-1		AMD PL 113	C	38

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
15	2124	1	E	AMD	PL 113	C	39	15	5821	7-A	A	AMD	PL 97		1
15	2124	1	F	AMD	PL 113	C	40	15	5821	9		AMD	PL 97		2
15	2137	1		AMD	PL 113	C	41	15	5821	10		NEW	PL 97		3
15	2151	3		AMD	PL 113	C	42	15	5821	11		NEW	PL 97		3
15	2252	4		AMD	PL 113	C	43	15	5826	1		AMD	PL 97		4
15	3003	3		AMD	PL 525		1	15	5826	2		AMD	PL 97		5
15	3003	4-C		NEW	PL 525		2	15	5826	6		AMD	PL 97		6
15	3003	4-D		NEW	PL 525		2	15	6101	1	B	AMD	PL 113	C	53
15	3003	5-A		NEW	PL 525		2	15	6101	1	D	AMD	PL 113	C	54
15	3003	6		AMD	PL 525		3								
15	3003	8		AMD	PL 525		4	16	638			NEW	PL 489		3
15	3003	10-A		NEW	PL 525		5	16	639			NEW	PL 489		3
15	3003	14-C		NEW	PL 525		6	16	640			NEW	PL 489		3
15	3003	19-B		NEW	PL 525		7	16	641	1		AMD	PL 489		4
15	3003	23		AMD	PL 525		8	16	641	6		AMD	PL 489		5
15	3007			AMD	PL 113	C	44	16	641	7-A		NEW	PL 489		6
15	3101	2	D	AMD	PL 525		9	16	643		1st	AMD	PL 489		7
15	3101	4	A	AMD	PL 525		10	16	643	1		AMD	PL 489		8
15	3101	4	G	AMD	PL 525		11	16	644	1		AMD	PL 489		9
15	3204		1st	AMD	PL 220		1	16	644	3		AMD	PL 489		9
15	3204		3rd	NEW	PL 220		2	16	647	1		AMD	PL 489		10
15	3204		4th	NEW	PL 220		2	16	647	3		AMD	PL 489		11
15	3204		5th	NEW	PL 220		2	16	647	8-A		NEW	PL 489		12
15	3301	6-A		RP	PL 525		12	16	648		3rd	NEW	PL 489		13
15	3301	7		AMD	PL 525		13	16	649	1	C	AMD	PL 489		14
15	3304	6		AMD	PL 525		14	16	649	3		AMD	PL 489		15
15	3306	1		AMD	PL 525		15	16	650	2		AMD	PL 489		16
15	3307	1-A		AMD	PL 525		16	16	650	4		AMD	PL 489		16
15	3308			AMD	PL 525		17	16	650-A	1		AMD	PL 489		17
15	3308-A	1	C	RP	PL 525		18	16	651			AFF	PL 417	B	14
15	3308-A	2		AMD	PL 525		19								
15	3308-A	3	B-1	NEW	PL 525		20	17	311	5-A		NEW	PL 56		1
15	3308-A	3	D	AMD	PL 525		21	17	313-C	1		AMD	PL 56		2
15	3308-A	4		NEW	PL 525		22	17	313-C	1	C	AMD	PL 24		1
15	3308-A	5		NEW	PL 525		22	17	313-C	3		NEW	PL 56		3
15	3308-A	6		NEW	PL 525		22	17	319		2nd	RP	PL 56		4
15	3308-B			NEW	PL 525		23	17	328	1		AMD	PL 24		2
15	3311	1		AMD	PL 525		24	17	328	6		AMD	PL 24		3
15	3311	2		AMD	PL 525		25	17	328	7		AMD	PL 24		3
15	3312	1		AMD	PL 113	C	45	17	328	8		AMD	PL 24		4
15	3313			AMD	PL 525		26	17	1021	3		AMD	PL 237		1
15	3313	2	F	AMD	PL 474		1	17	1021	3-A		NEW	PL 237		2
15	3314	1	A	AMD	PL 525		27	17	1021	5	A	AMD	PL 237		3
15	3314	1	E	AMD	PL 113	C	46	17	1021	5-A		AMD	PL 237		4
15	3314	1	E	AMD	PL 474		2	17	1021	5-B		NEW	PL 237		5
15	3314	1	G	AMD	PL 113	C	47	17	1022			AMD	PL 237		6
15	3314	1	H	AMD	PL 113	C	48	17	1027	1	A	AMD	PL 237		7
15	3314	2		AMD	PL 113	C	49	17	1027	2		RP	PL 237		8
15	3314	6		AMD	PL 113	C	50	17	1027	2-A		NEW	PL 237		9
15	3314	7		AMD	PL 474		3	17	1031	1	D	AMD	PL 237		10
15	3314-A			AMD	PL 113	C	51	17	1031	1-B		AMD	PL 113	C	55
15	3314-C			NEW	PL 474		4	17	1031	3-B	B	RP	PL 99		1
15	3316	1		RP	PL 525		28	17	1031	3-B	C	AMD	PL 99		2
15	3501	1		AMD	PL 525		29	17	1031	3-B	D	NEW	PL 99		3
15	3501	8		AMD	PL 525		30	17	1031	3-B	E	NEW	PL 99		3
15	3503			AMD	PL 525		31	17	1031	3-B	F	NEW	PL 99		3
15	3506-A	1		AMD	PL 525		32	17	1831	7-A		NEW	PL 119		1
15	3506-A	2	C	AMD	PL 525		33	17	1831	17	C	AMD	PL 60		1
15	3506-A	4		AMD	PL 525		34	17	1832	1		AMD	PL 129		1
15	5821	3-B		AMD	PL 113	C	52	17	1834	2		AMD	PL 129		2

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
17	1834	4			AMD PL 117		1	17-A	282	3			NEW PL 113	B	15
17	1835	1			AMD PL 117		2	17-A	401	3			AMD PL 113	C	61
17	1835	3			AMD PL 117		2	17-A	458				NEW PL 309		1
17	1835	5			AMD PL 117		3	17-A	553-A	1	A		AFF PL 417	B	14
17	1835-A	1	A		AMD PL 117		4	17-A	553-A	1	B		AFF PL 417	B	14
17	1835-A	1	B		AMD PL 117		4	17-A	554	1	B		AMD PL 495		1
17	1835-A	3			AMD PL 117		5	17-A	554	2	A		AMD PL 495		2
17	1835-A	5			AMD PL 117		6	17-A	754	1			AMD PL 438		4
17	1836	3-A			AMD PL 63		1	17-A	755	1-E			AMD PL 113	C	62
17	1836	4			AMD PL 119		2	17-A	755	3			AMD PL 113	C	63
17	1836	7			NEW PL 119		3	17-A	853-A	1			AMD PL 131		1
17	1837-A				AMD PL 129		3	17-A	853-A	1	A		AMD PL 113	C	64
17	2263	1-D			AMD PL 325		10	17-A	853-A	1	B		AMD PL 316		1
17	2512	4			AMD PL 113	C	56	17-A	952	10			AMD PL 60		2
17-A	2	5-C			NEW PL 113	B	1	17-A	1101	1			AMD PL 528		2
17-A	2	5-D			NEW PL 113	B	1	17-A	1101	5			AMD PL 528		3
17-A	2	7-A			NEW PL 113	B	2	17-A	1101	22			AMD PL 12	B	2
17-A	2	14-A			NEW PL 113	B	3	17-A	1101	22			RP PL 528		4
17-A	2	15-A			NEW PL 113	B	4	17-A	1101	22-A			NEW PL 528		5
17-A	2	17-A			NEW PL 113	B	5	17-A	1102	4	G		AMD PL 528		6
17-A	2	23-B			NEW PL 113	B	6	17-A	1103	7			AMD PL 12	B	3
17-A	2	26			NEW PL 113	B	7	17-A	1105-A	3			AMD PL 12	B	4
17-A	2	27			NEW PL 113	B	7	17-A	1105-C	3			AMD PL 12	B	5
17-A	6	1			AMD PL 113	B	8	17-A	1105-D	3			AMD PL 12	B	6
17-A	8	1			RPR PL 483		1	17-A	1106	6	A		AMD PL 12	B	7
17-A	8	2			RPR PL 483		2	17-A	1107-A	3	A		AMD PL 12	B	8
17-A	8	2-A			AMD PL 113	C	57	17-A	1107-A	5	A		AMD PL 12	B	9
17-A	8	2-A			AMD PL 483		3	17-A	1111-A	10			AMD PL 12	B	10
17-A	38	2nd			NEW PL 462		1	17-A	1111-B				NEW PL 137		1
17-A	108	3			NEW PL 462		2	17-A	1111-B				AMD PL 292		1
17-A	152-A	2			AMD PL 113	C	58	17-A	1117	3			AMD PL 12	B	11
17-A	152-A	3			NEW PL 271		1	17-A	1125				NEW PL 113	B	16
17-A	201	2			AMD PL 113	B	9	17-A	1126				NEW PL 113	B	17
17-A	201	4			AMD PL 462		3	17-A	1151				RP PL 113	A	1
17-A	201	6			NEW PL 271		2	17-A	1152				RP PL 113	A	1
17-A	204	3			NEW PL 271		3	17-A	1153				RP PL 113	A	1
17-A	207	3			AMD PL 113	B	10	17-A	1158-A				RP PL 113	A	1
17-A	207	4			NEW PL 113	B	11	17-A	1159				RP PL 113	A	1
17-A	207-A	1	B		AMD PL 412		1	17-A	1171				RP PL 113	A	1
17-A	208	1	C		AMD PL 91		1	17-A	1172				RP PL 113	A	1
17-A	208-D				NEW PL 412		2	17-A	1173				RP PL 113	A	1
17-A	208-E				NEW PL 412		2	17-A	1174				RP PL 113	A	1
17-A	208-F				NEW PL 412		2	17-A	1174-A				RP PL 113	A	1
17-A	209-A	1	B		AMD PL 412		3	17-A	1175				RP PL 113	A	1
17-A	210-A	1	C		AMD PL 113	C	59	17-A	1175-A				RP PL 113	A	1
17-A	210-A	1	E		AMD PL 113	C	60	17-A	1176				RP PL 113	A	1
17-A	210-B	1	B		AMD PL 412		4	17-A	1177				RP PL 113	A	1
17-A	210-C	1	B		AMD PL 412		5	17-A	1201				RP PL 113	A	1
17-A	211-A	1	B		AMD PL 412		6	17-A	1202				RP PL 113	A	1
17-A	253	2	I		AMD PL 494		1	17-A	1203				RP PL 113	A	1
17-A	253	2	L		AMD PL 438		1	17-A	1203-C				RP PL 113	A	1
17-A	253	2	M		AMD PL 438		2	17-A	1204				RP PL 113	A	1
17-A	253	2	N		NEW PL 438		3	17-A	1204-A				RP PL 113	A	1
17-A	253	6			RP PL 113	B	12	17-A	1205				RP PL 113	A	1
17-A	253	7			RP PL 113	B	13	17-A	1205-B				RP PL 113	A	1
17-A	253-A				NEW PL 113	B	14	17-A	1205-C				RP PL 113	A	1
17-A	255-A	1	U		AMD PL 494		2	17-A	1206				RP PL 113	A	1
17-A	255-A	1	V		AMD PL 494		3	17-A	1207				RP PL 113	A	1
17-A	260	1	K		AMD PL 494		4	17-A	1208				RP PL 113	A	1
								17-A	1231				RP PL 113	A	1

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
17-A	1232			RP	PL 113	A	1	17-A	1603			NEW	PL 113	A	2
17-A	1233			RP	PL 113	A	1	17-A	1604			NEW	PL 113	A	2
17-A	1251			RP	PL 113	A	1	17-A	1605			NEW	PL 113	A	2
17-A	1252			RP	PL 113	A	1	17-A	1606			NEW	PL 113	A	2
17-A	1252-A			RP	PL 113	A	1	17-A	1607			NEW	PL 113	A	2
17-A	1252-C			RP	PL 113	A	1	17-A	1608			NEW	PL 113	A	2
17-A	1253			RP	PL 113	A	1	17-A	1609			NEW	PL 113	A	2
17-A	1254			RP	PL 113	A	1	17-A	1610			NEW	PL 113	A	2
17-A	1256			RP	PL 113	A	1	17-A	1611			NEW	PL 113	A	2
17-A	1257			RP	PL 113	A	1	17-A	1612			NEW	PL 113	A	2
17-A	1258			RP	PL 113	A	1	17-A	1701			NEW	PL 113	A	2
17-A	1259			RP	PL 113	A	1	17-A	1702			NEW	PL 113	A	2
17-A	1301			RP	PL 113	A	1	17-A	1703			NEW	PL 113	A	2
17-A	1301-A			RP	PL 113	A	1	17-A	1704			NEW	PL 113	A	2
17-A	1302			RP	PL 113	A	1	17-A	1705			NEW	PL 113	A	2
17-A	1302-A			RP	PL 113	A	1	17-A	1706			NEW	PL 113	A	2
17-A	1303			RP	PL 113	A	1	17-A	1707			NEW	PL 113	A	2
17-A	1303-A			RP	PL 113	A	1	17-A	1708			NEW	PL 113	A	2
17-A	1303-B			RP	PL 113	A	1	17-A	1709			NEW	PL 113	A	2
17-A	1304			RP	PL 113	A	1	17-A	1710			NEW	PL 113	A	2
17-A	1306			RP	PL 113	A	1	17-A	1711			NEW	PL 113	A	2
17-A	1321			RP	PL 113	A	1	17-A	1712			NEW	PL 113	A	2
17-A	1322			RP	PL 113	A	1	17-A	1751			NEW	PL 113	A	2
17-A	1323			RP	PL 113	A	1	17-A	1752			NEW	PL 113	A	2
17-A	1324			RP	PL 113	A	1	17-A	1753			NEW	PL 113	A	2
17-A	1325			RP	PL 113	A	1	17-A	1754			NEW	PL 113	A	2
17-A	1326-A			RP	PL 113	A	1	17-A	1755			NEW	PL 113	A	2
17-A	1326-B			RP	PL 113	A	1	17-A	1756			NEW	PL 113	A	2
17-A	1326-C			RP	PL 113	A	1	17-A	1757			NEW	PL 113	A	2
17-A	1326-D			RP	PL 113	A	1	17-A	1758			NEW	PL 113	A	2
17-A	1326-E			RP	PL 113	A	1	17-A	1801			NEW	PL 113	A	2
17-A	1326-F			RP	PL 113	A	1	17-A	1802			NEW	PL 113	A	2
17-A	1327			RP	PL 113	A	1	17-A	1803			NEW	PL 113	A	2
17-A	1328			RP	PL 113	A	1	17-A	1804			NEW	PL 113	A	2
17-A	1328-A			RP	PL 113	A	1	17-A	1805			NEW	PL 113	A	2
17-A	1329			RP	PL 113	A	1	17-A	1806			NEW	PL 113	A	2
17-A	1330			RP	PL 113	A	1	17-A	1807			NEW	PL 113	A	2
17-A	1330-A			RP	PL 113	A	1	17-A	1808			NEW	PL 113	A	2
17-A	1330-B			RP	PL 113	A	1	17-A	1809			NEW	PL 113	A	2
17-A	1330-C			RP	PL 113	A	1	17-A	1810			NEW	PL 113	A	2
17-A	1341			RP	PL 113	A	1	17-A	1811			NEW	PL 113	A	2
17-A	1345			RP	PL 113	A	1	17-A	1812			NEW	PL 113	A	2
17-A	1346			RP	PL 113	A	1	17-A	1813			NEW	PL 113	A	2
17-A	1348			RP	PL 113	A	1	17-A	1814			NEW	PL 113	A	2
17-A	1348-A			RP	PL 113	A	1	17-A	1851			NEW	PL 113	A	2
17-A	1348-B			RP	PL 113	A	1	17-A	1852			NEW	PL 113	A	2
17-A	1348-C			RP	PL 113	A	1	17-A	1853			NEW	PL 113	A	2
17-A	1349			RP	PL 113	A	1	17-A	1854			NEW	PL 113	A	2
17-A	1349-A			RP	PL 113	A	1	17-A	1855			NEW	PL 113	A	2
17-A	1349-B			RP	PL 113	A	1	17-A	1856			NEW	PL 113	A	2
17-A	1349-C			RP	PL 113	A	1	17-A	1857			NEW	PL 113	A	2
17-A	1349-D			RP	PL 113	A	1	17-A	1881			NEW	PL 113	A	2
17-A	1349-E			RP	PL 113	A	1	17-A	1882			NEW	PL 113	A	2
17-A	1349-F			RP	PL 113	A	1	17-A	1883			NEW	PL 113	A	2
17-A	1501			NEW	PL 113	A	2	17-A	1901			NEW	PL 113	A	2
17-A	1502			NEW	PL 113	A	2	17-A	1902			NEW	PL 113	A	2
17-A	1503			NEW	PL 113	A	2	17-A	1902	6		NEW	PL 316		2
17-A	1504			NEW	PL 113	A	2	17-A	1903			NEW	PL 113	A	2
17-A	1601			NEW	PL 113	A	2	17-A	1904			NEW	PL 113	A	2
17-A	1602			NEW	PL 113	A	2	17-A	2001			NEW	PL 113	A	2

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
17-A	2002			NEW	PL 113	A	2	18-B	2103			NEW	PL 301		8
17-A	2003			NEW	PL 113	A	2	18-B	2104			NEW	PL 301		8
17-A	2004			NEW	PL 113	A	2	18-B	2105			NEW	PL 301		8
17-A	2005			NEW	PL 113	A	2	18-B	2106			NEW	PL 301		8
17-A	2006			NEW	PL 113	A	2	18-B	2107			NEW	PL 301		8
17-A	2007			NEW	PL 113	A	2	18-B	2108			NEW	PL 301		8
17-A	2008			NEW	PL 113	A	2	18-B	2109			NEW	PL 301		8
17-A	2009			NEW	PL 113	A	2	18-B	2110			NEW	PL 301		8
17-A	2010			NEW	PL 113	A	2	18-B	2111			NEW	PL 301		8
17-A	2011			NEW	PL 113	A	2	18-B	2112			NEW	PL 301		8
17-A	2012			NEW	PL 113	A	2	18-B	2113			NEW	PL 301		8
17-A	2013			NEW	PL 113	A	2	18-B	2114			NEW	PL 301		8
17-A	2014			NEW	PL 113	A	2	18-B	2115			NEW	PL 301		8
17-A	2015			NEW	PL 113	A	2	18-B	2116			NEW	PL 301		8
17-A	2016			NEW	PL 113	A	2	18-B	2117			NEW	PL 301		8
17-A	2017			NEW	PL 113	A	2	18-B	2118			NEW	PL 301		8
17-A	2018			NEW	PL 113	A	2	18-B	2119			NEW	PL 301		8
17-A	2019			NEW	PL 113	A	2								
17-A	2031			NEW	PL 113	A	2	18-C	ALL			AFF	PL 417	B	14
17-A	2032			NEW	PL 113	A	2	18-C	1-108	2		AMD	PL 417	A	1
17-A	2033			NEW	PL 113	A	2	18-C	1-110	5		AMD	PL 417	B	1
17-A	2051			NEW	PL 113	A	2	18-C	1-201	44		AMD	PL 417	A	2
17-A	2101			NEW	PL 113	A	2	18-C	2-513		1st	AMD	PL 417	B	2
17-A	2102			NEW	PL 113	A	2	18-C	2-807	2		AMD	PL 198		1
17-A	2103			NEW	PL 113	A	2	18-C	2-807	2		AMD	PL 417	A	3
17-A	2104			NEW	PL 113	A	2	18-C	2-916			AMD	PL 417	B	3
17-A	2105			NEW	PL 113	A	2	18-C	3-108	1	D	AMD	PL 417	A	4
17-A	2106			NEW	PL 113	A	2	18-C	3-108	1	E	AMD	PL 417	A	4
17-A	2107			NEW	PL 113	A	2	18-C	3-108	1	F	NEW	PL 417	A	5
17-A	2108			NEW	PL 113	A	2	18-C	3-203	5		AMD	PL 417	A	6
17-A	2109			NEW	PL 113	A	2	18-C	3-916	1		AMD	PL 417	A	7
17-A	2301			NEW	PL 113	A	2	18-C	3-916	12		AMD	PL 417	B	4
17-A	2302			NEW	PL 113	A	2	18-C	5-101			AMD	PL 417	A	8
17-A	2303			NEW	PL 113	A	2	18-C	5-103	1		AMD	PL 417	A	9
17-A	2304			NEW	PL 113	A	2	18-C	5-104	1-A		NEW	PL 366		4
17-A	2305			NEW	PL 113	A	2	18-C	5-113	2		AMD	PL 417	A	10
17-A	2306			NEW	PL 113	A	2	18-C	5-114	2		AMD	PL 417	A	11
17-A	2307			NEW	PL 113	A	2	18-C	5-116			AMD	PL 417	A	12
17-A	2308			NEW	PL 113	A	2	18-C	5-117	1		AMD	PL 417	A	13
17-A	2309			NEW	PL 113	A	2	18-C	5-119			AMD	PL 417	A	14
17-A	2310			NEW	PL 113	A	2	18-C	5-122	2	A	AMD	PL 417	A	15
17-A	2311			NEW	PL 113	A	2	18-C	5-122	3		AMD	PL 417	A	16
17-A	2312			NEW	PL 113	A	2	18-C	5-122	4		AMD	PL 417	A	17
17-A	2313			NEW	PL 113	A	2	18-C	5-204	4		RPR	PL 417	A	18
17-A	2314			NEW	PL 113	A	2	18-C	5-210	1		AMD	PL 417	A	19
								18-C	5-210	7		AMD	PL 417	A	20
18	4163-A			AFF	PL 417	B	14	18-C	5-301			AMD	PL 417	A	21
								18-C	5-302	2	C	AMD	PL 417	A	22
18-A	ALL			AFF	PL 417	B	14	18-C	5-304	2		AMD	PL 417	A	23
18-A	6-105		last	RP	PL 1		3	18-C	5-304	3		AMD	PL 417	A	24
								18-C	5-304	4	C	AMD	PL 417	A	25
18-B	103	17		RPR	PL 301		1	18-C	5-304	4	H-1	NEW	PL 417	A	26
18-B	105	2	B	AMD	PL 301		2	18-C	5-306	1		AMD	PL 276		1
18-B	603	1		AMD	PL 301		3	18-C	5-306	2		AMD	PL 417	A	27
18-B	603	3		NEW	PL 301		4	18-C	5-307	1		AMD	PL 417	A	28
18-B	703	3		AMD	PL 301		5	18-C	5-307	6		AMD	PL 417	A	29
18-B	703	7		AMD	PL 301		6	18-C	5-308	4		NEW	PL 417	A	30
18-B	808			RP	PL 301		7	18-C	5-309	1	D	AMD	PL 417	A	31
18-B	2101			NEW	PL 301		8	18-C	5-309	1	E	RP	PL 417	A	32
18-B	2102			NEW	PL 301		8	18-C	5-309	1	F	NEW	PL 417	A	33

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
18-C	5-309	1	G	NEW	PL 417	A	33	18-C	5-423	2	E	AMD	PL 417	A	80
18-C	5-309	1	H	NEW	PL 417	A	33	18-C	5-423	9		NEW	PL 417	A	81
18-C	5-309	1	I	NEW	PL 417	A	33	18-C	5-431	10		AMD	PL 417	A	82
18-C	5-309	3		AMD	PL 417	A	34	18-C	5-502	1		AMD	PL 417	A	83
18-C	5-310	1		AMD	PL 417	A	35	18-C	5-502	3		AMD	PL 417	A	84
18-C	5-310	2		AMD	PL 417	A	35	18-C	5-503	1	A	AMD	PL 417	A	85
18-C	5-310	5	D	AMD	PL 417	A	36	18-C	5-503	3	A	AMD	PL 417	A	86
18-C	5-312	3	C	AMD	PL 417	A	37	18-C	5-503	4		AMD	PL 417	A	87
18-C	5-312	4-A		NEW	PL 417	A	38	18-C	5-503	5		AMD	PL 417	A	88
18-C	5-313	3	C	AMD	PL 417	A	39	18-C	5-506	4	B	AMD	PL 417	A	89
18-C	5-314	1	A	AMD	PL 417	A	40	18-C	5-506	4	C	AMD	PL 417	A	89
18-C	5-314	5	D	AMD	PL 417	A	41	18-C	5-506	4	D	AMD	PL 417	A	89
18-C	5-314	5	F	AMD	PL 417	A	41	18-C	5-506	4	E	RP	PL 417	A	90
18-C	5-314	7		NEW	PL 417	A	42	18-C	5-506	4	F	RP	PL 417	A	90
18-C	5-315	3	C	AMD	PL 417	A	43	18-C	5-506	4	G	RP	PL 417	A	90
18-C	5-315	4		NEW	PL 417	A	44	18-C	5-506	4	H	RP	PL 417	A	90
18-C	5-316	1	A-1	NEW	PL 417	A	45	18-C	5-506	4-A		NEW	PL 417	A	91
18-C	5-316	3		AMD	PL 417	A	46	18-C	5-506	5		AMD	PL 417	A	92
18-C	5-316	4		AMD	PL 417	A	46	18-C	5-508	3		AMD	PL 417	A	93
18-C	5-316	6		NEW	PL 417	A	47	18-C	5-509	1		AMD	PL 417	A	94
18-C	5-317	1	D	AMD	PL 417	A	48	18-C	5-511	4		NEW	PL 417	A	95
18-C	5-317	1	M	AMD	PL 417	A	49	18-C	5-643			AMD	PL 417	B	5
18-C	5-317	1	N	AMD	PL 417	A	49	18-C	5-703			AMD	PL 417	A	96
18-C	5-317	1	O	NEW	PL 417	A	50	18-C	5-705			AMD	PL 417	A	97
18-C	5-317	8		NEW	PL 417	A	51	18-C	5-707		1st	AMD	PL 417	A	98
18-C	5-401	2		AMD	PL 417	A	52	18-C	5-707	2		RP	PL 417	A	99
18-C	5-401	3		AMD	PL 417	A	53	18-C	5-707	3		RP	PL 417	A	99
18-C	5-402	2	E	AMD	PL 417	A	54	18-C	5-906	1		AMD	PL 417	B	6
18-C	5-404	4		NEW	PL 417	A	55	18-C	5-906	2		AMD	PL 417	B	6
18-C	5-405	3		AMD	PL 417	A	56	18-C	5-931	1	G	AMD	PL 417	A	100
18-C	5-405	4		AMD	PL 417	A	56	18-C	5-931	1	H	AMD	PL 417	A	100
18-C	5-405	5	A-1	NEW	PL 417	A	57	18-C	5-931	1	I	NEW	PL 417	A	101
18-C	5-405	5	F-1	NEW	PL 417	A	58	18-C	5-963			AMD	PL 417	B	7
18-C	5-407	2		AMD	PL 417	A	59	18-C	6-203	2		AMD	PL 417	A	102
18-C	5-408	1		AMD	PL 417	A	60	18-C	6-311			AMD	PL 417	B	8
18-C	5-408	6		AMD	PL 417	A	61	18-C	6-403			AMD	PL 417	B	9
18-C	5-409	4		NEW	PL 417	A	62	18-C	6-421			RP	PL 417	B	10
18-C	5-410	1	D	AMD	PL 417	A	63	18-C	7-203			AMD	PL 417	B	11
18-C	5-410	1	E	RP	PL 417	A	64	18-C	7-472			AMD	PL 417	B	12
18-C	5-410	1	F	NEW	PL 417	A	65	18-C	8-301			AMD	PL 417	A	103
18-C	5-410	1	G	NEW	PL 417	A	65	18-C	9-108		1st	AMD	PL 417	B	13
18-C	5-410	1	H	NEW	PL 417	A	65	18-C	9-202	6		AMD	PL 417	A	104
18-C	5-410	3		AMD	PL 417	A	66	18-C	9-204	3		AMD	PL 417	A	105
18-C	5-411	2		AMD	PL 417	A	67	18-C	9-401	4	F	AMD	PL 417	A	106
18-C	5-411	3		AMD	PL 417	A	67	18-C	10-101			NEW	PL 417	A	107
18-C	5-411	4		AMD	PL 417	A	67	18-C	10-102			NEW	PL 417	A	107
18-C	5-413	3	C	AMD	PL 417	A	68	18-C	10-103			NEW	PL 417	A	107
18-C	5-413	4-A		NEW	PL 417	A	69	18-C	10-104			NEW	PL 417	A	107
18-C	5-414	1	A	AMD	PL 417	A	70	18-C	10-105			NEW	PL 417	A	107
18-C	5-414	1	I	AMD	PL 417	A	71	18-C	10-106			NEW	PL 417	A	107
18-C	5-414	5		NEW	PL 417	A	72	18-C	10-107			NEW	PL 417	A	107
18-C	5-416	1		AMD	PL 417	A	73	18-C	10-108			NEW	PL 417	A	107
18-C	5-416	4		NEW	PL 417	A	74	18-C	10-109			NEW	PL 417	A	107
18-C	5-419	2		AMD	PL 417	A	75	18-C	10-110			NEW	PL 417	A	107
18-C	5-419	3		AMD	PL 417	A	75	18-C	10-111			NEW	PL 417	A	107
18-C	5-419	4		AMD	PL 417	A	75	18-C	10-112			NEW	PL 417	A	107
18-C	5-419	6		NEW	PL 417	A	76	18-C	10-113			NEW	PL 417	A	107
18-C	5-420	1		AMD	PL 417	A	77	18-C	10-114			NEW	PL 417	A	107
18-C	5-421	2	A	AMD	PL 417	A	78	18-C	10-115			NEW	PL 417	A	107
18-C	5-421	2	G	AMD	PL 417	A	79	18-C	10-116			NEW	PL 417	A	107

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18-C	10-117			NEW	PL 417	A	107	20-A	10	2	I	AMD	PL 450		14
18-C	10-118			NEW	PL 417	A	107	20-A	12			NEW	PL 123		1
19-A	650		1st	AMD	PL 340		1	20-A	203	1	F	AMD	PL 343	SS	2
19-A	650	1	A	AMD	PL 340		2	20-A	203	1	M	AMD	PL 343	TT	1
19-A	650	2	A	AMD	PL 340		3	20-A	203	1	O	AMD	PL 343	TT	2
19-A	650	2	B	AMD	PL 340		3	20-A	203	1	P	NEW	PL 343	TT	3
19-A	650	2	C	AMD	PL 340		3	20-A	254	5	D	NEW	PL 32		1
19-A	651	1		AMD	PL 340		4	20-A	256	6		RP	PL 398		6
19-A	651	2		AMD	PL 82		1	20-A	256	11		NEW	PL 398		7
19-A	651	2		AMD	PL 340		5	20-A	401	2		AMD	PL 421		1
19-A	651	3		AMD	PL 340		6	20-A	401	6		NEW	PL 421		2
19-A	651	4		AMD	PL 340		6	20-A	405	8		RP	PL 398		8
19-A	651	6		AMD	PL 340		7	20-A	1001	20		NEW	PL 293		1
19-A	652	1		AMD	PL 340		8	20-A	1051	6	D	AMD	PL 219		1
19-A	652	3		AMD	PL 340		9	20-A	1055	10		AMD	PL 132		1
19-A	652	6		AMD	PL 340		10	20-A	1055	11		AMD	PL 525		35
19-A	652	7		AMD	PL 340		10	20-A	1311	3	E	AMD	PL 398		9
19-A	652	8		AMD	PL 340		11	20-A	1466	2		AMD	PL 302		1
19-A	653	1		AMD	PL 340		12	20-A	1466	2-A		NEW	PL 302		2
19-A	653	2		AMD	PL 340		12	20-A	1466	7		AMD	PL 302		3
19-A	654	2		AMD	PL 340		13	20-A	1466	7-A		NEW	PL 302		4
19-A	654	3		AMD	PL 82		2	20-A	1466	21		NEW	PL 302		5
19-A	654	4		AMD	PL 340		13	20-A	1490	3	E	AMD	PL 398		10
19-A	656	3		NEW	PL 82		3	20-A	1490	6	D	AMD	PL 398		11
19-A	701	3		AFF	PL 417	B	14	20-A	1490	6	E	AMD	PL 398		11
19-A	701	4		AMD	PL 340		14	20-A	2404	4		NEW	PL 253		1
19-A	701	6		NEW	PL 340		15	20-A	2405	4		AMD	PL 398		12
19-A	902	1	J	AFF	PL 417	B	14	20-A	2405	8	A	AMD	PL 406		1
19-A	951-A	4		AMD	PL 272		1	20-A	2405	9		RP	PL 307		1
19-A	951-A	12		RP	PL 272		2	20-A	2405	10		NEW	PL 307		2
19-A	1653-A			NEW	PL 341		1	20-A	2408	2		AMD	PL 253		2
19-A	1801			AMD	PL 197		1	20-A	2413	2	A	AMD	PL 398		13
19-A	1802	1		AMD	PL 197		2	20-A	2413-A	2	A	AMD	PL 398		14
19-A	1802	1		AFF	PL 417	B	14	20-A	2651	2		AMD	PL 70		1
19-A	1851	2		AFF	PL 417	B	14	20-A	2651	2		AMD	PL 70		2
19-A	2002			AFF	PL 417	B	14	20-A	2651	2		AFF	PL 70		9
19-A	2103	3-A		AMD	PL 400		1	20-A	3252	1		AMD	PL 398		15
19-A	2111			NEW	PL 402		1	20-A	3252	6		AMD	PL 398		16
19-A	2152	11		AMD	PL 113	C	65	20-A	3253-A	1		AMD	PL 398		17
19-A	4002	3-B		NEW	PL 407		3	20-A	3271	1		AMD	PL 508		1
19-A	4002	4		AMD	PL 113	C	66	20-A	3271	1-A		NEW	PL 235		1
19-A	4002	4		AMD	PL 412		7	20-A	3271	1-A		AMD	PL 508		2
19-A	4002	7		NEW	PL 176		1	20-A	3271	2		AMD	PL 235		2
19-A	4005	1		AMD	PL 359		2	20-A	3271	2		AMD	PL 508		3
19-A	4005	2	C	RPR	PL 359		3	20-A	3272	2		AMD	PL 235		3
19-A	4007	1		AMD	PL 407		4	20-A	3272	2	B	AMD	PL 508		4
19-A	4007	1	D	AMD	PL 176		2	20-A	3646		1st	AMD	PL 398		18
19-A	4011	5		NEW	PL 412		8	20-A	3801			AMD	PL 219		2
19-A	4012	5		AMD	PL 412		9	20-A	3801	4	K	RP	PL 70		3
19-A	4013	1	A	AMD	PL 188		1	20-A	3802			AMD	PL 219		3
20	3457			RP	PL 398		2	20-A	3802	12		AMD	PL 336		1
20	3458			RP	PL 398		3	20-A	3802	12-A		NEW	PL 336		2
20	3459			RP	PL 398		4	20-A	3803			AMD	PL 219		3
20	3460			RP	PL 398		5	20-A	3804			AMD	PL 219		3
20-A	1	23-A		AMD	PL 241		1	20-A	3805			AMD	PL 219		3
20-A	10	2	G	AMD	PL 450		12	20-A	3806			RPR	PL 219		4
20-A	10	2	H	AMD	PL 450		13	20-A	3807			RP	PL 70		4
								20-A	3807			NEW	PL 460		3
								20-A	4003-A			RP	PL 398		19
								20-A	4008-A			NEW	PL 45		1

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20-A	4013				NEW PL 172		1	20-A	10986				NEW PL 239		4
20-A	4252	3			AMD PL 398		20	20-A	12301	4			AMD PL 102		2
20-A	4501		1st		AMD PL 343	UUUU	1	20-A	12302	4			AMD PL 102		3
20-A	4502	1-A			NEW PL 508		5	20-A	12302	5	C		AMD PL 102		4
20-A	4711				AMD PL 106		1	20-A	12302	6	A		AMD PL 102		5
20-A	4712				AMD PL 106		2	20-A	12302	6	B		AMD PL 102		5
20-A	4722				AMD PL 202		1	20-A	12304				RP PL 102		6
20-A	4722-A				RP PL 202		2	20-A	12305				AMD PL 102		7
20-A	4723				AMD PL 196		1	20-A	12306				NEW PL 102		8
20-A	4723		1st		AMD PL 106		3	20-A	12501-A	10			AMD PL 303		1
20-A	4801	1	F		AMD PL 105		1	20-A	12501-A	12			AMD PL 303		2
20-A	4802	1	E		AMD PL 59		3	20-A	12501-A	14-A			NEW PL 303		3
20-A	4803	5			RP PL 398		21	20-A	12502		2nd		NEW PL 303		4
20-A	5001-A	1			AMD PL 508		6	20-A	12503		last		RP PL 303		5
20-A	5001-A	1-A			NEW PL 235		4	20-A	12504		last		AMD PL 303		6
20-A	5001-A	1-A			AMD PL 508		7	20-A	12505	1			AMD PL 303		7
20-A	5001-A	3			AMD PL 235		5	20-A	12507		1st		AMD PL 303		8
20-A	5001-A	3			AMD PL 508		8	20-A	13012-A	4			AMD PL 518		1
20-A	5051-A	1	B		AMD PL 235		6	20-A	13013	2-B	B		AMD PL 518		2
20-A	5051-A	1	C		AMD PL 235		7	20-A	13013-A	1			AMD PL 394		1
20-A	5051-A	1	C		AMD PL 508		9	20-A	13015-A				NEW PL 518		3
20-A	5051-A	1	D		NEW PL 235		8	20-A	13020	2-A			NEW PL 165		1
20-A	5205	6-B			AMD PL 219		5	20-A	13020	3			AMD PL 165		2
20-A	5808				AMD PL 114		1	20-A	13025				AMD PL 403		1
20-A	6209	4			AMD PL 196		2	20-A	13025	1	C		AMD PL 219		6
20-A	6213	7	C		AMD PL 398		22	20-A	13111				NEW PL 70		5
20-A	6355	2			AMD PL 154		1	20-A	13112				NEW PL 70		5
20-A	6355	3			AFF PL 154		12	20-A	13113				NEW PL 70		5
20-A	6355	3			RP PL 154		2	20-A	13201				RPR PL 132		2
20-A	6355	4			NEW PL 154		3	20-A	13201	3			AMD PL 297		1
20-A	6358				AMD PL 154		4	20-A	13406				AMD PL 343	UU	1
20-A	6359	3	A		AMD PL 154		5	20-A	13407				NEW PL 343	UU	2
20-A	6359	3	B		AFF PL 154		12	20-A	13601	5			NEW PL 458		2
20-A	6359	3	B		RP PL 154		6	20-A	13703				RPR PL 297		2
20-A	6359	6			AMD PL 154		7	20-A	13704	1	A		AFF PL 27		8
20-A	6403-A	4			AMD PL 398		23	20-A	13704	1	A		AMD PL 27		1
20-A	6553	1	A		AMD PL 372		1	20-A	13704	1	B		AFF PL 27		8
20-A	6555				NEW PL 458		1	20-A	13704	1	B		NEW PL 27		2
20-A	6601-A				AMD PL 480		1	20-A	13704	2			AFF PL 27		8
20-A	6602	1	D		NEW PL 343	NNNN	1	20-A	13704	2			AMD PL 27		3
20-A	6602	1	D		NEW PL 428		1	20-A	13704	3	A		AFF PL 27		8
20-A	6602	12			AFF PL 511		2	20-A	13704	3	A		AMD PL 27		4
20-A	6602	12			AMD PL 511		1	20-A	13704	5	D		AMD PL 27		5
20-A	6681				NEW PL 54		1	20-A	13706				AMD PL 27		6
20-A	7204	6			AMD PL 429		1	20-A	15005	3			AMD PL 398		27
20-A	7204	7			AMD PL 429		2	20-A	15401	4			NEW PL 398		28
20-A	7204	8			NEW PL 429		3	20-A	15671	1			AMD PL 398		29
20-A	8351				AMD PL 398		24	20-A	15671	7	B		AMD PL 343	C	1
20-A	8352	2			AMD PL 398		25	20-A	15671	7	C		AMD PL 343	C	2
20-A	8457	1			AMD PL 398		26	20-A	15671-A	2	B		AMD PL 343	C	3
20-A	9923				AMD PL 434		1	20-A	15672	7-B			NEW PL 398		30
20-A	10004	1	A		AMD PL 372		2	20-A	15672	18			RP PL 398		31
20-A	10706-A				NEW PL 157		1	20-A	15672	31-A			AMD PL 501		10
20-A	10910				NEW PL 500		1	20-A	15675	1			AMD PL 398		32
20-A	10952	7			AMD PL 487		1	20-A	15680-A	1			RP PL 213		1
20-A	10981				NEW PL 239		4	20-A	15680-A	2			RP PL 213		1
20-A	10982				NEW PL 239		4	20-A	15680-A	4			RPR PL 213		2
20-A	10983				NEW PL 239		4	20-A	15683	1	A		AMD PL 398		33
20-A	10984				NEW PL 239		4	20-A	15683	1	B		AMD PL 398		33
20-A	10985				NEW PL 239		4	20-A	15683-B	2	C		AMD PL 398		34

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20-A	15683-B	3	C	AMD	PL 398		35	21-A	355	3		AMD	PL 371		12
20-A	15683-C			AMD	PL 219		7	21-A	365	2		AMD	PL 371		13
20-A	15683-C	2	B	AMD	PL 70		6	21-A	441			NEW	PL 445		4
20-A	15688-A	1		AMD	PL 343	AAAAA	1	21-A	442			NEW	PL 445		4
20-A	15688-A	1-A		NEW	PL 343	AAAAA	2	21-A	443			NEW	PL 445		4
20-A	15688-A	9		NEW	PL 70		7	21-A	503			RP	PL 64		1
20-A	15689	7-A		NEW	PL 343	UU	3	21-A	503-A			NEW	PL 64		2
20-A	15689	9	B	AMD	PL 219		8	21-A	601	1		AMD	PL 320		2
20-A	15689	9	C	AMD	PL 219		8	21-A	601	2	A	AMD	PL 320		3
20-A	15689	11	B	AMD	PL 398		36	21-A	601	2	B-1	AFF	PL 417	B	14
20-A	15689-A	25		AMD	PL 434		2	21-A	601	2	C	AMD	PL 371		14
20-A	15689-A	27		RP	PL 70		8	21-A	601	2	H	AMD	PL 371		15
20-A	15692	1		AMD	PL 398		37	21-A	605-A	2	A	AMD	PL 320		4
20-A	15903	3		RP	PL 398		38	21-A	607	1		AMD	PL 371		16
20-A	15908	1		AMD	PL 398		39	21-A	607	2		AMD	PL 371		16
20-A	15908	3		AMD	PL 398		40	21-A	609			AMD	PL 371		17
20-A	15908-B			NEW	PL 53		1	21-A	631	3		AMD	PL 64		3
20-A	15915	1		AMD	PL 385		1	21-A	651	2-B		AMD	PL 371		18
21-A	1	27-C		AMD	PL 320		1	21-A	661	3		AMD	PL 371		19
21-A	22	2		AMD	PL 371		1	21-A	671	1		AMD	PL 371		20
21-A	23	5		AMD	PL 371		2	21-A	682	2	A	AMD	PL 371		21
21-A	23	7		AMD	PL 371		3	21-A	682	2	B	AMD	PL 371		21
21-A	103		1st	AMD	PL 371		4	21-A	682	3		AMD	PL 371		22
21-A	122-A			AFF	PL 409		9	21-A	696	2	A	AMD	PL 320		5
21-A	122-A			AMD	PL 409		1	21-A	698	2-A	A	AMD	PL 371		23
21-A	129		1st	AFF	PL 409		9	21-A	698	2-A	B	AMD	PL 371		24
21-A	129		1st	AMD	PL 409		2	21-A	700			AMD	PL 320		6
21-A	142	1		RP	PL 371		5	21-A	711		1st	AMD	PL 320		7
21-A	142	1-A		NEW	PL 371		6	21-A	712			AMD	PL 371		25
21-A	143			RP	PL 371		7	21-A	722			AMD	PL 371		26
21-A	143-A			NEW	PL 371		8	21-A	723	1		AMD	PL 320		8
21-A	152	1		AFF	PL 409		9	21-A	723-A	1	F	AMD	PL 320		9
21-A	152	1		AMD	PL 409		3	21-A	723-A	1	G	AMD	PL 320		9
21-A	155		1st	AFF	PL 409		9	21-A	723-A	1	H-1	NEW	PL 320		10
21-A	155		1st	AMD	PL 409		4	21-A	723-A	1	J	AMD	PL 320		11
21-A	163		1st	AMD	PL 371		9	21-A	723-A	2		AMD	PL 320		12
21-A	195			AFF	PL 409		9	21-A	723-A	3		AMD	PL 320		13
21-A	195			RPR	PL 409		5	21-A	723-A	4		AMD	PL 320		14
21-A	231			AFF	PL 409		9	21-A	723-A	5-A		AMD	PL 320		15
21-A	231			NEW	PL 409		6	21-A	724			RPR	PL 371		27
21-A	232			AFF	PL 409		9	21-A	737-A		1st	AMD	PL 371		28
21-A	232			NEW	PL 409		6	21-A	737-A		2nd	AMD	PL 371		29
21-A	233			AFF	PL 409		9	21-A	737-A		3rd	AMD	PL 320		16
21-A	233			NEW	PL 409		6	21-A	737-A	1		AMD	PL 371		30
21-A	234			AFF	PL 409		9	21-A	737-A	1-A	B	AMD	PL 371		31
21-A	234			NEW	PL 409		6	21-A	737-A	8		AMD	PL 371		32
21-A	235			AFF	PL 409		9	21-A	737-A	10		AMD	PL 371		33
21-A	235			NEW	PL 409		6	21-A	738	2	B	AMD	PL 371		34
21-A	236			AFF	PL 409		9	21-A	753-B	5		RPR	PL 371		35
21-A	236			NEW	PL 409		6	21-A	754-A	1	D	AMD	PL 371		36
21-A	237			AFF	PL 409		9	21-A	760-B		1st	AMD	PL 371		37
21-A	237			NEW	PL 409		6	21-A	760-B	2		AMD	PL 371		38
21-A	238			AFF	PL 409		9	21-A	760-B	3		AMD	PL 371		38
21-A	238			NEW	PL 409		6	21-A	903-A	4		NEW	PL 456		1
21-A	335	1	A	AMD	PL 371		10	21-A	903-A	5		NEW	PL 456		1
21-A	335	5	B-3	NEW	PL 445		1	21-A	903-C	1	D	AMD	PL 456		2
21-A	335	6		AMD	PL 445		2	21-A	904	4		AMD	PL 456		3
21-A	335	8		AMD	PL 445		3	21-A	904	5		AMD	PL 456		4
21-A	354	1	A	AMD	PL 371		11	21-A	904	6		NEW	PL 456		5
								21-A	906	6	B	AMD	PL 414		1

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21-A	906	6	C	AMD	PL 414		1	22	1321	3		AMD	PL 100		2
21-A	906	8		NEW	PL 414		2	22	1321	4		AMD	PL 100		3
21-A	907			NEW	PL 152		1	22	1321	7		NEW	PL 100		4
21-A	1001	2		AMD	PL 323		2	22	1322-F	4		AMD	PL 479		3
21-A	1003	3-A		AMD	PL 323		3	22	1330			NEW	PL 201		2
21-A	1013-A	3		AMD	PL 323		4	22	1409			NEW	PL 433		1
21-A	1014	2-A		AMD	PL 323		5	22	1471-B	1		AMD	PL 192		1
21-A	1014	5		AMD	PL 323		6	22	1503	1		RPR	PL 206		1
21-A	1015	1		AFF	PL 51		3	22	1503		2nd	NEW	PL 206		2
21-A	1015	1		AMD	PL 51		1	22	1531			RPR	PL 426		1
21-A	1015	2		AFF	PL 51		3	22	1578-B	1	C	RP	PL 61		1
21-A	1015	2		AMD	PL 51		2	22	1578-B	1	D	RPR	PL 61		2
21-A	1017	2	D	AMD	PL 323		7	22	1578-B	2		RPR	PL 61		3
21-A	1017	3-A	C	AMD	PL 323		8	22	1578-B	3		RP	PL 61		4
21-A	1017	5		AMD	PL 323		9	22	1580-F			NEW	PL 495		3
21-A	1017	8		AMD	PL 323		10	22	1580-L	10		RPR	PL 381		1
21-A	1017-A	2	A	AMD	PL 323		11	22	1596			AMD	PL 262		1
21-A	1017-A	4-A		AMD	PL 323		12	22	1597-A	2		AMD	PL 262		2
21-A	1017-A	4-B	C	AMD	PL 323		13	22	1597-A	3		AMD	PL 262		2
21-A	1019-A			AMD	PL 323		14	22	1597-A	4		AMD	PL 262		2
21-A	1019-B	1	A	AMD	PL 323		15	22	1597-A	8	B	AMD	PL 262		3
21-A	1019-B	2		AMD	PL 323		16	22	1598	1		AMD	PL 262		4
21-A	1019-B	4		AMD	PL 323		17	22	1598	3	A	AMD	PL 262		5
21-A	1020-A	1		AMD	PL 323		18	22	1599-A			AMD	PL 262		6
21-A	1020-A	5-A		AMD	PL 323		19	22	1711		1st	AMD	PL 503	F	1
21-A	1051			AMD	PL 323		20	22	1711		2nd	AMD	PL 503	F	1
21-A	1054-B			AMD	PL 21		1	22	1711-B	2		AMD	PL 503	F	2
21-A	1055-A	1		AMD	PL 323		21	22	1711-B	3	D	AFF	PL 417	B	14
21-A	1055-A	3		NEW	PL 323		22	22	1711-C	1	A	AFF	PL 417	B	14
21-A	1056-B		1st	AMD	PL 323		23	22	1711-E	1	G	AFF	PL 469		9
21-A	1059			AMD	PL 323		24	22	1711-E	1	G	AMD	PL 469		1
21-A	1062-A	4		AMD	PL 323		25	22	1711-G	2		AFF	PL 417	B	14
21-A	1122	7	A	AMD	PL 323		26	22	1711-G	3		AFF	PL 417	B	14
21-A	1125	1		AMD	PL 323		27	22	1711-G	7		AFF	PL 417	B	14
21-A	1125	2-A	A	AMD	PL 323		28	22	1816		1st	AMD	PL 343	YY	5
21-A	1125	3		RPR	PL 323		29	22	1822			AMD	PL 501		11
21-A	1125	3-A		AMD	PL 323		30	22	1823			AMD	PL 236		1
21-A	1125	3-B		NEW	PL 323		31	22	1826	2	I	AFF	PL 417	B	14
21-A	1125	6-C	A	AMD	PL 323		32	22	1901			AMD	PL 236		2
21-A	1125	6-C	B	AMD	PL 323		32	22	1902			AMD	PL 236		3
21-A	1125	8-E		AMD	PL 323		33	22	1903			AMD	PL 236		4
21-A	1204-B	80	A	AMD	PL 371		39	22	1904			RPR	PL 236		5
								22	1905			AMD	PL 236		6
22	14	2-I	B	AFF	PL 417	B	14	22	1906			RPR	PL 236		7
22	14	2-I	F	AMD	PL 348		2	22	1907			AMD	PL 236		8
22	14	2-I	F	AFF	PL 417	B	14	22	1908			RPR	PL 236		9
22	20			NEW	PL 523		1	22	2140			NEW	PL 271		4
22	42	8	A	AMD	PL 343	YY	2	22	2157	11		AMD	PL 528		7
22	48			AMD	PL 343	YY	3	22	2157	13	C	AMD	PL 528		8
22	254-D	4	D	AMD	PL 343	ZZ	1	22	2157	14	C	AMD	PL 528		9
22	328	15		AMD	PL 343	YY	4	22	2157	15		NEW	PL 455		1
22	569			NEW	PL 354		1	22	2157	15		NEW	PL 528		10
22	689-A			NEW	PL 275		1	22	2158-A			NEW	PL 12	A	1
22	802	4-B	A	AFF	PL 154		12	22	2158-A			AMD	PL 528		11
22	802	4-B	A	AMD	PL 154		8	22	2158-B			NEW	PL 491		1
22	802	4-B	B	RP	PL 154		9	22	2353	1	E	NEW	PL 292		2
22	1314-A			AMD	PL 479		1	22	2353	4-A		NEW	PL 292		3
22	1315	5-C		AMD	PL 201		1	22	2422	1-F		NEW	PL 217		1
22	1317-D	4		AMD	PL 479		2	22	2422	3-B		AMD	PL 528		12
22	1321	1		AMD	PL 100		1	22	2422	3-C		AMD	PL 528		12

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22	2422	4-B		AMD	PL 528		13	22	2426	1	E	AMD	PL 331		21
22	2422	4-D		RP	PL 331		1	22	2428	1-A	D	RPR	PL 331		22
22	2422	4-D		RP	PL 528		14	22	2428	1-A	E	RPR	PL 331		23
22	2422	4-E		RP	PL 331		1	22	2428	1-A	F	RPR	PL 331		24
22	2422	4-E		RP	PL 528		14	22	2428	1-A	F	RPR	PL 354		7
22	2422	4-F		RP	PL 331		1	22	2428	1-A	G	RPR	PL 331		25
22	2422	4-F		RP	PL 528		14	22	2428	6	E	AMD	PL 331		26
22	2422	4-G		RP	PL 331		1	22	2428	9	B	AMD	PL 331		27
22	2422	4-G		RP	PL 528		14	22	2428	13		NEW	PL 312		1
22	2422	4-H		RP	PL 331		1	22	2429-A	4		AMD	PL 331		28
22	2422	4-H		RP	PL 528		14	22	2429-B	1	E	AMD	PL 331		29
22	2422	4-I		RP	PL 331		1	22	2429-C	5		AMD	PL 331		30
22	2422	4-I		RP	PL 528		14	22	2429-D			AMD	PL 217		5
22	2422	4-J		AMD	PL 528		15	22	2430	2	D	AMD	PL 312		2
22	2422	4-K		AMD	PL 528		15	22	2430	2	E	AMD	PL 312		2
22	2422	4-L		AMD	PL 528		15	22	2430	2	F	NEW	PL 312		3
22	2422	4-M		AMD	PL 528		15	22	2430	5		AMD	PL 331		31
22	2422	4-N		NEW	PL 331		2	22	2430-G	1	B	AMD	PL 331		32
22	2422	4-N		NEW	PL 528		16	22	2511	40-A		NEW	PL 73		1
22	2422	4-O		NEW	PL 331		2	22	2512	1	A	AMD	PL 73		2
22	2422	4-O		NEW	PL 528		16	22	2514-A	1	C	AMD	PL 73		3
22	2422	4-P		NEW	PL 331		2	22	2514-A	1	C-1	NEW	PL 73		4
22	2422	4-P		NEW	PL 528		16	22	2517-E			NEW	PL 73		5
22	2422	4-Q		NEW	PL 331		2	22	2518	1		AMD	PL 73		6
22	2422	4-Q		NEW	PL 528		16	22	2604-B			NEW	PL 158		1
22	2422	4-R		NEW	PL 331		2	22	2765	1	A	AFF	PL 417	B	14
22	2422	4-R		NEW	PL 528		16	22	2765	1-A	A	AFF	PL 417	B	14
22	2422	4-S		NEW	PL 331		2	22	2842	5		NEW	PL 340		16
22	2422	4-S		NEW	PL 528		16	22	2843	3-A		AMD	PL 257		1
22	2422	6		AMD	PL 331		3	22	2843-A	9		AFF	PL 417	B	14
22	2422	7-B		NEW	PL 256		1	22	2848		1st	AFF	PL 417	B	14
22	2422	14-A		RPR	PL 331		4	22	3023-A		2nd	NEW	PL 343	LL	1
22	2423-A	1	G	AMD	PL 331		5	22	3025	1		AMD	PL 87		1
22	2423-A	1	H	RPR	PL 331		6	22	3025	1-A	A	AMD	PL 87		2
22	2423-A	1	J	RPR	PL 331		7	22	3088-A			NEW	PL 488		1
22	2423-A	1	K	RPR	PL 331		8	22	3104	11		AMD	PL 343	HHHH	1
22	2423-A	2	B	AMD	PL 256		2	22	3104	17		NEW	PL 492		1
22	2423-A	2	G	RPR	PL 331		9	22	3109			NEW	PL 485		1
22	2423-A	2	K-1	AMD	PL 354		2	22	3172-B			RP	PL 343	AAA	1
22	2423-A	2	L	RPR	PL 331		10	22	3173-E			AFF	PL 417	B	14
22	2423-A	2	M	RPR	PL 331		11	22	3173-G			RPR	PL 420		1
22	2423-A	2	N	RPR	PL 331		12	22	3174-G			AMD	PL 485		2
22	2423-A	2	P	AMD	PL 217		2	22	3174-Q			RPR	PL 266		1
22	2423-A	3	C-1	AMD	PL 217		3	22	3174-CC			RPR	PL 492		2
22	2423-A	4		AMD	PL 501		12	22	3174-JJ			AMD	PL 530	B	1
22	2423-A	10		RPR	PL 331		13	22	3174-SS			RP	PL 4	B	1
22	2423-A	10	D	RPR	PL 354		3	22	3174-VV			RP	PL 4	C	1
22	2423-A	10	D-1	NEW	PL 354		4	22	3174-XX			AMD	PL 388		1
22	2423-A	10	E	RPR	PL 354		5	22	3174-BBB			AFF	PL 130		5
22	2423-A	10	F	NEW	PL 354		6	22	3174-BBB			NEW	PL 130		1
22	2423-A	11		RP	PL 331		14	22	3174-BBB			NEW	PL 165		3
22	2423-A	12		RPR	PL 331		15	22	3196			NEW	PL 274		1
22	2423-A	14		RP	PL 331		16	22	3291	1		AMD	PL 343	YY	6
22	2423-D			AMD	PL 209		1	22	3291	4		AMD	PL 343	YY	7
22	2423-F			RPR	PL 331		17	22	3472	10		AFF	PL 417	B	14
22	2424	4	B	AMD	PL 217		4	22	3472	12		AFF	PL 417	B	14
22	2425			RP	PL 331		18	22	3473	2	C	AFF	PL 417	B	14
22	2425-A	3-A	E	AMD	PL 331		19	22	3481	2		AFF	PL 417	B	14
22	2425-A	3-A	F	AMD	PL 331		19	22	3482			AFF	PL 417	B	14
22	2425-A	8	D	AMD	PL 331		20	22	3483	1		AFF	PL 417	B	14

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22	3739			RP	PL 450		16	22	8731			NEW	PL 470		8
22	3739	2	G	AMD	PL 524		16	22	8732			NEW	PL 470		8
22	3762	3	B	AMD	PL 484		1	22	8733			NEW	PL 470		8
22	3762	3	B	AMD	PL 485		3	22	8734			NEW	PL 470		8
22	3762	8	A	RP	PL 485		4	22	8735			NEW	PL 470		8
22	3762	8	F	AMD	PL 484		2	22	8736			NEW	PL 470		8
22	3762	18		AMD	PL 484		3	22	8737			NEW	PL 470		8
22	3762	20		RP	PL 343	CCC	1								
22	3765			AFF	PL 417	B	14	22-A	203	1	F	AMD	PL 524		17
22	3769-B			RP	PL 485		5	22-A	206	8		AMD	PL 524		18
22	3769-D			AMD	PL 239		5								
22	3769-G			NEW	PL 484		4	23	156		8th	AMD	PL 498		12
22	3788	7-A		NEW	PL 484		5	23	1804			AMD	PL 173		1
22	3790	3-A		NEW	PL 485		6	23	1903	16-A		NEW	PL 228		1
22	3790	3-B		NEW	PL 485		6	23	1913-A	5		RPR	PL 228		2
22	4002	5-B		AMD	PL 342		1	23	1917	1		AMD	PL 228		3
22	4004-B			AMD	PL 342		2	23	1917	2		AMD	PL 228		3
22	4005-E	1		AFF	PL 417	B	14	23	1917	5		AMD	PL 228		3
22	4008	3	B	AFF	PL 417	B	14	23	3360-A	10-B		NEW	PL 322		1
22	4008	3	G	AFF	PL 417	B	14	23	3651	1		AMD	PL 128		1
22	4008	4		AMD	PL 113	C	67	23	3655			AFF	PL 417	B	14
22	4010-D			NEW	PL 28		1	23	4209-A			AMD	PL 211		2
22	4011-B			AMD	PL 342		3	23	4210-B	3		AMD	PL 415	D	1
22	4031	1	D	AFF	PL 417	B	14	23	4210-C	3		RP	PL 415	J	1
22	4037	1		AFF	PL 417	B	14	23	4210-G			NEW	PL 486		2
22	4038-A			AFF	PL 417	B	14								
22	4038-B	4	A	AFF	PL 417	B	14	24	2317-B	20		AMD	PL 274		2
22	4038-C	2		AFF	PL 417	B	14	24	2317-B	21		AMD	PL 274		3
22	4038-E	7	A	AFF	PL 417	B	14	24	2317-B	21		AMD	PL 388		2
22	4038-E	11	A	AFF	PL 417	B	14	24	2317-B	22		NEW	PL 274		4
22	4051			AFF	PL 417	B	14	24	2904	1	A	AMD	PL 289		1
22	4055	1	A	AFF	PL 417	B	14	24	2904	3	E	AMD	PL 370		7
22	4056	1		AFF	PL 417	B	14	24	2986	3		AMD	PL 94		1
22	4063-A			AMD	PL 162		1								
22	4065			AFF	PL 417	B	14	24-A	601	28		AFF	PL 469		9
22	4099-I			NEW	PL 366		5	24-A	601	28		RP	PL 469		3
22	4171	1	A	AFF	PL 417	B	14	24-A	601	28-A		AFF	PL 469		9
22	4301	1		AMD	PL 126		2	24-A	601	28-A		NEW	PL 469		4
22	4301	5-A		NEW	PL 515		1	24-A	601	32		NEW	PL 382		1
22	4308	2		AMD	PL 515		2	24-A	1417			AMD	PL 382		2
22	4309	5		NEW	PL 515		3	24-A	1476	1		AMD	PL 382		3
22	5106	2	E	AFF	PL 417	B	14	24-A	1913			AFF	PL 469		9
22	7856	3		AMD	PL 338		1	24-A	1913			RP	PL 469		5
22	8103	1-A		AMD	PL 444		1	24-A	2002-A	1	B	AMD	PL 20		1
22	8103	2		RP	PL 444		2	24-A	2159-C	4		NEW	PL 208		1
22	8103	2-A		NEW	PL 444		3	24-A	2159-E			NEW	PL 203		1
22	8110			NEW	PL 399		1	24-A	2208	1	A	AFF	PL 417	B	14
22	8402	3	A	AFF	PL 154		12	24-A	2303-B		last	AMD	PL 160		9
22	8402	3	A	AMD	PL 154		10	24-A	2736-C	1	C	AMD	PL 330		1
22	8621	6		AFF	PL 417	B	14	24-A	2736-C	2	B	AMD	PL 5	A	1
22	8702	8-B		AFF	PL 469		9	24-A	2736-C	2	C	AMD	PL 5	A	2
22	8702	8-B		AMD	PL 469		2	24-A	2736-C	2	D	AMD	PL 5	A	3
22	8703	1		AMD	PL 470		1	24-A	2736-C	2	F	RP	PL 5	A	4
22	8704	1	A	AMD	PL 470		2	24-A	2736-C	2	I	RP	PL 5	A	5
22	8705-A		1st	AMD	PL 470		3	24-A	2736-C	5		AMD	PL 5	A	6
22	8705-A		1st	AMD	PL 470		4	24-A	2736-C	11		AMD	PL 5	A	7
22	8705-A	3	A	AMD	PL 470		5	24-A	2742-B			AMD	PL 5	A	8
22	8705-A	3	A	AMD	PL 470		6	24-A	2749-C	1		AMD	PL 5	D	1
22	8706	2		AMD	PL 470		7	24-A	2762	2		AMD	PL 418		1

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24-A	2762	3			RP	PL	418	24-A	4318				RP	PL	5 A	22	
24-A	2763	1			AMD	PL	86	24-A	4319				AMD	PL	5 A	23	
24-A	2763	2	A		AMD	PL	86	24-A	4319-A				NEW	PL	5 A	24	
24-A	2763	2	B		AMD	PL	86	24-A	4320				AMD	PL	5 A	25	
24-A	2765-A				AMD	PL	388	24-A	4320-C				AMD	PL	238	3	
24-A	2770				NEW	PL	179	24-A	4320-D				AMD	PL	5 B	1	
24-A	2808-B	2	B		AMD	PL	5 A	24-A	4320-L				NEW	PL	5 C	2	
24-A	2808-B	2	C		AMD	PL	5 A	24-A	4320-M				NEW	PL	274	5	
24-A	2808-B	2	D		AMD	PL	5 A	24-A	4320-M				NEW	PL	295	1	
24-A	2808-B	2	E		AMD	PL	96	24-A	4326				NEW	PL	522	1	
24-A	2808-B	2	H		RP	PL	5 A	24-A	4347				AFF	PL	469	9	
24-A	2833-B				AMD	PL	5 A	24-A	4347				NEW	PL	469	8	
24-A	2843	5-A			RP	PL	5 D	24-A	4348				AFF	PL	469	9	
24-A	2847-N	1			AMD	PL	86	24-A	4348				NEW	PL	469	8	
24-A	2847-N	2	A		AMD	PL	86	24-A	4349				AFF	PL	469	9	
24-A	2847-N	2	B		AMD	PL	86	24-A	4349				NEW	PL	469	8	
24-A	2847-O	2			AMD	PL	418	24-A	4350				AFF	PL	469	9	
24-A	2847-O	3			RP	PL	418	24-A	4350				NEW	PL	469	8	
24-A	2847-U				AMD	PL	388	24-A	4350-A				AFF	PL	469	9	
24-A	2847-V				NEW	PL	179	24-A	4350-A				NEW	PL	469	8	
24-A	2849	3-A			RP	PL	5 A	24-A	4350-B				AFF	PL	469	9	
24-A	2849-B	1			AMD	PL	330	24-A	4350-B				NEW	PL	469	8	
24-A	2849-B	2			AMD	PL	330	24-A	4350-C				AFF	PL	469	9	
24-A	2849-B	3-B			RP	PL	5 A	24-A	4350-C				NEW	PL	469	8	
24-A	2849-B	8			AMD	PL	330	24-A	4350-D				AFF	PL	469	9	
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24-A	2850-B	3			AMD	PL	5 A	24-A	4350-E				AFF	PL	469	9	
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24-A	2927	5			NEW	PL	376	24-A	6603		1	B	AMD	PL	96	2	
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24-A	4254	2	B		AMD	PL	86	24-A	7403				NEW	PL	367	1	
24-A	4255	2			AMD	PL	418	24-A	7404				NEW	PL	367	1	
24-A	4255	3			RP	PL	418	24-A	7405				NEW	PL	367	1	
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24-A	4301-A	4-A			NEW	PL	238										
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24-A	4302	1			AMD	PL	5 A	25	1533				AMD	PL	339	1	
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24-A	4303	22			AMD	PL	178	25	1535		2		AMD	PL	339	3	
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24-A	4304	2			AMD	PL	273	25	1542-A		1	J	AMD	PL	343	G	1
24-A	4304	2-A			NEW	PL	273	25	1542-A		1	K	RP	PL	343	G	2
24-A	4304	2-B			NEW	PL	273	25	1542-A		1	L	RP	PL	343	G	3
24-A	4304	5			AMD	PL	238	25	1542-A		1	P	RAL	PL	343	G	4
24-A	4304	7			NEW	PL	171	25	1542-A		1	P	RPR	PL	399		2
24-A	4311	1-A			NEW	PL	5 A	25	1542-A		1	P	RPR	PL	402		2
24-A	4311	1-A	A		AMD	PL	273	25	1542-A		1	P	RAL	PL	416		2
24-A	4313	14			AFF	PL	417	25	1542-A		1	Q	AMD	PL	343	G	5
24-A	4316				RPR	PL	289	25	1542-A		1	Q	AMD	PL	399		3
24-A	4317	12			AFF	PL	469	25	1542-A		1	Q	AMD	PL	402		3
24-A	4317	12			RP	PL	469	25	1542-A		1	Q	AMD	PL	416		3
24-A	4317	13			AFF	PL	469	25	1542-A		1	R	AMD	PL	343	G	5
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25	1542-A	1	R	AMD	PL 416		3	25	3851			NEW	PL 80		1
25	1542-A	1	S	RAL	PL 343	G	4	25	3851			NEW	PL 221		1
25	1542-A	1	S	NEW	PL 399		4	25	3852			NEW	PL 221		1
25	1542-A	1	S	NEW	PL 402		4	25	4201	1		AMD	PL 89		1
25	1542-A	1	S	RAL	PL 416		2	25	4201	1-A		NEW	PL 89		2
25	1542-A	1	T	NEW	PL 399		4	25	4201	1-B		NEW	PL 89		2
25	1542-A	1	T	NEW	PL 402		4	25	4201	2		RPR	PL 89		3
25	1542-A	1	T	NEW	PL 416		4	25	4201	3		RP	PL 89		4
25	1542-A	3	H	AFF	PL 417	B	14	25	4201	4		NEW	PL 89		5
25	1542-A	3	J	AMD	PL 343	G	6	25	4202	1		AMD	PL 89		6
25	1542-A	3	K	RP	PL 343	G	7	25	5101			AMD	PL 343	CCCCC	1
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25	1542-A	3	O	RPR	PL 402		5	26	3	3	B	AMD	PL 343	III	7
25	1542-A	3	O	RP	PL 416		5	26	42-B	1	E	AFF	PL 156		4
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25	1542-A	3	R	NEW	PL 402		6	26	42-B	1	F	AMD	PL 156		1
25	1542-A	3	R	NEW	PL 416		6	26	42-B	1	G	AFF	PL 156		4
25	1542-A	3	S	NEW	PL 399		6	26	42-B	1	G	NEW	PL 156		2
25	1542-A	3	S	NEW	PL 402		6	26	42-C			NEW	PL 527	B	1
25	1542-A	3	S	NEW	PL 416		7	26	598-A			NEW	PL 47		1
25	1542-A	4		RPR	PL 343	G	10	26	599-A			NEW	PL 513		1
25	1542-A	4		RPR	PL 399		7	26	599-B			NEW	PL 513		1
25	1542-A	4		RPR	PL 402		7	26	621-A	4		AMD	PL 193		1
25	1542-A	4		RPR	PL 416		8	26	625-B	6		AMD	PL 118		1
25	1551			NEW	PL 121		1	26	625-B	6-A		AMD	PL 118		1
25	1575	2-A		AMD	PL 369		1	26	625-B	9		AMD	PL 118		2
25	2003	1	D	AFF	PL 417	B	14	26	626-A		1st	AMD	PL 35		2
25	2372	2		AMD	PL 517		2	26	628		1st	AMD	PL 35		3
25	2373		1st	AMD	PL 391		7	26	628-A			NEW	PL 35		4
25	2374			AMD	PL 517		3	26	637			AFF	PL 156		4
25	2452	4		NEW	PL 358		1	26	637			NEW	PL 156		3
25	2802			AMD	PL 103		1	26	637			NEW	PL 350		1
25	2803-B	1	E	AMD	PL 410		2	26	637			NEW	PL 461		1
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25	2804-C	2-E		NEW	PL 410		3	26	664	3	L	NEW	PL 387		3
25	2804-C	2-E		AFF	PL 411	D	3	26	773-A	3	E	AMD	PL 66		1
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25	2806-A	5	J	AMD	PL 438		5	26	810			NEW	PL 329		1
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25	2806-A	5	L	NEW	PL 438		6	26	875	1	E	AFF	PL 417	B	14
25	2917			NEW	PL 442		1	26	965	1		AMD	PL 240		1
25	2921	17		NEW	PL 339		4	26	967			AMD	PL 135		1
25	2926	2	B	AMD	PL 339		5	26	968	1		AMD	PL 184		1
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25	2929	2	B	AMD	PL 339		6	26	979-T			NEW	PL 393		1
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25	2929	4	B-1	NEW	PL 84		1	26	1043	23	A	AMD	PL 125		1
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25	2931	1	A	AMD	PL 339		9	26	1193	5		AMD	PL 419		1
25	2931	1	B	AMD	PL 339		9	26	1221	3	A	AMD	PL 343	TTT	1
25	2934	1		AMD	PL 339		10	26	1295			NEW	PL 389		4
25	3503-A			AMD	PL 113	C	68	26	1304	8		AMD	PL 473		1
25	3503-B			AMD	PL 498		15	26	1316			RP	PL 278		1
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26	2001	4-A		NEW	PL 246		1	28-A	460	2	M-1	AMD	PL 404		6
26	2004-A		2nd	NEW	PL 246		2	28-A	606	1		AMD	PL 404		7
26	2006	2		RP	PL 246		3	28-A	606	1-A	A	AMD	PL 404		8
26	2006	2-A		NEW	PL 246		4	28-A	606	1-C		AMD	PL 404		9
26	2006	3		AMD	PL 246		5	28-A	606	4-A		AMD	PL 404		10
26	2007			AMD	PL 246		6	28-A	606	4-B		NEW	PL 168		1
26	2025			RP	PL 343	VVV	1	28-A	606	4-B		AMD	PL 404		11
26	2033	5	A	AMD	PL 66		2	28-A	653	1		AMD	PL 281		6
26	2033	5-A		AMD	PL 66		3	28-A	653	2-A		NEW	PL 281		7
26	3101-A			AMD	PL 343	WWW	1	28-A	708	7		AMD	PL 404		12
26	3501			NEW	PL 278		2	28-A	708-C			AMD	PL 404		13
26	3501			NEW	PL 347		1	28-A	709	1	A	AMD	PL 404		14
26	3502			NEW	PL 347		1	28-A	710	1		AMD	PL 404		15
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27	9			NEW	PL 15		1	28-A	714	3	A	AMD	PL 46		4
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27	110	4		AMD	PL 150		3	28-A	1011	1-A		NEW	PL 167		1
27	110	5		RP	PL 150		4	28-A	1012	6	C	AMD	PL 404		16
27	110	6		RP	PL 150		5	28-A	1012	6	E	AMD	PL 404		17
27	110	7		AMD	PL 150		6	28-A	1012	6	F	AMD	PL 404		17
27	110	9		RP	PL 150		7	28-A	1012	7		NEW	PL 281		8
27	110	9-A		NEW	PL 150		8	28-A	1051	3		AMD	PL 281		9
27	110	11		AMD	PL 150		9	28-A	1051	6		AMD	PL 404		18
27	111	1		RPR	PL 150		10	28-A	1051	8	D	AMD	PL 404		19
27	112	2		AMD	PL 150		11	28-A	1052-D	1		AMD	PL 404		20
27	113			AMD	PL 150		12	28-A	1052-D	4		AMD	PL 404		21
27	114			RP	PL 150		13	28-A	1052-D	6		AMD	PL 404		22
27	114-A			NEW	PL 150		14	28-A	1052-D	7	I	AMD	PL 404		23
27	115			AMD	PL 150		15	28-A	1052-D	7	K	AMD	PL 404		24
27	116	1	C	AMD	PL 150		16	28-A	1052-D	7	L	AMD	PL 404		25
27	117			AMD	PL 150		17	28-A	1071	3		AMD	PL 8		1
27	118			AMD	PL 150		18	28-A	1072	5		AMD	PL 44		1
27	267			AMD	PL 343	XX	1	28-A	1080			NEW	PL 281		10
27	375	2		AMD	PL 113	C	69	28-A	1201	3-B		NEW	PL 122		1
27	601	1		AMD	PL 498		17	28-A	1205			AMD	PL 79		2
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28-A	2	11-D		NEW	PL 281		1	28-A	1355-A	2	C	AMD	PL 168		2
28-A	2	13-B		NEW	PL 46		1	28-A	1355-A	3	A	AMD	PL 529		5
28-A	2	15	B	AMD	PL 281		2	28-A	1355-A	3	B	AMD	PL 529		5
28-A	2	15	D-2	NEW	PL 281		3	28-A	1355-A	3	D	NEW	PL 360		1
28-A	2	20-A		NEW	PL 281		4	28-A	1355-A	4	A	AMD	PL 529		6
28-A	2	29		AMD	PL 529		2	28-A	1355-A	4	B	AMD	PL 529		6
28-A	2	29-A		AMD	PL 404		1	28-A	1355-A	4	D	NEW	PL 360		2
28-A	2	29-B		AMD	PL 529		3	28-A	1355-A	5	G	AMD	PL 168		3
28-A	2	31		AMD	PL 404		2	28-A	1355-A	5	G	AMD	PL 404		26
28-A	6-A			NEW	PL 46		2	28-A	1355-A	5	H	AMD	PL 168		4
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28-A	221			NEW	PL 281		5	28-A	1457			AMD	PL 529		9
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28-B	102	37		AMD	PL 528		19	29-A	1254	1		AMD	PL 345		6
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28-B	205	4	A	AMD	PL 231	B	1	29-A	1304	4-A	G	AMD	PL 397		19
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28-B	501	9		AMD	PL 231	B	4	29-A	1352	2	G	NEW	PL 337		1
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29-A	101	35-B		NEW	PL 486		3	29-A	1402-A	5		AFF	PL 417	B	14
29-A	101	36		AMD	PL 349		2	29-A	1403			AFF	PL 417	B	14
29-A	101	41		AMD	PL 349		3	29-A	1404			AMD	PL 397		21
29-A	101	41-B		AMD	PL 349		4	29-A	1404-A			AMD	PL 397		22
29-A	101	42	C	AMD	PL 349		5	29-A	1405	3-A		AMD	PL 352		6
29-A	101	63-B		NEW	PL 345		2	29-A	1405	4		AMD	PL 397		23
29-A	101	80-B		NEW	PL 486		3	29-A	1406-A	2	A	AMD	PL 352		7
29-A	106			AMD	PL 397		1	29-A	1406-A	2	B	AMD	PL 352		7
29-A	115		last	AMD	PL 113	C	73	29-A	1406-A	2	C	AMD	PL 352		7
29-A	201	3	A	AMD	PL 255		1	29-A	1406-A	2	D	AMD	PL 352		7
29-A	409	2	A	AMD	PL 397		2	29-A	1410	2		AMD	PL 397		24
29-A	409	3		AMD	PL 397		3	29-A	1410-A			NEW	PL 506		1
29-A	453	3-A	E	AMD	PL 397		4	29-A	1551	11-A		AMD	PL 486		7
29-A	456-C	5		RP	PL 397		5	29-A	1677			RPR	PL 78		1
29-A	461			AMD	PL 352		1	29-A	1861		last	AMD	PL 299		1
29-A	462	8		RP	PL 397		6	29-A	1907	4		AMD	PL 170		1

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
29-A	1909-C				NEW PL 170		2	30-A	104				AMD PL 147		1
29-A	1919	3			AMD PL 31		1	30-A	183	1			AFF PL 417	B	14
29-A	1920	1	C		AMD PL 335		2	30-A	251	2			AMD PL 85		1
29-A	1920	1	D		AMD PL 335		2	30-A	371-B	3	E		AMD PL 33		1
29-A	1920	1	E		AMD PL 335		3	30-A	503	1	B		AMD PL 451		2
29-A	1920	1	F		NEW PL 335		4	30-A	900-B	2			AMD PL 23		1
29-A	2053	9			NEW PL 194		1	30-A	1556-A				NEW PL 76		1
29-A	2054	1	B		AMD PL 319		1	30-A	1557-B	4	B		AMD PL 113	C	76
29-A	2054	1	B		AMD PL 397		25	30-A	1557-B	4	C		AMD PL 113	C	77
29-A	2054	1	H-1		NEW PL 397		26	30-A	1565				NEW PL 139		1
29-A	2054	1	I		AMD PL 397		27	30-A	1605	1	G		AMD PL 113	C	78
29-A	2054	2	C		AMD PL 327		1	30-A	1605	5	D		AMD PL 113	C	79
29-A	2054	2	D		AMD PL 335		5	30-A	1606	2			AMD PL 113	C	80
29-A	2054	4			AMD PL 113	C	74	30-A	1654				AMD PL 126		3
29-A	2054	5	C		AMD PL 319		2	30-A	1659-A	2	E		AMD PL 113	C	81
29-A	2054	9			AMD PL 254		1	30-A	2102	3	B		AMD PL 149		1
29-A	2054	10			NEW PL 397		28	30-A	2102	5	A		AMD PL 149		2
29-A	2054	11			NEW PL 397		28	30-A	2501	4			NEW PL 58		1
29-A	2062	4	B		AMD PL 345		7	30-A	2528	6	C		AMD PL 58		2
29-A	2063	1			AMD PL 349		6	30-A	2528	8			AMD PL 64		4
29-A	2063	14			NEW PL 349		7	30-A	2531-B				RPR PL 288		1
29-A	2069				AMD PL 327		2	30-A	2532				AMD PL 288		2
29-A	2081				AMD PL 299		2	30-A	2702	1			AMD PL 451		3
29-A	2083	1			AMD PL 345		8	30-A	3008	3	F		NEW PL 308		1
29-A	2089-B				NEW PL 345		9	30-A	3008	5	B		AMD PL 245		1
29-A	2103	4	B		AMD PL 183		1	30-A	3008	5	C		AMD PL 245		1
29-A	2113	1-A			NEW PL 335		6	30-A	3008	5	D		AMD PL 245		2
29-A	2116				RP PL 486		8	30-A	3008	5	D-1		NEW PL 245		3
29-A	2117				AMD PL 318		1	30-A	3008	7			AMD PL 245		4
29-A	2119				AMD PL 486		9	30-A	3010		1st		AMD PL 245		5
29-A	2121				NEW PL 486		10	30-A	3010	5-A			NEW PL 245		6
29-A	2301	1-D			NEW PL 318		2	30-A	3010	5-B			NEW PL 245		6
29-A	2301	5-C			NEW PL 318		2	30-A	3010	5-C			NEW PL 245		6
29-A	2301	5-C			NEW PL 413		1	30-A	3106	1	A		AMD PL 498		19
29-A	2302				AMD PL 413		2	30-A	3501	1	C		AMD PL 242		1
29-A	2302	1	G		AMD PL 318		3	30-A	3501	1	D		AMD PL 242		1
29-A	2308	6			AMD PL 113	C	75	30-A	3501	1	E		NEW PL 242		2
29-A	2308	6			AMD PL 318		4	30-A	3501	4			NEW PL 242		3
29-A	2380	3-A			AMD PL 318		5	30-A	3502-A				NEW PL 242		4
29-A	2380	8	B		AMD PL 335		7	30-A	3503				RPR PL 242		5
29-A	2380	8	C		AMD PL 335		7	30-A	3504		1st		AMD PL 242		6
29-A	2380	8	D		NEW PL 335		8	30-A	3504	2			AMD PL 242		7
29-A	2382	5			AMD PL 335		9	30-A	3512	2			AMD PL 242		8
29-A	2412-A	3			AMD PL 113	B	18	30-A	3862	3			AMD PL 498		20
29-A	2412-A	3-A			NEW PL 113	B	19	30-A	3962	3			AFF PL 296		2
29-A	2431	2	A		AMD PL 368		1	30-A	3962	3			AMD PL 296		1
29-A	2431	2	C		AMD PL 368		2	30-A	3971	5			NEW PL 279		1
29-A	2458	2-A			AMD PL 467		1	30-A	3972	8			AMD PL 113	C	82
29-A	2524	2			AMD PL 368		3	30-A	4216	2			AFF PL 43		2
29-A	2524	4			AMD PL 368		4	30-A	4216	2			AMD PL 43		1
29-A	2524	5			AMD PL 368		5	30-A	4221	1			AMD PL 517		4
29-A	2524	6			AMD PL 368		6	30-A	4301	1-B			NEW PL 38		1
29-A	2528				AMD PL 189		1	30-A	4301	1-B			NEW PL 145		1
29-A	2528				AMD PL 368		7	30-A	4312	3	J		AMD PL 38		2
								30-A	4312	3	J		AMD PL 145		2
30-A	62	2			RP PL 371		40	30-A	4312	3	J		AMD PL 153		1
30-A	66-B	4			AFF PL 362		3	30-A	4312	3	K		AMD PL 38		3
30-A	66-B	4			RP PL 362		1	30-A	4312	3	K		AMD PL 145		3
30-A	66-B	4-A			AFF PL 362		3	30-A	4312	3	K		AMD PL 153		2
30-A	66-B	4-A			NEW PL 362		2	30-A	4312	3	L		NEW PL 38		4

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30-A	4312	3	L	NEW	PL 145		4	32	83	16-B		AMD	PL 370		12
30-A	4312	3	L	NEW	PL 153		3	32	83	21-B		NEW	PL 370		13
30-A	4326		1st	AMD	PL 153		4	32	84	1	C	AMD	PL 370		14
30-A	4326	1	H	AMD	PL 145		5	32	85	2		AMD	PL 370		15
30-A	4326	1	H-1	NEW	PL 38		5	32	85-A	1	B	AMD	PL 339		11
30-A	4326	3-A	G	AMD	PL 38		6	32	85-A	1	C	AMD	PL 339		12
30-A	4326	3-A	G	AMD	PL 145		6	32	85-A	1	G	NEW	PL 339		13
30-A	4326	3-A	J	AMD	PL 38		7	32	85-A	2-A		AMD	PL 339		14
30-A	4326	3-A	J	AMD	PL 145		7	32	88	1	A	AMD	PL 370		16
30-A	4326	3-A	K	AMD	PL 38		8	32	88	3	A	AMD	PL 370		17
30-A	4326	3-A	K	AMD	PL 145		8	32	93-A	1		AMD	PL 370		18
30-A	4326	3-A	L	NEW	PL 38		9	32	291-A	2		RP	PL 279		2
30-A	4326	3-A	L	NEW	PL 145		9	32	451	2-A		NEW	PL 187		1
30-A	4326	4-A		NEW	PL 153		5	32	561			NEW	PL 187		2
30-A	4362			NEW	PL 223		1	32	562			NEW	PL 187		2
30-A	4401	4	H-2	AMD	PL 174		1	32	563			NEW	PL 187		2
30-A	4402	6		AMD	PL 174		2	32	564			NEW	PL 187		2
30-A	4451			AMD	PL 517		5	32	1202-A	2	B	AMD	PL 261		1
30-A	4451	3		AMD	PL 40		1	32	1202-A	4	B	AMD	PL 503	B	1
30-A	4452	3	B	AMD	PL 40		2	32	1251	1-C		NEW	PL 375		1
30-A	4452	3	B-1	AMD	PL 40		3	32	1251	5		RP	PL 375		2
30-A	4452	3	F	AMD	PL 40		4	32	1254	2		AMD	PL 375		3
30-A	4452	7		AMD	PL 517		6	32	1255	1		RP	PL 375		4
30-A	4453		1st	AMD	PL 517		7	32	1255	2		RP	PL 375		5
30-A	4706	2	D	AMD	PL 313		1	32	1255	3		AMD	PL 375		6
30-A	4706	2	E	AMD	PL 313		2	32	1255	8		AMD	PL 375		7
30-A	4706	2	F	NEW	PL 313		3	32	1256		1st	AMD	PL 375		8
30-A	5222	14-A		NEW	PL 148		1	32	1306	3		AMD	PL 375		9
30-A	5224	2	H	RPR	PL 140		1	32	1309			AMD	PL 375		10
30-A	5225	1	B	AMD	PL 148		2	32	1352-A	1	B	AMD	PL 375		11
30-A	5225	1	C	AMD	PL 148		3	32	1352-A	1	D	AMD	PL 375		12
30-A	5225	1	C	AMD	PL 260		1	32	1352-A	1	E	AMD	PL 375		12
30-A	5225	2		AMD	PL 148		4	32	1352-A	2	A	AMD	PL 375		13
30-A	5250-I	8		AMD	PL 401	C	2	32	1352-A	2	C	AMD	PL 375		14
30-A	5250-I	11-B		NEW	PL 401	C	3	32	1352-A	2	D	AMD	PL 375		15
30-A	5250-O		1st	AMD	PL 343	III	8	32	1354			AMD	PL 375		16
30-A	5250-P	2		AMD	PL 305		1	32	1356		last	AMD	PL 375		17
30-A	5401	7	B	AMD	PL 108		1	32	1361		2nd	AMD	PL 375		18
30-A	5402	1-A		NEW	PL 108		2	32	1362			AMD	PL 375		19
30-A	5403	13		AMD	PL 108		3	32	1405		2nd	AMD	PL 87		3
30-A	5403	14		AMD	PL 108		4	32	1501-B			RP	PL 101		1
30-A	5403	15		NEW	PL 108		5	32	1501-C			NEW	PL 101		2
30-A	5413			AMD	PL 108		6	32	1506	2		AMD	PL 101		3
30-A	5681	5		AMD	PL 343	H	1	32	1506	3		AMD	PL 101		3
30-A	5772	2-A		AMD	PL 371		41	32	1521	1		RP	PL 284		3
30-A	5903	6-A		AMD	PL 343	D	14	32	1521	1-B		NEW	PL 284		4
30-A	5903	6-A		AMD	PL 343	III	9	32	1521	1-C		NEW	PL 284		4
30-A	5953-C	3		AMD	PL 398		41	32	1521	1-D		NEW	PL 284		4
30-A	6006-F	3	A	AMD	PL 158		2	32	1521	3-A		NEW	PL 284		5
30-A	6006-F	3	A	AMD	PL 343	ZZZZ	1	32	1521	6		AMD	PL 284		6
30-A	6006-H	1	A	AMD	PL 423		1	32	1521	7		NEW	PL 284		7
30-A	6054	5	A	RPR	PL 423		2	32	1522			AMD	PL 284		8
30-A	7006	1	B	AMD	PL 18		1	32	1524			RP	PL 284		9
30-A	7051	11		AMD	PL 138		1	32	1524-A			RP	PL 284		10
								32	1524-B			AMD	PL 284		11
32	59-C			NEW	PL 165		4	32	1524-C			NEW	PL 284		12
32	83	1		AMD	PL 370		8	32	1525			AMD	PL 284		13
32	83	6		AMD	PL 370		9	32	1525-A	1		AMD	PL 284		14
32	83	7		RP	PL 370		10	32	1527			AMD	PL 284		15
32	83	13-A		RP	PL 370		11	32	1528			AMD	PL 284		16

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32	1528-A			AMD	PL 284		17	32	4179			AMD	PL 315		2
32	1531			RP	PL 284		18	32	4691	2		AMD	PL 59		4
32	1731			AMD	PL 277		1	32	4901			AMD	PL 285		4
32	1732			AMD	PL 277		2	32	4902			AMD	PL 285		5
32	1733			AMD	PL 277		3	32	4904			AMD	PL 285		6
32	1734			AMD	PL 277		4	32	4906			AMD	PL 285		7
32	1735	3		NEW	PL 277		5	32	4906-A			AMD	PL 285		8
32	1737			RPR	PL 277		6	32	4907		1st	AMD	PL 285		9
32	1739			RP	PL 277		7	32	4908	4		AMD	PL 285		10
32	1741			NEW	PL 277		8	32	4909			AMD	PL 285		11
32	1742			NEW	PL 277		8	32	4914			RP	PL 285		12
32	1743			NEW	PL 277		8	32	4918			AMD	PL 285		13
32	1744			NEW	PL 277		8	32	6207-C			NEW	PL 317		4
32	1745			NEW	PL 277		8	32	6212	12		AMD	PL 83		1
32	1746			NEW	PL 277		8	32	6214-E			NEW	PL 83		2
32	1747			NEW	PL 277		8	32	6217-B	1		AMD	PL 165		20
32	2105-A	2	I	AMD	PL 165		5	32	6217-B	2		AMD	PL 165		21
32	2105-A	2	J	AMD	PL 165		6	32	6217-B	3		NEW	PL 165		22
32	2105-A	2	K	NEW	PL 165		7	32	6223			NEW	PL 165		23
32	2109-A			NEW	PL 499		1	32	7006			NEW	PL 165		24
32	2112			NEW	PL 165		8	32	7006			NEW	PL 317		5
32	2271			RP	PL 287		1	32	7059-A	1		AMD	PL 165		25
32	2272	4		AMD	PL 287		2	32	7059-A	2		AMD	PL 165		25
32	2272	5		RP	PL 287		3	32	7059-A	3		NEW	PL 165		26
32	2272	8		RP	PL 287		4	32	9405	1-A	F	AFF	PL 417	B	14
32	2272	8-A		NEW	PL 287		5	32	9405	1-A	F	RPR	PL 417	A	108
32	2272	9		AMD	PL 287		6	32	9410-A	1	J	AFF	PL 417	B	14
32	2272	12-A		RP	PL 287		7	32	9751			RP	PL 252	B	1
32	2272	12-B		NEW	PL 287		8	32	9752			RP	PL 252	B	1
32	2272	12-C		NEW	PL 287		8	32	9753			RP	PL 252	B	1
32	2272	14		AMD	PL 287		9	32	9754			RP	PL 252	B	1
32	2276	1-A		AMD	PL 287		10	32	11014	2-A		NEW	PL 407		5
32	2279	1		RP	PL 287		11	32	11304	1		AMD	PL 113	C	83
32	2281			AMD	PL 287		12	32	12501	1-B		NEW	PL 269		1
32	2282			RP	PL 287		13	32	12501	6-K		NEW	PL 269		
32	2283	3		RP	PL 287		14	32	12551			NEW	PL 269		
32	2284	2		RP	PL 287		15	32	12552			NEW	PL 269		
32	2285			AMD	PL 287		16	32	12553			NEW	PL 269		
32	2591-A	2	N	AMD	PL 165		9	32	12554			NEW	PL 269		
32	2591-A	2	O	AMD	PL 165		10	32	12601			NEW	PL 265		1
32	2591-A	2	P	NEW	PL 165		11	32	12602			NEW	PL 265		1
32	2595			AMD	PL 236		10	32	13702-A	1-A		NEW	PL 34		1
32	2600-D			NEW	PL 165		12	32	13702-A	14-A		NEW	PL 34		2
32	2600-D			NEW	PL 317		1	32	13702-A	31-A		NEW	PL 34		3
32	2600-E			NEW	PL 499		2	32	13731	3		AMD	PL 113	C	84
32	3114-A	1	A	RP	PL 503	C	1	32	13742-A	1	D	AMD	PL 165		27
32	3282-A	2	R	AMD	PL 165		13	32	13742-A	1	E	AMD	PL 165		28
32	3282-A	2	S	AMD	PL 165		14	32	13742-A	1	F	NEW	PL 165		29
32	3282-A	2	T	NEW	PL 165		15	32	13751	2		AMD	PL 454		1
32	3292			AMD	PL 236		11	32	13781			AMD	PL 34		4
32	3300-G			NEW	PL 165		16	32	13792			RPR	PL 454		2
32	3300-G			NEW	PL 317		2	32	13794		1st	AMD	PL 34		5
32	3300-H			NEW	PL 499		3	32	13800-B			NEW	PL 165		30
32	3820			NEW	PL 317		3	32	13861-A	1	B	AMD	PL 165		31
32	3837-A	1	E	AMD	PL 165		17	32	13861-A	1	C	AMD	PL 165		31
32	3837-A	1	F	AMD	PL 165		17	32	13861-A	1	D	NEW	PL 165		32
32	3837-A	1	G	NEW	PL 165		18	32	13866			NEW	PL 165		33
32	3837-B			NEW	PL 165		19	32	13866			NEW	PL 317		6
32	4174		2nd	AMD	PL 315		1	32	14035	2		AMD	PL 503	D	1
32	4174		3rd	AMD	PL 315		1	32	14036	2		AMD	PL 503	D	2

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32	14037	2			AMD PL 503	D	3	32	16804				NEW PL 17		1
32	14043	1	A		AMD PL 501		14	32	16805				NEW PL 17		1
32	14049-D	2			AMD PL 501		15	32	16806				NEW PL 17		1
32	14202	3-A			RP PL 373		1	32	16807				NEW PL 17		1
32	14202	5			AMD PL 373		2	32	16808				NEW PL 17		1
32	14202	5-A			RP PL 373		3	32	17101	16			AMD PL 503	E	1
32	14202	6			AMD PL 373		4	32	17103	6			AMD PL 503	E	2
32	14202	8			RP PL 373		5	32	17301	5			AMD PL 503	E	3
32	14202	8-A			NEW PL 373		6	32	17307	1			AMD PL 165		34
32	14202	9	D		AMD PL 373		7	32	17307	2			AMD PL 165		34
32	14202	9-A			NEW PL 373		8	32	17307	3			NEW PL 165		35
32	14202	10-A			AMD PL 373		9	32	17308		1st		AMD PL 503	E	4
32	14202	11			RPR PL 373		10	32	17311				NEW PL 165		36
32	14202	13			RPR PL 373		11	32	18302	5			AMD PL 388		5
32	14203	1-A			NEW PL 373		12	32	18302	7			AMD PL 388		5
32	14203	2			AMD PL 373		13	32	18302	8			AMD PL 388		5
32	14203	3			RP PL 373		14	32	18302	29			AMD PL 388		6
32	14204		1st		AMD PL 373		15	32	18323	3			AMD PL 92		1
32	14205	1			AMD PL 373		16	32	18345	2	C		AMD PL 388		7
32	14212-A	2	A		AMD PL 373		17	32	18345	2	F		AMD PL 388		7
32	14212-A	2	C		AMD PL 373		18	32	18351		last		AMD PL 388		8
32	14224	1			AMD PL 373		19	32	18371	5			AMD PL 388		9
32	14224	2			RPR PL 373		20	32	18377				AMD PL 388		10
32	14224	2-B			AMD PL 373		21								
32	14224	2-C			AMD PL 373		22	33	101				AFF PL 417	B	14
32	14224	2-D			RP PL 373		23	33	101-A				AFF PL 417	B	14
32	14224	2-E			NEW PL 373		24	33	102				AFF PL 417	B	14
32	14224	3			AMD PL 373		25	33	103				AFF PL 417	B	14
32	14224	4			AMD PL 373		26	33	104				AFF PL 417	B	14
32	14225				AMD PL 373		27	33	105				AFF PL 417	B	14
32	14226	1			RP PL 373		28	33	106				AFF PL 417	B	14
32	14226	2			RP PL 373		28	33	111				AFF PL 417	B	14
32	14226-A				NEW PL 373		29	33	112				AFF PL 417	B	14
32	14227				RP PL 373		30	33	113				AFF PL 417	B	14
32	14227-A				AMD PL 373		31	33	114				AFF PL 417	B	14
32	14228	1			RP PL 373		32	33	115				AFF PL 417	B	14
32	14228	2			RP PL 373		32	33	116				AFF PL 417	B	14
32	14229	1			RP PL 373		33	33	117				AFF PL 417	B	14
32	14229	2			RP PL 373		33	33	118				AFF PL 417	B	14
32	14229-A				AMD PL 373		34	33	173	2-A	E		AMD PL 37		1
32	14230				AMD PL 373		35	33	173	2-A	F		AMD PL 37		1
32	14231		1st		AMD PL 373		36	33	173	2-A	G		NEW PL 37		2
32	14232	2			AMD PL 373		37	33	173	4	C		AMD PL 234		1
32	14232	3-A			NEW PL 373		38	33	173	4	D		AMD PL 234		2
32	14232	4			AMD PL 373		39	33	173	4	E		NEW PL 234		3
32	14233		2nd		AMD PL 373		40	33	193	1			RP PL 142		1
32	14234				RP PL 373		41	33	193	2			RP PL 142		1
32	14235		1st		AMD PL 373		42	33	193	3			NEW PL 142		2
32	14236-A	1			AMD PL 373		43	33	480	1			AFF PL 417	B	14
32	14246	4			NEW PL 373		44	33	652				AMD PL 439		1
32	14248				AMD PL 373		45	33	1021	6			AFF PL 417	B	14
32	14250				RP PL 373		46	33	1052				RP PL 437		7
32	15223	4			AMD PL 113	C	85	33	1053				AMD PL 437		8
32	15223	5			AMD PL 113	C	86	33	1054				AMD PL 437		9
32	16202	12			AFF PL 417	B	14	33	1055				RP PL 437		10
32	16202	26			AMD PL 252	A	1	33	1057				RP PL 437		11
32	16302	3	C		AMD PL 252	A	2	33	1058				AMD PL 437		12
32	16801				NEW PL 17		1	33	1059				RP PL 437		13
32	16802				NEW PL 17		1	33	1060				RP PL 437		13
32	16803				NEW PL 17		1	33	1602-103 (b)				AFF PL 417	B	14

**CROSS-REFERENCE TABLE I**

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
33	1603-116 (b)			AFF	PL 417	B	14	33	2081			NEW	PL 498		22
33	1603-116 (e)			AMD	PL 3		1	33	2082			NEW	PL 498		22
33	1652	15		AMD	PL 501		16	33	2083			NEW	PL 498		22
33	1669	1		AFF	PL 417	B	14	33	2084			NEW	PL 498		22
33	1951			RP	PL 498		21	33	2085			NEW	PL 498		22
33	1952			RP	PL 498		21	33	2086			NEW	PL 498		22
33	1952	7-A		NEW	PL 496		1	33	2087			NEW	PL 498		22
33	1952	7-B		NEW	PL 496		1	33	2091			NEW	PL 498		22
33	1952	13	F	AMD	PL 496		2	33	2092			NEW	PL 498		22
33	1952	13	G	AMD	PL 496		2	33	2093			NEW	PL 498		22
33	1952	13	H	NEW	PL 496		3	33	2094			NEW	PL 498		22
33	1953			RP	PL 498		21	33	2095			NEW	PL 498		22
33	1953	1	O	AMD	PL 496		4	33	2101			NEW	PL 498		22
33	1954			RP	PL 498		21	33	2102			NEW	PL 498		22
33	1954-A			RP	PL 498		21	33	2103			NEW	PL 498		22
33	1954-B			RP	PL 498		21	33	2104			NEW	PL 498		22
33	1955			RP	PL 498		21	33	2111			NEW	PL 498		22
33	1956			RP	PL 498		21	33	2112			NEW	PL 498		22
33	1957			RP	PL 498		21	33	2113			NEW	PL 498		22
33	1958			RP	PL 498		21	33	2114			NEW	PL 498		22
33	1959			RP	PL 498		21	33	2115			NEW	PL 498		22
33	1959	5		NEW	PL 496		5	33	2116			NEW	PL 498		22
33	1960			RP	PL 498		21	33	2117			NEW	PL 498		22
33	1961			RP	PL 498		21	33	2118			NEW	PL 498		22
33	1962			RP	PL 498		21	33	2119			NEW	PL 498		22
33	1963			RP	PL 498		21	33	2120			NEW	PL 498		22
33	1964			RP	PL 498		21	33	2131			NEW	PL 498		22
33	1965			RP	PL 498		21	33	2132			NEW	PL 498		22
33	1966			RP	PL 498		21	33	2133			NEW	PL 498		22
33	1967			RP	PL 498		21	33	2134			NEW	PL 498		22
33	1968			RP	PL 498		21	33	2135			NEW	PL 498		22
33	1969			RP	PL 498		21	33	2141			NEW	PL 498		22
33	1970			RP	PL 498		21	33	2142			NEW	PL 498		22
33	1971			RP	PL 498		21	33	2143			NEW	PL 498		22
33	1972			RP	PL 498		21	33	2144			NEW	PL 498		22
33	1973			RP	PL 498		21	33	2151			NEW	PL 498		22
33	1974			RP	PL 498		21	33	2152			NEW	PL 498		22
33	1975			RP	PL 498		21	33	2153			NEW	PL 498		22
33	1976			RP	PL 498		21	33	2154			NEW	PL 498		22
33	1977			RP	PL 498		21	33	2155			NEW	PL 498		22
33	1978			RP	PL 498		21	33	2156			NEW	PL 498		22
33	1979			AMD	PL 496		6	33	2161			NEW	PL 498		22
33	1979			RP	PL 498		21	33	2162			NEW	PL 498		22
33	1980			RP	PL 498		21	33	2163			NEW	PL 498		22
33	2051			NEW	PL 498		22	33	2164			NEW	PL 498		22
33	2052			NEW	PL 498		22	33	2165			NEW	PL 498		22
33	2053			NEW	PL 498		22	33	2166			NEW	PL 498		22
33	2054			NEW	PL 498		22	33	2167			NEW	PL 498		22
33	2061			NEW	PL 498		22	33	2168			NEW	PL 498		22
33	2062			NEW	PL 498		22	33	2169			NEW	PL 498		22
33	2063			NEW	PL 498		22	33	2170			NEW	PL 498		22
33	2064			NEW	PL 498		22	33	2181			NEW	PL 498		22
33	2065			NEW	PL 498		22	33	2182			NEW	PL 498		22
33	2066			NEW	PL 498		22	33	2183			NEW	PL 498		22
33	2067			NEW	PL 498		22	33	2184			NEW	PL 498		22
33	2068			NEW	PL 498		22	33	2191			NEW	PL 498		22
33	2069			NEW	PL 498		22	33	2192			NEW	PL 498		22
33	2070			NEW	PL 498		22	33	2193			NEW	PL 498		22
33	2071			NEW	PL 498		22	33	2194			NEW	PL 498		22
33	2072			NEW	PL 498		22	33	2195			NEW	PL 498		22

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
33	2196			NEW	PL 498		22	34-B	3873-A	5	A-1	AFF	PL 411	D	3
33	2201			NEW	PL 498		22	34-B	3873-A	5	A-1	NEW	PL 411	B	1
33	2211			NEW	PL 498		22	34-B	3873-A	7-A		AFF	PL 411	D	3
33	2212			NEW	PL 498		22	34-B	3873-A	7-A		NEW	PL 411	B	2
33	2213			NEW	PL 498		22	34-B	3873-A	7-B		AFF	PL 411	D	3
33	2214			NEW	PL 498		22	34-B	3873-A	7-B		NEW	PL 411	B	2
33	2215			NEW	PL 498		22	34-B	5001	4	B	AFF	PL 417	B	14
33	2216			NEW	PL 498		22	34-B	5001	7		AFF	PL 417	B	14
33	2221			NEW	PL 498		22	34-B	5206	8		NEW	PL 290		1
33	2222			NEW	PL 498		22	34-B	15001	3	C	AMD	PL 343	DDD	1
33	2223			NEW	PL 498		22	34-B	15001	4		RP	PL 343	DDD	2
								34-B	15002	7		AMD	PL 343	DDD	3
34-A	1214-A	3		AFF	PL 417	B	14	34-B	15003	1		AMD	PL 343	DDD	4
34-A	3031	7		AMD	PL 139		2	34-B	15003	2	A	AMD	PL 343	DDD	5
34-A	3031	8		AMD	PL 139		2	34-B	15003	7		AMD	PL 343	DDD	6
34-A	3031	9		NEW	PL 139		3	34-B	15003	9		AMD	PL 343	DDD	7
34-A	3032	4		AMD	PL 113	C	87	34-B	15003	10	D	AMD	PL 343	DDD	8
34-A	3035		1st	AMD	PL 113	C	88	34-B	15004			RP	PL 343	DDD	9
34-A	3035	4	B	AMD	PL 113	C	89	34-B	15011			NEW	PL 481		1
34-A	3035	5		AMD	PL 113	C	90								
34-A	3036-A	2	B	AMD	PL 113	C	91	35-A	102	1-A		NEW	PL 205		1
34-A	3036-A	2	C	AMD	PL 113	C	92	35-A	102	13		AMD	PL 298		1
34-A	3036-A	2	C-1	AMD	PL 113	C	93	35-A	102	20-B		AMD	PL 205		2
34-A	3036-A	4	A	AMD	PL 113	C	94	35-A	113	5		NEW	PL 251		1
34-A	3036-A	9		AMD	PL 113	C	95	35-A	116	8	B	AMD	PL 226		1
34-A	3036-B			NEW	PL 396		1	35-A	116	9		NEW	PL 298		2
34-A	3040			AMD	PL 498		23	35-A	708	1-A		NEW	PL 353		1
34-A	3040-A	1		AFF	PL 417	B	14	35-A	708	2		AMD	PL 353		2
34-A	3040-A	4		AFF	PL 417	B	14	35-A	716			NEW	PL 26		1
34-A	3042	3	C	AMD	PL 113	C	96	35-A	1318	1		AMD	PL 26		2
34-A	3047	2		AMD	PL 113	C	97	35-A	1320	7		AMD	PL 475		51
34-A	3061	1		AMD	PL 113	C	98	35-A	1701	2-A		NEW	PL 298		3
34-A	3061	2	B	AMD	PL 113	C	99	35-A	1701	3		AMD	PL 226		2
34-A	3063-C	4	B	AMD	PL 113	C	100	35-A	1701	3	F	AMD	PL 298		4
34-A	3063-C	4	C	AMD	PL 113	C	100	35-A	1702	5		AMD	PL 71		1
34-A	3802	1	I	AMD	PL 113	C	101	35-A	1702	6		AMD	PL 164		1
34-A	3809-A	2		AMD	PL 155		1	35-A	2102	5		NEW	PL 205		3
34-A	3902			AMD	PL 343	LLLL	1	35-A	2524			NEW	PL 127		1
34-A	3903			RPR	PL 343	LLLL	2	35-A	3106			NEW	PL 81		1
34-A	3904	2		AMD	PL 343	LLLL	3	35-A	3106			NEW	PL 88		1
34-A	3905			AMD	PL 343	LLLL	4	35-A	3106			NEW	PL 104		1
34-A	4111	2		AMD	PL 155		2	35-A	3131	4-C		NEW	PL 298		5
34-A	5001	6		AMD	PL 113	C	102	35-A	3131	4-D		NEW	PL 298		5
34-A	5211	2		AMD	PL 113	C	103	35-A	3131	8		NEW	PL 298		6
34-A	9603	1		AMD	PL 113	C	104	35-A	3132	1-B		AMD	PL 205		4
34-A	9604	2		AMD	PL 113	C	105	35-A	3132	2-D		AMD	PL 298		7
34-A	9605	6		AMD	PL 113	C	106	35-A	3132	3		AMD	PL 298		8
34-A	11273	3		AMD	PL 113	C	107	35-A	3132	3-A		AMD	PL 298		9
								35-A	3132	5		AMD	PL 298		10
34-B	1203-A	7	B	AMD	PL 113	C	108	35-A	3132	6		AMD	PL 298		11
34-B	1220	1	A	AMD	PL 113	C	109	35-A	3132	10-A		AMD	PL 177		1
34-B	1220	1	C	AMD	PL 113	C	110	35-A	3132-A			AMD	PL 298		12
34-B	1434			AMD	PL 498		24	35-A	3132-B			NEW	PL 298		13
34-B	3831	6		AFF	PL 417	B	14	35-A	3132-C			NEW	PL 298		14
34-B	3861	3	A	AFF	PL 417	B	14	35-A	3132-D			NEW	PL 298		15
34-B	3862	1	B	AFF	PL 411	D	3	35-A	3143	1		AMD	PL 298		16
34-B	3862	1	B	AMD	PL 411	C	5	35-A	3143	2	D	AMD	PL 298		17
34-B	3862	1	B	AFF	PL 417	B	14	35-A	3143	2	E	AMD	PL 298		17
34-B	3862-A			AFF	PL 411	D	3	35-A	3143	2	F	NEW	PL 298		18
34-B	3862-A			NEW	PL 411	A	1	35-A	3143	5		RP	PL 298		19

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
35-A	3143	10			AMD PL 298		20	35-A	10110	2	A		AMD PL 365		3
35-A	3144				NEW PL 120		1	35-A	10110	4-A			AMD PL 313		8
35-A	3201	5			AMD PL 205		5	35-A	10110	4-A	A		AMD PL 306		5
35-A	3201	6			AMD PL 311		1	35-A	10111	1			AMD PL 313		9
35-A	3201	11-A			NEW PL 478	A	1	35-A	10111	2			AMD PL 313		10
35-A	3201	13-A			NEW PL 478	A	2	35-A	10119				AMD PL 306		6
35-A	3209-A				AMD PL 16		1	35-A	10120	1			AMD PL 313		11
35-A	3209-A				AMD PL 478	A	3	35-A	10120	4			NEW PL 313		12
35-A	3209-B				NEW PL 478	A	4	35-A	10123		2nd		NEW PL 347		2
35-A	3210				AMD PL 477		1	35-A	10124				NEW PL 169		1
35-A	3210-C	3			AMD PL 476		2	35-A	10124				NEW PL 258		1
35-A	3210-G				NEW PL 477		2	35-A	10124				NEW PL 347		3
35-A	3217	4			NEW PL 205		6	35-A	10125				NEW PL 258		1
35-A	3402	1	A		AMD PL 476		3								
35-A	3454		1st		AMD PL 343	D	15	36	111	1-A			AMD PL 233		1
35-A	3454		1st		AMD PL 343	III	10	36	112-A	4			AMD PL 113	C	111
35-A	3454	5			AMD PL 343	D	16	36	172	1			AMD PL 231	A	2
35-A	3481				NEW PL 478	B	1	36	172	2			AMD PL 231	A	3
35-A	3482				NEW PL 478	B	1	36	172	3			NEW PL 231	A	4
35-A	3483				NEW PL 478	B	1	36	191	2	Z		AMD PL 498		25
35-A	3484				NEW PL 478	B	1	36	191	2	EE		AMD PL 401	B	1
35-A	3485				NEW PL 478	B	1	36	191	2	VV	RP	PL 379	C	1
35-A	3486				NEW PL 478	B	1	36	191	2	WW	RP	PL 401	C	4
35-A	3487				NEW PL 478	B	1	36	191	2	HHH		NEW PL 386		1
35-A	3488				NEW PL 478	B	1	36	191	2	HHH		NEW PL 401	E	1
35-A	3501	1			AMD PL 311		2	36	191	2	III		NEW PL 386		1
35-A	4355	1			AFF PL 417	B	14	36	192	2			AMD PL 401	A	
35-A	4391	5			AFF PL 417	B	14	36	194-B				RP PL 343	G	11
35-A	4392	3			AFF PL 417	B	14	36	194-C				RP PL 343	G	12
35-A	6101	1-A			RPR PL 311		3	36	194-D				NEW PL 343	G	13
35-A	7104	5			AMD PL 343	UUU	4	36	208				AMD PL 379	A	1
35-A	7104	9			NEW PL 15		2	36	208				AMD PL 401	A	2
35-A	7104-B	4	B		AMD PL 52		1	36	209				NEW PL 401	A	3
35-A	7104-B	5	G		AMD PL 52		2	36	271	2	A		AMD PL 401	A	4
35-A	7104-B	5	H		AMD PL 52		3	36	272	1			AMD PL 401	A	5
35-A	7104-B	5	I		NEW PL 52		4	36	272-A				NEW PL 401	A	6
35-A	9202	1			AMD PL 343	QQ	1	36	381				AMD PL 379	A	2
35-A	9203	7			NEW PL 343	QQ	2	36	384				AMD PL 501		17
35-A	9204-A	3			AMD PL 343	QQ	3	36	506-A				AMD PL 379	A	3
35-A	9204-A	5			AMD PL 343	QQ	4	36	555				AMD PL 401	A	7
35-A	9205	3			AMD PL 2		1	36	556				AMD PL 501		18
35-A	9211	2-A			NEW PL 343	SSSS	3	36	606				AFF PL 417	B	14
35-A	9211	3			AMD PL 343	SSSS	4	36	652	1	C		AMD PL 501		19
35-A	9211-A	4	B		AMD PL 343	QQ	5	36	653	1	C		AMD PL 501		20
35-A	9211-A	7			AMD PL 343	QQ	6	36	653	1	D-1		AMD PL 501		21
35-A	9301				AFF PL 216		2	36	654-A	1			AMD PL 401	A	8
35-A	9301				NEW PL 216		1	36	654-A	4			RP PL 401	A	9
35-A	10102	3-A			NEW PL 365		1	36	655	1	S		AMD PL 440		1
35-A	10103	4			AMD PL 306		2	36	655	1	T		AMD PL 440		2
35-A	10104	3			AMD PL 313		4	36	655	1	U		NEW PL 440		3
35-A	10104	4			AMD PL 313		5	36	656	1	K		NEW PL 440		4
35-A	10104	4	F		AMD PL 476		4	36	683	1-B			AMD PL 343	H	2
35-A	10104	4	G		NEW PL 298		21	36	683	3			AMD PL 343	H	3
35-A	10104	5	D		AMD PL 313		6	36	683	4			AMD PL 343	H	3
35-A	10104	6			AMD PL 313		7	36	685	2			AMD PL 343	H	4
35-A	10104	8			AMD PL 306		3	36	691	1	A		AMD PL 379	A	4
35-A	10104	9			AMD PL 298		22	36	843	4			AMD PL 379	A	5
35-A	10109	4	A		AMD PL 69		1	36	942		4th		AMD PL 501		22
35-A	10110	1	C		AMD PL 306		4	36	943		7th		AMD PL 501		23
35-A	10110	1	C		AMD PL 365		2	36	943-C		1st		AMD PL 401	A	10

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
36	1104				AMD PL 501		24	36	1951-B				RP PL 441		7
36	1112		3rd		AMD PL 379 A		6	36	1951-C				NEW PL 441		8
36	1232				AMD PL 401 A		11	36	2013	1	A		AMD PL 7		1
36	1281				AMD PL 401 A		12	36	2013	1	C		AMD PL 7		2
36	1282		7th		AMD PL 501		25	36	2016	2			RPR PL 440		8
36	1284				AMD PL 501		26	36	2892				AMD PL 343	EEE	1
36	1285				AMD PL 379 A		7	36	2903	1			AMD PL 379	B	7
36	1481	1	B		RP PL 401 A		13	36	2903-D				AMD PL 501		29
36	1481	1-A	A		AMD PL 401 A		14	36	2903-D	2	A		AMD PL 452		14
36	1481	3			AMD PL 430		1	36	3203	1-B			AMD PL 379	B	8
36	1482	3			AMD PL 401 A		15	36	3208		1st		AMD PL 379	B	9
36	1482	5			AMD PL 401 A		16	36	4079				AFF PL 417	B	14
36	1503	4-A			RP PL 501		27	36	4118				AFF PL 417	B	14
36	1602	5			NEW PL 401 A		17	36	4303		1st		AFF PL 222		7
36	1752	3-B	F		AMD PL 231 A		5	36	4303		1st		AMD PL 222		1
36	1752	3-B	G		AMD PL 231 A		5	36	4307				AFF PL 222		7
36	1752	3-B	H		NEW PL 231 A		6	36	4307				AMD PL 222		2
36	1752	6-E			NEW PL 231 A		7	36	4308				AFF PL 222		7
36	1752	6-E			NEW PL 441		1	36	4308				AMD PL 222		3
36	1752	6-F			NEW PL 231 A		8	36	4312		2nd		AMD PL 186		1
36	1752	6-F			NEW PL 441		1	36	4312-C	1	D		NEW PL 186		2
36	1752	6-G			NEW PL 441		1	36	4312-C	2			AMD PL 186		3
36	1752	7-F			NEW PL 401 B		2	36	4312-C	3			RPR PL 186		4
36	1752	9-G			NEW PL 231 A		9	36	4312-C	4			AMD PL 186		5
36	1752	10			AMD PL 401 B		3	36	4316	1			AFF PL 222		7
36	1752	11	B		AMD PL 401 B		4	36	4316	1			AMD PL 222		4
36	1752	14	A		AMD PL 401 B		5	36	4316	2-A			AFF PL 222		7
36	1752	14	B		RPR PL 501		28	36	4316	2-A			NEW PL 222		5
36	1752	15			RP PL 379 B		1	36	4316	4			AFF PL 222		7
36	1752	16			RP PL 379 B		2	36	4316	4			AMD PL 222		6
36	1752	19-A			AMD PL 401 B		6	36	4362-A	1			AMD PL 379	B	10
36	1752	21			AMD PL 379 B		3	36	4362-A	3			RP PL 379	B	11
36	1752	22			AMD PL 401 B		7	36	4362-A	5			AMD PL 379	B	12
36	1754-A				RP PL 401 B		8	36	4366-A	4-A			RP PL 379	B	13
36	1754-B	1			RP PL 401 B		9	36	4366-A	4-B			AMD PL 379	B	14
36	1754-B	1			RP PL 441		2	36	4401	2-A			AFF PL 530	A	7
36	1754-B	1-A			AMD PL 401 B		10	36	4401	2-A			NEW PL 530	A	1
36	1754-B	1-A			AMD PL 441		3	36	4401	2-B			AFF PL 530	A	7
36	1754-B	1-B			NEW PL 401 B		11	36	4401	2-B			NEW PL 530	A	1
36	1754-B	1-B			NEW PL 441		4	36	4401	7-A			AFF PL 530	A	7
36	1754-B	1-C			NEW PL 401 B		11	36	4401	7-A			NEW PL 530	A	1
36	1754-B	1-C			NEW PL 441		4	36	4401	9			AFF PL 530	A	7
36	1754-B	2-B			AMD PL 401 B		12	36	4401	9			AMD PL 530	A	2
36	1754-B	2-C			AMD PL 401 B		13	36	4402	1			AMD PL 379	B	15
36	1759				AMD PL 401 B		14	36	4402	3			RP PL 379	B	16
36	1759				AMD PL 441		5	36	4402	5			AMD PL 379	B	17
36	1760		1st		AMD PL 379 B		4	36	4402	6			AMD PL 379	B	18
36	1760	26-A			NEW PL 343 YYYY		1	36	4402	7			AMD PL 379	B	18
36	1760	50			RPR PL 379 B		5	36	4403	1			AMD PL 530	A	3
36	1760	93			AMD PL 526		1	36	4403	2			AMD PL 530	A	4
36	1760	94			AMD PL 401 B		15	36	4403	5			NEW PL 530	A	5
36	1811				RPR PL 401 B		16	36	4404		2nd		RP PL 379	B	19
36	1811		1st		AMD PL 231 A		10	36	4404		3rd		AMD PL 379	B	20
36	1811-B				AMD PL 401 B		17	36	4602	3	A		AMD PL 6		1
36	1819				NEW PL 401 B		18	36	4602	3	B		AMD PL 6		1
36	1861				AMD PL 379 B		6	36	4602	3	C		AMD PL 6		1
36	1861-A				AMD PL 441		6	36	4602	3	D		RP PL 6		2
36	1863				RP PL 401 B		19	36	4602	3	E		RP PL 6		3
36	1864				AMD PL 401 B		20	36	4603	2	A		AMD PL 6		4
36	1951-B				RP PL 401 B		21	36	4603	2	B		AMD PL 6		4

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36	4603	2	C	AMD	PL 6		4	36	5283-A	1		AMD	PL 433		2
36	4603	3	A	AMD	PL 6		5	36	5292			NEW	PL 433		3
36	4603	3	B	AMD	PL 6		5	36	5403	6		AMD	PL 379	C	5
36	4603	3	C	AMD	PL 6		5	36	6232		1st	AMD	PL 159		1
36	4603	3	D	AMD	PL 6		6	36	6232	1		AMD	PL 159		2
36	4603	5		AMD	PL 6		7	36	6232	1-A		AMD	PL 36		1
36	4604	2		AMD	PL 6		8	36	6652	1-C	C	AMD	PL 379	A	8
36	4641	3		AMD	PL 401	A	18	36	6756		2nd	RP	PL 343	III	11
36	4641-C	11		AFF	PL 417	B	14								
36	4641-C	19		AFF	PL 417	B	14	37-B	108			AMD	PL 341		3
36	4641-C	20		AFF	PL 417	B	14	37-B	112			AMD	PL 341		4
36	4641-C	21		AFF	PL 417	B	14	37-B	113			NEW	PL 341		5
36	4641-D	4		AFF	PL 417	B	14	37-B	143			AMD	PL 341		6
36	4641-D	6		AFF	PL 417	B	14	37-B	147			RP	PL 341		7
36	4641-D	6		RPR	PL 417	A	109	37-B	150			AMD	PL 341		8
36	4641-D	7		AFF	PL 417	B	14	37-B	181-A	5		AMD	PL 341		9
36	4921			NEW	PL 231	B	7	37-B	190			RP	PL 341		10
36	4922			NEW	PL 231	B	7	37-B	264	3	Q	AMD	PL 341		11
36	4923			NEW	PL 231	B	7	37-B	264	3	R	AMD	PL 341		12
36	4924			NEW	PL 231	B	7	37-B	264	3	S	NEW	PL 341		13
36	4925			NEW	PL 231	B	7	37-B	343			RP	PL 341		14
36	5121			AMD	PL 379	C	2	37-B	462			NEW	PL 341		15
36	5122	1	GG	RP	PL 401	C	5	37-B	501		1st	AMD	PL 377		1
36	5122	2	E	AMD	PL 379	C	3	37-B	504	3	B	AMD	PL 377		2
36	5122	2	OO	AMD	PL 527	A	1	37-B	504	3	C	AMD	PL 377		3
36	5122	2	QQ	NEW	PL 348		3	37-B	505	2	A	AMD	PL 377		4
36	5122	2	QQ	NEW	PL 527	A	2	37-B	505	2	F	AMD	PL 377		5
36	5122	2	QQ	NEW	PL 530	C	1	37-B	513			RP	PL 504		1
36	5126-A	2		AMD	PL 501		30	37-B	513-A			NEW	PL 504		2
36	5142	3-A		AMD	PL 401	C	6	37-B	516			NEW	PL 199		2
36	5147			NEW	PL 401	C	7	37-B	806	3		AMD	PL 113	C	113
36	5190			AMD	PL 380		1								
36	5195			NEW	PL 380		2	38	341-B			AMD	PL 315		3
36	5196			NEW	PL 380		2	38	341-C	2		AMD	PL 180		1
36	5197			NEW	PL 380		2	38	341-C	8		RPR	PL 180		2
36	5198			NEW	PL 380		2	38	341-D	6		AMD	PL 315		4
36	5200-A	1	Z	RP	PL 401	C	8	38	341-H			AMD	PL 315		5
36	5200-A	2	AA	AMD	PL 527	A	3	38	342	9		AMD	PL 315		6
36	5200-A	2	FF	NEW	PL 527	A	4	38	342	11-A		AMD	PL 315		7
36	5211	16-A	F	RPR	PL 401	C	9	38	344-A	4		AMD	PL 113	C	114
36	5212			RP	PL 401	C	10	38	347-A	1	A	AMD	PL 315		8
36	5216-D			RP	PL 401	C	11	38	347-A	4	D	AMD	PL 315		9
36	5217-D	1	G	AMD	PL 401	C	12	38	347-A	6	A	AMD	PL 315		10
36	5219-S			AMD	PL 527	B	2	38	349	1		AMD	PL 113	C	115
36	5219-BB	3		AMD	PL 379	C	4	38	349	3		AMD	PL 113	C	116
36	5219-HH	6-A		NEW	PL 401	C	13	38	351		4th	AMD	PL 343	WW	1
36	5219-KK	2-A		AMD	PL 343	H	5	38	351		last	AMD	PL 343	WW	2
36	5219-KK	2-B		NEW	PL 343	H	6	38	352	5-A		AMD	PL 374		1
36	5219-NN	1		AMD	PL 527	A	5	38	352	5-A		AMD	PL 526		2
36	5219-NN	1-A		NEW	PL 527	A	6	38	411-C	1	A	AMD	PL 423		3
36	5219-NN	3		AMD	PL 527	A	7	38	411-C	2	A	AMD	PL 423		4
36	5219-QQ	2	E	RPR	PL 401	D	1	38	418-A			AMD	PL 72		1
36	5219-QQ	3		RPR	PL 401	D	2	38	419-E			NEW	PL 493		1
36	5219-QQ	4		RPR	PL 401	D	3	38	420	1-B	A	AMD	PL 463		1
36	5219-QQ	5		RAL	PL 401	D	4	38	439-A	3		AMD	PL 285		14
36	5219-QQ	6		RAL	PL 401	D	4	38	439-A	10		NEW	PL 40		5
36	5219-VV			NEW	PL 386		2	38	465-A	1	C	AMD	PL 463		2
36	5227-A	2		AMD	PL 380		3	38	465-A	1	D	NEW	PL 463		3
36	5250	5		NEW	PL 401	C	14	38	466	10-A		NEW	PL 463		4
36	5276-A	6		AMD	PL 113	C	112	38	466-A			NEW	PL 463		5

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38	467	1	D	AMD	PL 333		1	38	1605			RP	PL 346		1
38	467	4	I	AMD	PL 333		2	38	1609	13		AMD	PL 315		14
38	467	7	A	AMD	PL 333		3	38	1611			NEW	PL 346		2
38	467	7	A	AMD	PL 463		6	38	1651			RP	PL 62		2
38	467	7	B	AMD	PL 333		4	38	1652			RP	PL 62		2
38	467	7	B	AMD	PL 463		7	38	1653			RP	PL 62		2
38	467	7	C	AMD	PL 333		5	38	1654			RP	PL 62		2
38	467	7	D	AMD	PL 333		6	38	1672	1	A-1	NEW	PL 286		1
38	467	7	D	AMD	PL 463		8	38	1672	1	C	AMD	PL 286		2
38	467	12	B	AMD	PL 333		7	38	1672	1	E	NEW	PL 286		3
38	467	13		AMD	PL 463		9	38	1672	1	F	NEW	PL 286		3
38	467	15	A	AMD	PL 463		10	38	1672	4		AMD	PL 286		4
38	467	15	C	AMD	PL 333		8	38	1691	11		AMD	PL 315		15
38	467	15	C	AMD	PL 463		11	38	1694	1		AMD	PL 315		16
38	467	15	E	AMD	PL 463		12	38	1694	2		AMD	PL 315		16
38	467	15	F	AMD	PL 463		13	38	1694		last	AMD	PL 315		17
38	468	2	N	AMD	PL 333		9	38	1697	6		AMD	PL 315		18
38	468	2	O	NEW	PL 333		10	38	1771	6-A		NEW	PL 227		1
38	468	2	P	NEW	PL 333		10	38	1772	5		AMD	PL 227		2
38	468	8	P	NEW	PL 333		11	38	1776	1	A	AMD	PL 227		3
38	468	8	P	NEW	PL 463		14	38	1776	1	D	NEW	PL 227		4
38	468	8	Q	NEW	PL 463		14	38	1776	4		AMD	PL 227		5
38	469	7	H-1	NEW	PL 463		15	38	1776	5	B	AMD	PL 227		6
38	480-E	13		NEW	PL 181		1	38	1776	5	E	AMD	PL 227		6
38	480-O		last	AMD	PL 285		15	38	1776	5	H	AMD	PL 227		6
38	480-Q	2		AMD	PL 124		1	38	1776	5	I	AMD	PL 227		6
38	480-Q	2-D		AMD	PL 124		2	38	1776	5	J	AMD	PL 227		6
38	480-Q	2-E		NEW	PL 124		3	38	1776	5	K	AMD	PL 227		6
38	480-W	3		AMD	PL 285		16	38	1776	5	L	NEW	PL 227		7
38	484	10		AMD	PL 343	D	17	38	1776	6		RP	PL 227		8
38	484	10		AMD	PL 343	III	12	38	1776	6-A		NEW	PL 227		9
38	563-B	1	B	AMD	PL 285		17	38	1776	7		AMD	PL 227		10
38	568-A	3		AMD	PL 315		11	38	1776	8		AMD	PL 227		10
38	568-B	1		AMD	PL 314		1	38	1776	10		AMD	PL 227		10
38	568-B	2-A		AMD	PL 314		2	38	2101-A	4		NEW	PL 291	B	2
38	568-B	2-C		AMD	PL 314		3	38	2101-A	5		NEW	PL 291	B	2
38	570-AA			NEW	PL 294		2	38	2124-A		1st	AMD	PL 291	B	3
38	570-BB			NEW	PL 294		2	38	2133	7		AMD	PL 291	B	4
38	574	1-A		NEW	PL 476		5	38	2143	4		RP	PL 151		1
38	574	1-B		NEW	PL 476		5	38	2145			NEW	PL 291	B	5
38	574	1-C		NEW	PL 476		5	38	2152-A			NEW	PL 291	A	2
38	576			RP	PL 476		6	38	2156-A	1		AMD	PL 291	A	3
38	576-A			NEW	PL 476		7	38	3102	12		RP	PL 526		3
38	577			AMD	PL 476		8	38	3102	13		AMD	PL 526		4
38	577-A			NEW	PL 476		9	38	3102	16-A		NEW	PL 526		5
38	578			AMD	PL 476		10	38	3102	17-A		NEW	PL 526		5
38	585-N			AMD	PL 55		1	38	3102	17-B		NEW	PL 526		5
38	589-A			NEW	PL 321		1	38	3102	17-C		NEW	PL 526		5
38	1303-C	1-C		AMD	PL 291	A	1	38	3105	1		AMD	PL 11		1
38	1310-B	2		AMD	PL 291	B	1	38	3105	2		AMD	PL 11		1
38	1310-F	1-B	E	AMD	PL 93		1	38	3105	5		AMD	PL 526		6
38	1316-M	4		AMD	PL 113	C	117	38	3106			AMD	PL 526		7
38	1316-M	5		AMD	PL 113	C	118	38	3106	7		AMD	PL 133		1
38	1319-O			AMD	PL 315		12	38	3106	8	A	AMD	PL 315		19
38	1319-T			AMD	PL 113	C	119	38	3107			AMD	PL 526		8
38	1362	1	A	AMD	PL 315		13	38	3109			AMD	PL 526		9
38	1362	1-D	A	AFF	PL 417	B	14	38	3113			AMD	PL 526		10
38	1571			NEW	PL 62		1	38	3115		1st	AMD	PL 526		11
38	1572			NEW	PL 62		1	38	3116	2		AMD	PL 526		12
38	1573			NEW	PL 62		1	38	3117	3		AMD	PL 526		13

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38	3119			NEW	PL 526		14
39-A	102	4	H	AMD	PL 344		1
39-A	104		1st	AFF	PL 417	B	14
39-A	152	5		AMD	PL 344		2
39-A	205	2		AMD	PL 344		3
39-A	211			AMD	PL 344		4
39-A	212	4		NEW	PL 344		5
39-A	213	1	B	AMD	PL 344		6
39-A	213	1	C	NEW	PL 344		7
39-A	213	1-B		AMD	PL 344		8
39-A	215	1-B		NEW	PL 344		9
39-A	221	1	B	AMD	PL 344		10
39-A	221	3	A	AMD	PL 344		11
39-A	221	3	H	NEW	PL 344		12
39-A	301		1st	AMD	PL 344		13
39-A	325	6		NEW	PL 344		14
39-A	404	2	D	AMD	PL 501		31

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YEAR	CHAP	SEC	AFFECTED BY			YEAR	CHAP	SEC	AFFECTED BY				
			(TYPE)	YEAR	CHAP	SEC			(TYPE)	YEAR	CHAP	SEC	
2007	240	X2	AMD	PL	2019	343	FFF1	2017	284	EEEEEEE1	AMD	PL 2019 343	KKKK1
2007	648	6	AMD	PL	2019	397	29	2017	402	F1	AMD	PL 2019 417	B14
2015	481	E3	RP	PL	2019	343	CCCCC2	2017	474	D4	AMD	PL 2019 379	C6
2015	483	1/5	AMD	PL	2019	4	D1	2017	475	A1	AMD	PL 2019 501	32
2015	483	1/5	AMD	PL	2019	343	MMMM1						



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